

FAMILY COURT OF THE STATE OF NEW YORK
ONONDAGA COUNTY

Adrienne Phillipson, Petitioner

-- against --

John Murtari, Respondent

OBJECTIONS TO ORDER OF

SUPPORT MAGISTRATE

Docket No. F-00540-98/05I

FF# 24467

TO THE FAMILY COURT:

The undersigned objector respectfully shows that:

- 1) Objector is the Respondent in this matter.
- 2) An appearance was held on October 4th, 2005.
- 3) An order of the Support Magistrate was filed and entered on October 4th, 2005 and sent to Respondent by mail.
- 4) Notice has been given to the opposing party of this objection.
- 5) A copy of the transcript, Exhibit A, is attached is being sent to Petitioner. A copy was earlier supplied to the Court by the transcription service.

John Murtari, Objector
34 Franklin St.
Lyons, NY 14489
315-430-2702 (cell)

Sworn to this 5th day
of November 2005

Notary Public

FAMILY COURT OF THE STATE OF NEW YORK
ONONDAGA COUNTY

Adrienne Phillipson, Petitioner

-- against --

John Murtari, Respondent

AFFIDAVIT

Docket No. F-00540-98/051

FF# 24467

- 1) I received the order on October 7th. I am writing to object to the issuance of the order and specifically the determination of venue and the failure to grant any delay in the initial appearance date.
- 2) I include at this point in my affidavit Exhibit B, a copy of a letter sent by certified mail to the Support Magistrate and the Respondent when I first received the show cause order.
- 3) To remove any doubt regarding my mother's condition I include a more recent letter from her Physician, Dr. Smithe, Exhibit C.
- 4) I also include a letter written to Mr. Glenn Suddaby, US Attorney for the Northern District of New York, Exhibit D. I believe if called and allowed to testify the attorneys on his staff who recently did an in depth review of all my financial statements, including the business, and also conducted a Deposition of me within their offices, would state that:

Mr. Murtari is not hiding money or concealing resources. He is spending a significant portion of his income on travel to see his son in California, and also to bring his son to New York for Christmas, Spring break, and New Years. Travel alone is approximately \$5000/year.
- 5) Let me reaffirm that I have lived, since 1999, at my home at 34 Franklin St in Lyons, NY. I own the home. It is the home I grew up in. I live there with my mother who is now 89 and who I care for. I am an only child.
- 6) Petitioner has not lived in Onondaga County since 1999.
- 7) I am the President of a small business in Baldwinsville. I have an office there, but do not go there every day during the week. I do not sleep there or have any type of temporary

residence there. I also work out of my home in Lyons for one or more days a week. Since my mother fell very ill in August I have spent less than a week at the offices in Baldwinsville.

- 8) Lyons is my residence and the Petitioner and her Counsel are aware of this. I believe the first line of Petitioner's affidavit is a deliberate lie made in an attempt to establish false venue.
- 9) Petitioner is fully aware that our son, Domenic, comes to Lyons during his vacation periods. She speaks to him on the phone when he is here. There can be no question of my last known residence.
- 10) It appeared great note was made of my postmarked response from Baldwinsville. I was in a hurry to get the response to the Court in time before the appearance so that it could be rescheduled. It happened that I had to travel to the office in Baldwinsville to pick up some computer software I had promised my Son. I was in Baldwinsville for less than an hour.
- 11) Before the illness I was active in efforts for Family Law reform with my Federal Legislators. Their local offices are in Syracuse. They have none in Lyons.
- 12) Many of these items could have been addressed if I could have been given more time to frame the initial response.
- 13) It has also come to my attention that a letter from the Court to my Lyons address was returned by the Postal Service. This is a rare event and is a known issue by the Postal staff in Lyons. It is a side effect of a forwarding order that was in effect during a 35 Federal jail sentence over a year ago. They now believe they know the cause.
- 14) There is very limited local bus service in Lyons. There is no easy way to get to Syracuse with a suspended license. This is a serious issue and I also want to get it addressed. Phone testimony is an ineffective substitute. I wish to have local witnesses testify regarding my financial resources and expenditures and also introduce documentary evidence.
- 15) Finally, I have been involved in many Court appearances in US District Court regarding my peaceful civil right's activities. I have found the US Attorney's staff and the

Federal Magistrate compassionate in scheduling when unavoidable health and family issues have been sincerely raised.

- 16) I am at a loss as to why in Family Court some of that compassion can not be extended? Before the filing of her Violation Petition the Petitioner was aware that my Mother was dying. I had contacted her in an attempt to discuss travel arrangements for our Son in case of a funeral.
- 17) I love my family, both my mother and my son, and am doing everything I can for them. I try to help when I can. I grew up in a poor family, but had my parents. It has been a difficult decision for me, but I want to be a present parent to Domenic. Petitioner is blessed with other financial resources and Domenic is not in physical need. My son is now 12 and we have a strong and loving relationship. It have been a great expense to maintain; but worth every penny and hardship.
- 18) The suspension of my driver's license during my mother's illness is imposing a real hardship on us. I have to drive to care for her. An arrest would carry the risk of jail. There is no one who could stay in the home with her. She would have to be taken suddenly to a nursing home and that would be a very disturbing and frightening experience.

I respectfully ask the Court to:

- Find that proper venue for this matter is Wayne County Family Court in Lyons.
- Revoke the suspension of my driver's license until either another order is issued; or until 30 days after my mother's death, but in either case no later than April of 2006.

John Murtari, Objector
34 Franklin St.
Lyons, NY 14489
315-430-2702 (cell)

Sworn to this 5th day
of November 2005

Notary Public