

APPENDIX 1

[pleading heading]

PETITION FOR RETURN OF CHILD TO PETITIONER

This petition is brought pursuant to the Hague Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980 (“Convention”) and its implementing legislation, the International Child Abduction Remedies Act (“ICARA”), 42 U.S.C. §§ 11601-11610. The Convention went into effect on July 1, 1988.

The objects of the Convention are:

Article 1(a): To secure the prompt return of children wrongfully removed to or retained in any Contracting State; and

Article 1(b): To ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

JURISDICTION

This court has jurisdiction pursuant to 42 U.S.C. § 11603.

STATUS OF PETITIONER AND CHILD

Petitioner has a right of custody of the child within the meaning of Articles Three and Five of the Convention in that she is the natural mother of the child.

The Petitioner at the time of the wrongful removal was actually exercising custody within the meaning of Articles Three and Five of the Convention, as described in [NAME OF NATIONAL CHILD CUSTODY LAW & COUNTRY], attached as Exhibit 1.

The Petitioner, at the time of the application to the Central Authority of COUNTRY was located in that country, where she remains.

The child was born on _____, and will be sixteen years of age on _____ some _____ years after the date of this application.

The child was a habitual resident in COUNTRY within the meaning of Article Three of the Convention immediately before the removal of the child from the COUNTRY by Respondent. *See Declaration Under Uniform Child Custody Jurisdiction Act*, (DUUCCJA) filed contemporaneously with this Petition.

REMOVAL OF CHILD BY RESPONDENT

On _____, Respondent wrongfully removed the child from COUNTRY within the meaning of Article Three of the Convention and continues to wrongfully retain the child in the United States despite efforts on the part of Petitioner to have the child returned.

The child is presently in the State of Nevada, County of Clark.

The Respondent, at the time of application to the Central Authority of COUNTRY, was habitually resident of COUNTRY.

[alternatively: Retention of Child by Respondent]

CUSTODY PROCEEDINGS IN COUNTRY

The status of custody proceedings in COUNTRY are set forth in the DUUCCJA. That Country has **[DETAILS; ie issued an order...etc]**, which order is attached as Exhibit 2.

The courts of this state are requested to stay any other proceedings concerning the custody of the child as required by Article 16 of the Convention.

PROVISIONAL REMEDIES (42 U.S.C. § 11604)

[Omit if this relief is not being requested]

Petitioner, for reasons set forth in the Petition for Warrant in Lieu of Habeas Corpus, believes that Respondent, upon being informed of these proceedings, will further abduct and secrete the child. Petitioner therefore requests that this court, upon review of the Attached Petition for Warrant in Lieu of Habeas Corpus, at once issue the Warrant in Lieu of Habeas Corpus requiring any and all law enforcement officials of the State of Nevada to take the child into immediate custody and place the child in Child Haven, or into the custody of the minor's mother, JANE DOE, until a determination is made under this petition or until further order of this Court.

RELIEF REQUESTED

Petitioner requests that the child is to be returned to Petitioner, for the express purpose of permitting the return of the child with Petitioner to COUNTRY pending further custody proceedings to be conducted in that country. **[Following sentence optional, depending on whether requested]** Until that can be physically accomplished, the child should remain at _____. Fees should be assessed as set out below.

NOTICE OF HEARING

Pursuant to 42 U.S.C. § 11603(c), Respondent should be given notice under NRS 125A.010, *et seq.* (UCCJEA), and NRS 125.005 *et seq.*, once the child has been secured to a safe facility, of the proceedings under the Petition for return of the child to COUNTRY.

ATTORNEY'S FEES AND COSTS

Pursuant to Article 26 of the Convention, and 42 U.S.C. § 11607, counsel for Petitioner should be granted an award of fees and costs incurred by Petitioner as a result of the wrongful

removal of the child by Respondent. Authority to grant an award to Petitioner for her attorney's fees, costs, and necessary expenses is provided in both the Convention and ICARA.

1. The Convention on the Civil Aspects of International Child Abduction, Done at the Hague on 25 October 1980

The Convention's Article 26 provides, in relevant part:

Upon ordering the return of a child or issuing an order concerning rights of access under this Convention, the judicial or administrative authorities may, where appropriate, direct the person who removed or retained the child, or who prevented the exercise of rights of access, to pay necessary expenses incurred by or on behalf of the applicant, including travel expenses, any costs incurred or payments made for locating the child, the costs of legal representation of the applicant, and those of returning the child.

Thus, the Convention envisions the person who wrongfully removed a child be required to bear the costs of the child's return, and provides the deciding courts with the ability to place the burden on the Respondent. While the Convention uses permissive language, ICARA goes a step further, making the award mandatory in the absence of express findings otherwise.

2. International Child Abduction Remedies Act

Section 11607(b)(3) of ICARA *mandates* any court ordering the return of a child under the Convention to award fees and costs to the petitioner:

Any court ordering the return of a child pursuant to an action brought under section 4 *shall* order the respondent to pay necessary expenses incurred by or on behalf of the petitioner, including court costs, legal fees, foster home or other care during the course of proceedings in the action, and transportation costs related to the return of the child, unless the respondent establishes that such order would be clearly inappropriate.

(Emphasis added.) *See also Feder v. Evans-Feder*, 63 F.3d 217, 226 (3d Cir. 1995).

Thus, the Convention states that a court *may* make an award when appropriate, and ICARA *compels* the court to make an award to the petitioner, unless the respondent can demonstrate the "inappropriateness" of such an award.

3. Purpose of the Award and Types of Fees and Costs that May be Awarded

The purpose behind the award is twofold: to place the parties in the condition in which they were prior to the wrongful removal (or retention), and to provide deterrence against future similar conduct by the wrongdoing party. *See Text & Legal Analysis*, 51 Fed. Reg. 10494, 10511 (1986); *Roszkowski v. Roszkowska*, 274 N.J. Super. 620, 644 A.2d 1150, 1160 (1993) (provisions of ICARA relating to fees referred to as a "sanction").

The types of fees and costs that have been awarded include fees for counsel in both the place from which the children were taken, and the place they were taken to, where the recovery action is heard, travel expenses and living expenses while in the requested state, and court costs. There are no guidelines set forth in either the Convention or the ICARA as to the “appropriateness” of an award of fees, and most courts have routinely made or authorized awards of the fees and costs actually incurred, without any substantial discussion regarding the manner in which the awards should be calculated. *See Wanninger v. Wanninger*, 850 F. Supp. 78, 83 (D. Mass 1994); *Caro v. Sher*, 687 A.2d 354, 362 (N.J. Super. 1996).

Attached as Exhibit 2 is Petitioner’s billing statement as of date of the filing this Petition. A more current billing statement will be provided to the court at the time of the hearing, along with a list of Petitioner’s expenses incurred for her to be present at the hearing.

DATED this ____ day of _____, 200__.

LAW OFFICE OF MARSHAL S. WILICK, P.C.

MARSHAL S. WILICK, ESQ.

Nevada Bar No. 002515

ROBERT CERCEO, ESQ.

Nevada Bar No. 005247

3551 E. Bonanza Road, Suite 101

Las Vegas, Nevada 89110-2198

(702) 438-4100

Attorneys for Petitioner

VERIFICATION BY ATTORNEY

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Robert Cerceo, Esq., first being duly sworn, deposes and says:

That I am an attorney licensed to practice law in the State of Nevada, and the United States District Court -- District of Nevada, I am employed by the LAW OFFICE OF MARSHAL S. WILICK, P. C. and am one of the Nevada attorneys representing Ms. JANE DOE, the Petitioner in this action; pursuant to NRS 15.010 this verification is being made on behalf of Petitioner because she is absent from the State of Nevada, County of Clark; I have read the above Petition and know the contents thereof as true, except as to the matters that are stated therein on my information and belief, and as to those matters, I believe them to be true. I declare under penalties of perjury under the laws of the State of Nevada that the foregoing is true and correct.

ROBERT CERCEO, ESQ.

SIGNED and **SWORN** to before me this
_____ day of _____, 200__.

NOTARY PUBLIC in and for said
County and State

APPENDIX 2

[pleading heading]

**COMPLAINT
AND
DEMAND FOR JURY TRIAL**

Plaintiffs complain of the defendants, and each of them, and for causes of action alleges and says that:

JURISDICTION AND VENUE

1. This action arises under the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980, and its implementing legislation, the International Child Abduction Remedies Act ("ICARA"), 42 U.S.C. §§ 11601-11610, the Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961, and by reason of federal question and diversity jurisdiction pursuant to 28 U.S.C. §§ 1331 & 1332 on the basis of the claims made below.
2. This action is brought seeking redress for Intentional Interference with Custodial Rights, Intentional Fraud upon the Court, Child Abduction, Wrongful Concealment, False Imprisonment, Civil Conspiracy, Intentional Infliction of Emotional Distress, Abuse of Process, Negligence, Violation of Rico, Negligent Conduct by the Misrepresentation of Material Facts, Malpractice, Punitive Damages, and Special Damages. This Court has jurisdiction and venue is proper pursuant to 28 U.S.C. §§ 1332 & 1391.
3. A substantial part of the events or omissions giving rise to the claims set forth herein occurred within the District of Nevada, and venue within the District of Nevada is proper under 28 U.S.C. § 1391.
4. Plaintiff is the biological mother and guardian of the subject minors, and at all times material herein had a right to, and was actually exercising, custody of the minor children within the meaning of Articles Three and Five of the Convention on the Civil Aspects of International Child Abduction, done at Hague on October 25, 1980 ("Convention"). At all times material herein, the minor children were habitual residents of the Country of Denmark within the meaning of Article Three of the Convention, immediately before their removal from the Country of Denmark by one or more of the Defendants. Plaintiff is a citizen of the Country of Denmark, and the Defendants are citizens of the U. S. States of Oklahoma, Idaho, and the Country of Denmark. The matter in controversy exceeds, exclusive of interest and costs, the sum specified in 28 U.S.C. § 1332.

PARTIES

Plaintiffs –

[name and specify]

Defendants –

[name and specify]

FIRST CLAIM FOR RELIEF – Intentional Interference with Child Custody

5. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
6. Plaintiff Jane Doe (“Jane”) and Defendant Robert Doe (“Robert”) were married in 1990 in the state of Utah.
7. Plaintiffs L Doe, DOB May __, 1991 and K Doe, DOB February __, 1995, (collectively, “the children”) are the natural children of Jane and Robert Doe, were born in the United States, and hold joint U.S. and Denmark citizenship.
8. Jane and Robert Doe separated while living in England in 1998, after Jane received a British Court Order specifically granting her custody of the children, possession of the children’s passports, and permission to relocate with them to Denmark.
9. Jane and the children traveled to Denmark on July 13, 1998, and remained there together for nearly two years, until May 2000.
10. On July 14, 1998, Robert Doe signed a verified complaint for divorce.
11. Robert Doe’s divorce paperwork was prepared for him by, in conjunction with, or under the supervision of, attorney Attorney X of Las Vegas, Nevada.
12. Robert Doe’s divorce paperwork was filed in the Eighth Judicial District Court in Clark County, Nevada, on August __, 1998.
13. Robert Doe’s complaint alleged that he, the plaintiff, was a resident of Nevada and that he had been physically present in Nevada for more than six weeks prior to the filing of the complaint and that he had the intention of making Nevada his home for an indefinite period of time.
14. In fact, Robert Doe was only in Las Vegas for a period of days, and he departed Las Vegas on July 22, 1998, and returned to London, England. Robert Doe has never been a resident of the State of Nevada.
15. The district court in Clark County, without a hearing, entered a decree of divorce on August __, 1998.

16. In late 1999, Jane commenced legal proceedings in Denmark to allow her to remain with the children in Denmark. Robert Doe participated in Denmark's proceedings.
17. In February 2000, Robert Doe filed a motion in the district court in Clark County, seeking physical custody of the children, a finding that Jane was in contempt of the court and an order for the immediate production of the children.
18. That motion included a false claim asserting Nevada residence of the children, specifically, that Jane had refused to "move the children **back** to Nevada."
19. Robert Doe's motion was prepared for him by, in conjunction with, or under the supervision of, attorney Attorney Y of Las Vegas, Nevada.
20. Attorney Attorney Y communicated with Robert Doe's foreign counsel on at least one occasion.
21. At the hearing before Judge S at which his motion was heard, on or about March __, 2000, Robert Doe falsely represented to the court that the children had lived in Nevada "all their lives."
22. At the same hearing, Attorney Attorney Y falsely represented to the court that the children had "lived in Las Vegas prior to leaving for Denmark," and that the children had been "removed" from their "home" in Las Vegas for a "visit" to Denmark, but that Jane had refused to "return" to Las Vegas.
23. The asserted "facts" by Robert Doe and attorney Attorney Y at the hearing were false.
24. On March __, 2000, based on the false representations of fact, Judge S granted Robert Doe's motion, granting him custody of the children and holding Jane in contempt. The formal court order so stating was filed on April __, 2000.
25. At all times relevant hereto, attorney Attorney Y was a partner in and employee of the law firm of Law Firm Z
26. In May 2000, Robert Doe met Jane, her fiancé, KP, and the children at a hotel in City, Denmark. After dining, the adults and the children went to Robert Doe's hotel suite because Robert Doe said he wanted to give one minor child a birthday gift. Once inside the suite, Robert Doe took the children into an adjoining room to give them a "surprise," leaving Jane waiting out of view of the children.
27. Without Jane's knowledge, Robert Doe kidnaped both children, removing them from the hotel suite through a different doorway than the one he had entered with Jane, and removing the children from the hotel, to a waiting car, and out of Denmark.

28. Robert Doe transported the children internationally and across state lines within the United States to a residence in STATE in U.S. owned by one or more of the Defendants.
29. Robert Doe was directly or indirectly assisted in his kidnaping of the children and his intentional interference with Jane's custodial rights by Defendants George Doe, Mary Smith, attorneys Attorney X and Attorney Y, the law firm of Law Firm Z, John Does Individually 1 through 50, and Doe Corporations, 1 through 50.
30. On April 11, 2002, the Nevada Supreme Court issued its *Opinion* in *Doe v. Doe* (cite omitted), in which the court found that Robert Doe was never a resident of the State of Nevada, and had falsely so claimed in both his original divorce paperwork and his later motion seeking custody of the children. The court also found that the children have never lived in Nevada, and that the lower court never had subject matter or personal jurisdiction to enter any kind of order relating to child custody. The court found that the children are habitual residents of Denmark, that Robert Doe wrongfully removed them from Denmark, and that Robert Doe took custody of the children under an invalid order. The Nevada Supreme Court issued a writ of mandamus compelling the district court to vacate those portions of its decree relating to custody and visitation and to order the children's return to Denmark.
31. On April __, 2002, the Nevada district court issued its order pursuant to the Writ of Mandamus, stating in part that "all provisions of the *Decree of Divorce* filed August __, 1998, bearing on custody and visitation of the children at issue, or incorporating the custody and visitation terms of the parties' "agreement" dated July __, 1998, are hereby void and unenforceable, and have been vacated. All aspects of the *Orders* entered April __, 2000, and October __, 2000, are invalid and void in their entirety."
32. Defendants intentionally interfered with Jane's custodial rights, by wrongfully, fraudulently, and maliciously abducting the minor children from the Country of Denmark and transporting them to the United States, and as a result of such interference, Jane suffered damages.
33. Defendants' interference with Jane's custodial rights continued until April __, 2002, when the children were returned to Jane's custody pursuant to U.S. State court order giving full faith and credit to the Nevada order filed on April __, 2002.
34. Defendants' actions are the actual and proximate cause of Plaintiffs' damages.
35. By reason of Defendants' intentional interference with Jane's custodial rights, Jane and the children suffered financial damages in excess of \$75,000 and emotional and physical damages.

SECOND CLAIM FOR RELIEF – Violation of International Treaty

36. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
37. Defendants, (except Attorney X) from on or about February __, 2000, and up to and including on or about April __, 2002, acted in violation of Articles Three and Five of the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980 (“Convention”), which entered into force on December 1, 1983, by filing fraudulent documentation and making false statement to the court to receive an order that would give the illusion of a lawful pick-up order, wrongfully retaining the minor children of plaintiff following their abduction from the Country of Denmark and transportation to the United States, and as a result of such interference, Jane and the children suffered financial damages in excess of the jurisdictional threshold and emotional and physical damages.
38. Robert Doe, George Doe, Mary Smith, Attorney Y, Law Firm Z, and other unknown Defendant’ actions are the actual and proximate cause of Plaintiffs’ damages.
39. Defendants’ violation of the Convention, and the wrongful removal of the children from their custodial parent, gives rise to grounds for an award of fees and costs pursuant to Article 26 of the Convention, and 42 U.S.C. § 11607.
40. To whatever extent Plaintiffs, or any of them, have suffered any damages because of Defendants’ violation of the Convention and federal statutes recited herein that is not fully compensated under another claim for relief, the Convention and federal statutes should be construed so as to give rise to a private cause of action by which Plaintiffs can be made whole for Defendants’ violation of that Convention and those statutes.

THIRD CLAIM FOR RELIEF – Professional Negligence

41. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
42. Defendant, Attorney X, is, and was at all times material herein, an attorney duly licensed to practice law in the State of Nevada, and in such position did, on or about July __, 1998, intentionally, improperly and negligently used the skills required of an attorney resulting in the perpetration of a fraud upon the Eighth Judicial District Court in and for the County of Clark, State of Nevada by preparing, or causing to be prepared, legal pleadings and documents, including a “Complaint for Divorce,” containing false material facts and information in the matter of *Doe v. Doe* .
43. Defendant Attorney X violated the Rules of Professional Responsibility and the Rules of Civil Procedure by affixing his name to documents containing false assertions of fact.

44. The preparation of documents, affixing of the attorney's name, and filing of those documents were in furtherance of an attorney-client relationship between Robert Doe and Defendant Attorney X, constituted a failure to perform the attorney's duty, and was a proximate cause of the damages suffered by Plaintiffs.
45. As a result of Attorney X's negligent or intentional presentation of false information to a court, Jane and the children suffered financial damages in excess of \$75,000 and emotional and physical damages.

FOURTH CLAIM FOR RELIEF – Professional Negligence

46. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
47. Defendant Attorney Y, is, and was at all times material herein, an attorney duly licensed to practice law in the State of Nevada, and at all times material here was a partner in and employee of the law firm of Law Firm Z, and in such position did, on or about February and March, 2000, intentionally, improperly and negligently use the skills required of an attorney resulting in the perpetration of a fraud upon the Eighth Judicial District Court in and for the County of Clark, State of Nevada by preparing, or causing to be prepared, legal pleadings and documents, including (pleadings omitted) containing false material facts and information in the matter of *Doe v. Doe*.
48. Defendant Attorney Y violated the Rules of Professional Responsibility and the Rules of Civil Procedure by affixing his name to documents containing false assertions of fact, and in making false representations of fact at a court hearing.
49. The preparation of documents, affixing of the attorney's name, filing of those documents, and making of false representations were in furtherance of an attorney-client relationship between Robert Doe and Defendants Attorney Y and the law firm of Law Firm Z, constituted a failure to perform the attorney's duty, and was a proximate cause of the damages suffered by Plaintiffs.
50. As a result of the negligent or intentional presentation of false information to a court by Defendants Attorney Y and the law firm of Law Firm Z, Jane and the children suffered financial damages in excess of \$75,000 and emotional and physical damages.

FIFTH CLAIM FOR RELIEF– Intentional Fraud Upon the Court

51. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
52. Defendants' intentional and fraudulent acts upon the court constituted an abuse of process with the goal of intentionally harming Plaintiffs.

53. Defendants Robert Doe and Attorney X intentionally committed fraud upon the Eighth Judicial District Court in and for the County of Clark, State of Nevada by filing, or causing to be filed, the “Complaint for Divorce,” affidavits, and supporting and related documents specified above containing false material facts and information in the matter of *Doe v. Doe* , and as a result of those intentional fraudulent acts, Jane and the children suffered financial damages in excess of \$75,000 and emotional and physical damages.
54. Defendants Robert Doe, Attorney Y, and the law firm of Law Firm Z, intentionally committed fraud upon the Eighth Judicial District Court in and for the County of Clark, State of Nevada by filing, or causing to be filed, the motion entitled “*Plaintiff’s Motion for an Order Directing Defendant to Appear and Show Cause* [etc.]” and supporting and related documents, and supporting and related documents specified above containing false material facts and information in the matter of *Doe v. Doe* , and making false allegations of fact at the resulting hearing in support of that motion, and as a result of those intentional fraudulent acts, Jane and the children suffered financial damages in excess of \$75,000 and emotional and physical damages.

SIXTH CLAIM FOR RELIEF – Intentional Infliction of Emotional Distress

55. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
56. The actions by Defendants Robert Doe, George Doe, Mary Smith, Attorney Y, Law Firm Z, and other unknown parties, acting alone or in concert, of forcefully removing the said minor children from Jane’s care and custody, were extreme and outrageous conduct.
57. Said actions by said Defendants were either intended to or were in reckless disregard for causing emotional distress on the part of the Plaintiffs, and were the actual and proximate cause of infliction of emotional distress upon Plaintiffs, causing Jane to suffer from symptoms of nausea, diarrhea, ulcer-like stomach pain, sleeplessness, and weight loss requiring both medical and psychological treatments, and K to suffer symptoms including nightmares and an unreasonable fear of being again forcefully removed from her mother, resulting in the need for ongoing psychological treatments.
58. As a result of that intentional infliction of emotional distress, Jane and the children suffered financial damages in excess of \$75,000 and emotional and physical damages.

SEVENTH CLAIM FOR RELIEF – Negligent Infliction of Emotional Distress

59. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
60. To whatever extent the proof is not sufficient to establish that the actions by Defendants Robert Doe, George Doe, Mary Smith, Attorney Y, Law Firm Z, and other unknown parties, acting alone or in concert, of filing fraudulent court documents, providing false information to the courts, planning, and physically and financially assisting in forcefully removing the said minor children from Jane's care and custody, abducting the children from the hotel room in which Jane was present, and keeping the children from Jane and from attending public school for approximately two years, were not intentional under law, then to that extent all such acts negligently caused the infliction of emotional distress causing Jane to suffer from symptoms of nausea, diarrhea, ulcer-like stomach pain, sleeplessness, and weight loss requiring both medical and psychological treatments, and K to suffer symptoms including nightmares and an unreasonable fear of being again forcefully removed from her mother, resulting in the need for ongoing psychological treatments.
61. As a result of that negligent infliction of emotional distress, Jane and the children suffered financial damages in excess of \$75,000 and emotional and physical damages.

EIGHTH CLAIM FOR RELIEF – Child Abduction

62. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
63. Defendants Robert Doe, George Doe, Mary Smith, and other unknown individuals willfully seized, confined, inveigled, enticed, decoyed, abducted, concealed, kidnapped or carried away the children by removing them from the custody and care of their mother, from City, Denmark to the United States with the intent to hold and detain them.
64. Defendants Attorney Y and Dempsey, Roberts, & Smith, LTD., by filing fraudulent court documents in order to assist in the perpetration of the kidnaping, aided and abetted the commission of the child abductions.
65. Defendants, and each of them, by reason of the acts specified above, have committed, or aided and abetted the commission of child abduction, by which they should each be found jointly and severally liable to Jane and the children for financial damages in excess of \$75,000 and emotional and physical damages.

NINTH CLAIM FOR RELIEF – Wrongful Concealment

66. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
67. By agreement of the parties, Jane was to have primary physical custody of the children until the children reached the age of ten.
68. Defendants Robert Doe, Attorney Y, Law Firm Z, George Doe, Mary Smith, knew or should have known that Jane had custody of the minor children.
69. Defendants Robert Doe, George Doe, Mary Smith, and other unknown individuals knew or should have known of the location of the children after they were kidnaped, but neither reported their knowledge to the authorities nor responded to Jane's requests for information and assistance in locating the children.
70. Robert Doe, having a limited right to access to or custody of the children, in breach of the parties' agreement, willfully concealed the whereabouts of the children from Jane, who had legal and physical custody of the children, with the intent to deprive Jane of the parent and child relationship.
71. Defendants George Doe, Mary Smith, and other unknown individuals aided and abetted the wrongful concealment by providing assistance in the planning, physical removal, transportation, concealment, or lodging of Robert Doe or the children after the kidnaping, or by providing financial assistance for those acts, or by not contacting a law enforcement agency or an agency which provides child welfare services to report the abduction of the children, or by not providing to Jane with information regarding the children's location upon her requests.
72. Defendants, and each of them, by reason of the acts specified above, have committed, or aided and abetted the commission of wrongful concealment of the children, by which they should each be found jointly and severally liable to Jane and the children for financial damages in excess of \$75,000 and physical damages.

TENTH CLAIM FOR RELIEF – False Imprisonment

73. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
74. Defendants Robert Doe, George Doe, Mary Smith, and other unknown defendants, by acts and/or omissions specified in this Complaint, intentionally violated the children's personal liberty by confining, detaining, aiding, or abetting of the confining and detaining of the children without sufficient legal authority or actual or implied consent by the children or Jane.
75. Defendants, and each of them, by reason of the acts and/or omissions specified above, have committed, or aided and abetted the commission of, false imprisonment

of the children, by which they should each be found jointly and severally liable to Jane and the children for financial damages in excess of \$75,000 and emotional and physical damages.

ELEVENTH CLAIM FOR RELIEF – Civil Conspiracy

76. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.

77. Defendants, and each of them, acted in a concerted effort by:

A. Defendants Robert Doe and Attorney X, knew or should have known that the State of Nevada did not have personal jurisdiction or subject matter jurisdiction of the original divorce or child custody action, and planned with and assisted Robert Doe in committing a fraud against the court.

B. Defendants Robert Doe, Attorney Y, and Law Firm Z, knew or should have known that the State of Nevada did not have personal jurisdiction or subject matter jurisdiction over the issue of child custody, and planned and assisted in committing a fraud against the court, thus assisting in the kidnapping of the children and/or the concealment of the children from their lawful physical custodian.

C. All remaining named and unknown Defendants, formed and agreed upon a scheme by which to abduct the children from Denmark, abuse the process of the courts, and interfere with the custodial rights of Jane.

78. Defendants, and each of them, by the specific acts recounted above, engaged in concerted action intended to accomplish the unlawful purpose of removal of the children from Jane's custody, because of which conspiracy they should each be found jointly and severally liable to Jane and the children for financial damages in excess of \$75,000 and emotional and physical damages.

TWELFTH CLAIM FOR RELIEF – Aiding and Abetting

79. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.

80. Defendants, and each of them, intentionally assisted in the commission and furtherance of committing a fraud against the court, of child abduction, of falsely imprisoning the children, wrongfully concealing the children from the custodial parent, violating an international treaty, committing a civil conspiracy, and abusing the process of the court, by assisting in the filing of fraudulent court documents, assisting in the planning of the abduction of the children, assisting in the physical abduction of the children before, during and after the kidnap, and/or financially assisting the abduction of the children.

81. Defendants, and each of them, by reason of the acts specified above, aided and abetted the commission of the tortious wrongs committed against Jane and the children by way of providing advice, aid and comfort, false testimony, financial and other support, or living quarters at such places as the children were wrongfully kept away from Jane, by which they should each be found jointly and severally liable to Jane and the children for financial damages in excess of \$75,000 and emotional and physical damages.

THIRTEENTH CLAIM FOR RELIEF – Abuse of Process

82. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
83. Defendants Robert Doe, Attorney X, James Attorney Y, and Law Firm Z, George Doe, and Mary Smith, schemed, prepared false documents, made false representations to the courts and the Plaintiffs, and acted to frustrate Plaintiffs' rightful due process for the purpose of obtaining an order granting physical custody of the children to aid Robert Doe in the crossing of international borders and depriving Plaintiffs of one another's company.
84. The actions by Defendants were not for the purpose of legitimately resolving a legal dispute, but sought to misuse the legal process of the courts to obtain relief to which they knew or should have known that they were not entitled, because of a failure of jurisdiction or otherwise.
85. Defendants, and each of them, by reason of the acts specified above, have committed, or aided and abetted the commission of abuse of process, by which they should each be found jointly and severally liable to Jane and the children for financial damages in excess of \$75,000 and emotional and physical damages.

FOURTEENTH CLAIM FOR RELIEF – FEDERAL RICO

86. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
87. Defendants Robert Doe, George Doe, Mary Smith, and other unknown defendants, have committed, conspired or aided and abetted the commission of kidnapping the children, by way of the specific acts detailed above, and by misusing passports to wrongfully transport the children from Denmark to the United States (Title 18 § 1544), making a false statement in order to obtain replacement passports for the children (Title 18 § 1542), using false information in order to obtain passports as a form of identification cards for the children (Title 18 § 1028), and obstructing justice by not notifying Jane or authorities of the location of the children (Title 18 § 1503) with the same or similar pattern, intents, results, accomplices, victim, or methods of commission, and/or actions otherwise interrelated by distinguishing characteristics

and not isolated incidents, which would constitute crimes related to a pattern of racketeering activity including at least two racketeering acts, and therefore are liable for violation of the Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961.

88. As a result of the racketeering activities described above, Jane and the children suffered financial damages in excess of \$75,000 and emotional and physical damages, for which all enumerated Defendants should be found jointly and severally liable.

FIFTEENTH CLAIM FOR RELIEF – Negligence

89. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
90. Defendants Robert Doe, George Doe, Mary Smith, and other unknown defendants had a duty not to violate the law, give false testimony to the courts, abuse process, abduct the children, conceal the children, and withhold the children from Jane's custody.
91. Defendants Attorney X, Attorney Y, and Law Firm Z, had a duty to conduct a reasonable investigation into the facts and law surrounding Robert Doe's claims to ascertain if the claim or suit he requested would be properly brought, prior to making such filings.
92. Defendants, and each of them, breached these duties.
93. Defendants' breach of those duties were the actual and the proximate cause of Plaintiffs' damages.
94. Defendants, and each of them, by reason of the acts specified above, committed, or aided and abetted the commission of the tort of negligence per se, by reason of which they should each be found jointly and severally liable to Jane and the children for financial damages in excess of \$75,000 and emotional and physical damages.

SIXTEENTH CLAIM FOR RELIEF – STATE RICO

95. Plaintiffs incorporate and reallege each of the preceding paragraphs as though fully set forth at this point.
96. Defendants Robert Doe, George Doe, Mary Smith, and other unknown defendants, engaged in racketeering activity when they committed, conspired to commit, or aided and abetted the acts specified above and the commission of kidnapping the children, committing perjury and/or the subornation of perjury, and offering false evidence, which constituted at least two crimes related to racketeering having the same or a

similar pattern, intent, result, accomplices, victims, or methods of commission, or are otherwise interrelated by distinguishing characteristics, which were not isolated incidents, and which occurred between February, 2000, and April, 2002, and therefore are liable for violation of NRS §§ 207.350-207.520.

97. As a result of the racketeering activities described above, Jane and the children suffered financial damages in excess of \$75,000 and emotional and physical damages.

DAMAGES

98. As a direct and proximate result of Defendants' wrongful acts, Jane has been caused to expend money to locate, travel to, visit with, and recover custody of her children, and has been specially damaged in an amount in excess of \$75,000.
99. As a direct and proximate result of Defendants' wrongful acts, Jane and the children have suffered great anxiety and mental distress, all to her general damage in a sum in excess of \$75,000.
100. As a direct and proximate result of Defendants' wrongful acts, Jane and the children have suffered great anxiety and physical, mental, and psychological distress, incurring special damages for medical and other care to be more specifically detailed and proven at trial, all to her damage in a sum in excess of \$75,000.
101. As a direct and proximate result of Defendants' wrongful acts, Jane has been caused to retain the services of attorneys at multiple locations to prosecute claims for the recovery of the children, and she is entitled to recovery of all attorney's fees not actually recovered as part and parcel of the earlier actions.
102. As a direct and proximate result of Defendants' wrongful acts, Jane has been caused to retain the services of an attorney to prosecute this action, by reason of which she is entitled to recover her reasonable attorney's fees and costs.
103. For the damages and injuries suffered, Jane and the children are entitled to punitive damages, attorney's fees in trial and appellate courts, and reasonable costs of litigation incurred.

PRAYER

WHEREFORE, plaintiff respectfully prays the Court grant the following relief:

1. For general damages in excess of \$75,000.
2. For special damages in an amount in excess of \$75,000.
3. For punitive damages in excess of \$75,000.
4. For Attorney's Fees and costs incurred herein.

5. For prejudgment interest on sums awarded.
6. For any and all other relief deemed just and proper by the Court.

Plaintiff demands trial by jury.

DATED this _____ day of February, 2003.

LAW OFFICE OF MARSHAL S. WILICK, P.C.

MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3551 East Bonanza Road, Suite 101
Las Vegas, NV 89110-2198
Attorneys for Plaintiff