

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NO.:

NAME: Joseph Mannis-SB# 51098/Adam Philip Lipsic-SB#238706  
 FIRM NAME: HERSH MANNIS LLP  
 STREET ADDRESS: 9150 WILSHIRE BLVD., SUITE 209  
 CITY: BEVERLY HILLS STATE: CA ZIP CODE: 90212  
 TELEPHONE NO.: (310) 786-1910 FAX NO.: (310) 786-1917  
 E-MAIL ADDRESS: jmannis@hershmannis.com

ATTORNEY FOR (name): Petitioner, HERBERT CLAIBORNE PELL, IV  
 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
 STREET ADDRESS: 111 NORTH HILL STREET  
 MAILING ADDRESS: 111 NORTH HILL STREET  
 CITY AND ZIP CODE: LOS ANGELES, CA 90012  
 BRANCH NAME: CENTRAL

PETITIONER: HERBERT CLAIBORNE PELL, IV  
 RESPONDENT: MICHELLE WINGSHAN KWAN

PETITION FOR  
 Dissolution (Divorce) of:  Marriage  AMENDED  Domestic Partnership  
 Legal Separation of:  Marriage  Domestic Partnership  
 Nullity of:  Marriage  Domestic Partnership

FOR COURT USE ONLY

FILED  
 Superior Court of California  
 County of Los Angeles

MAR 27 2017

Sherril R. Carter, Executive Officer/Clerk  
 By Sue Effio, Deputy

CASE NUMBER:  
 BD656457

1. LEGAL RELATIONSHIP (check all that apply):  
 a.  We are married.  
 b.  We are domestic partners and our domestic partnership was established in California.  
 c.  We are domestic partners and our domestic partnership was NOT established in California.

"Case is assigned to Judge JAMZAPLA  
 Department 84  
 By Fax

2. RESIDENCE REQUIREMENTS (check all that apply):  
 a.  Petitioner  Respondent has been a resident of this state for at least six months and of this county for at least three months immediately preceding the filing of this Petition. (For a divorce, at least one person in the legal relationship described in items 1a and 1c must comply with this requirement.)  
 b.  Our domestic partnership was established in California. Neither of us has to be a resident or have a domicile in California to dissolve our partnership here.  
 c.  We are the same sex, were married in California, but currently live in a jurisdiction that does not recognize, and will not dissolve, our marriage. This Petition is filed in the county where we married.  
 Petitioner lives in (specify): Respondent lives in (specify):

3. STATISTICAL FACTS  
 a.  (1) Date of marriage (specify): January 13, 2013 (2) Date of separation (specify): TBD  
 (3) Time from date of marriage to date of separation (specify): Years Months  
 b.  (1) Registration date of domestic partnership with the California Secretary of State or other state equivalent (specify below):  
 (2) Date of separation (specify):  
 (3) Time from date of registration of domestic partnership to date of separation (specify): Years Months

4. MINOR CHILDREN  
 a.  There are no minor children.  
 b.  The minor children are:  

Child's name	Birthdate	Age	Sex

(1)  continued on Attachment 4b. (2)  a child who is not yet born.  
 c. If any children listed above were born before the marriage or domestic partnership, the court has the authority to determine those children to be children of the marriage or domestic partnership.  
 d. If there are minor children of Petitioner and Respondent, a completed Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) (form FL-105) must be attached.  
 e.  Petitioner and Respondent signed a voluntary declaration of paternity. A copy  is  is not attached.

PETITIONER: HERBERT CLAIBORNE PELL, IV	CASE NUMBER:
RESPONDENT: MICHELLE WINGSHAN KWAN	

Petitioner requests that the court make the following orders:

5. LEGAL GROUNDS (Family Code sections 2200-2210, 2310-2312)

- a.  Divorce or  Legal separation of the marriage or domestic partnership based on (check one):
  - (1)  Irreconcilable differences. (2)  permanent legal incapacity to make decisions.
- b.  Nullity of void marriage or domestic partnership based on
  - (1)  incest. (2)  bigamy.
- c.  Nullity of voidable marriage or domestic partnership based on
  - (1)  petitioner's age at time of registration of domestic partnership or marriage. (4)  fraud.
  - (2)  prior existing marriage or domestic partnership. (5)  force.
  - (3)  unsound mind. (6)  physical incapacity.

6. CHILD CUSTODY AND VISITATION (PARENTING TIME)

- a. Legal custody of children to.....
  - b. Physical custody of children to.....
  - c. Child visitation (parenting time) be granted to .....
- As requested in:  form FL-311  form FL-312  form FL-341(D)  form FL-341(E)

Petitioner	Respondent	Joint	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

form FL-341(C)  Attachment 6c(1)

7. CHILD SUPPORT

- a. If there are minor children born to or adopted by Petitioner and Respondent before or during this marriage or domestic partnership, the court will make orders for the support of the children upon request and submission of financial forms by the requesting party.
- b. An earnings assignment may be issued without further notice.
- c. Any party required to pay support must pay interest on overdue amounts at the "legal" rate, which is currently 10 percent.
- d.  Other (specify):

8. SPOUSAL OR DOMESTIC PARTNER SUPPORT

- a.  Spousal or domestic partner support payable to  Petitioner  Respondent
- b.  Terminate (end) the court's ability to award support to  Petitioner  Respondent
- c.  Reserve for future determination the issue of support payable to  Petitioner  Respondent
- d.  Other (specify):

9. SEPARATE PROPERTY

- a.  There are no such assets or debts that I know of to be confirmed by the court.
- b.  Confirm as separate property the assets and debts in  Property Declaration (form FL-160).  Attachment 9b.  the following list. item Confirm to

THE EXACT NATURE AND EXTENT OF THE PARTIES SEPARATE PROPERTY ASSETS AND DEBTS ARE CURRENTLY UNKNOWN TO PETITIONER AT THIS TIME. PETITIONER SHALL SEEK LEAVE TO AMEND THIS PETITION ONCE SAME HAVE BEEN MORE FULLY ASCERTAINED.

PETITIONER: HERBERT CLAIBORNE PELL, IV	CASE NUMBER:
RESPONDENT: MICHELLE WINGSHAN KWAN	

10. COMMUNITY AND QUASI-COMMUNITY PROPERTY

- a.  There are no such assets or debts that I know of to be divided by the court.
- b.  Determine rights to community and quasi-community assets and debts. All such assets and debts are listed
  - in *Property Declaration* (form FL-160)  in Attachment 10b.
  - as follows (*specify*):

THE FULL NATURE AND EXTENT OF PETITIONER'S AND RESPONDENT'S COMMUNITY AND QUASI-COMMUNITY ASSETS HAVE NOT YET BEEN DETERMINED. PETITIONER WILL SEEK LEAVE OF COURT TO AMEND THIS PETITION ONCE SAME HAVE BEEN MORE FULLY ASCERTAINED.

11. OTHER REQUESTS

- a.  Attorney's fees and costs payable by  Petitioner  Respondent
- b.  Petitioner's former name be restored to (*specify*):

c.  Other (*specify*): 1. ANY OTHER ORDERS THE COURT DEEMS JUST; 2. PURSUANT TO CODE OF CIVIL PROCEDURE SECTION 632 AND CALIFORNIA RULES OF COURT, RULE 3.1590, PETITIONER HEREBY REQUESTS A STATEMENT OF DECISION WITH RESPECT TO ANY CONTESTED ISSUE SUBMITTED TO THE COURT FOR DETERMINATION IN THE WITHIN PROCEEDING. PETITIONER RESPECTFULLY REQUESTS THAT WITH RESPECT TO ANY ISSUE SUBMITTED TO THE COURT FOR DETERMINATION, THE COURT INCLUDE IN ITS STATEMENT OF DECISION ANY AND ALL FINDINGS AND CALCULATIONS UPON WHICH DETERMINATION OF ANY ISSUE WAS MADE, INCLUDING, BUT NOT LIMITED TO, ISSUES OF SPOUSAL SUPPORT, PROPERTY VALUATION AND DIVISION, TAX CONSEQUENCES AND ATTORNEYS FEES AND COSTS

Continued on Attachment 11c.

12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_, 2017

HERBERT CLAIBORNE PELL  
(TYPE OR PRINT NAME)

See Facsimile Signature Page Attached  
(SIGNATURE OF PETITIONER)

Date: March 23, 2017

ADAM PHILIP LIPSTIC  
(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR PETITIONER)

FOR MORE INFORMATION: Read *Legal Steps for a Divorce or Legal Separation* (form FL-107-INFO) and visit "Families Change" at [www.familieschange.ca.gov](http://www.familieschange.ca.gov) — an online guide for parents and children going through divorce or separation.

NOTICE: You may redact (black out) social security numbers from any written material filed with the court in this case other than a form used to collect child, spousal or partner support.

NOTICE—CANCELLATION OF RIGHTS: Dissolution or legal separation may automatically cancel the rights of a domestic partner or spouse under the other domestic partner's or spouse's will, trust, retirement plan, power of attorney, pay-on-death bank account, survivorship rights to any property owned in joint tenancy, and any other similar thing. It does not automatically cancel the right of a domestic partner or spouse as beneficiary of the other partner's or spouse's life insurance policy. You should review these matters, as well as any credit cards, other credit accounts, insurance policies, retirement plans, and credit reports, to determine whether they should be changed or whether you should take any other actions. Some changes may require the agreement of your partner or spouse or a court order.

PETITIONER: HERBERT CLAIBORNE PELL, IV	CASE NUMBER:
RESPONDENT: MICHELLE WINGSHAN KWAN	

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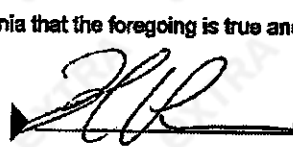
Continued on Attachment 11c.

12. I HAVE READ THE RESTRAINING ORDERS ON THE BACK OF THE SUMMONS, AND I UNDERSTAND THAT THEY APPLY TO ME WHEN THIS PETITION IS FILED.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


Date: March 23 2017

HERBERT CLAIBORNE PELL  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PETITIONER)

Date: March 23, 2017

ADAM PHILIP LIPSTIC  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF ATTORNEY FOR PETITIONER)

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, bar number, and address): Joseph Mannis-SB# 51098/Adam Philip Lipsic-SB#238706 HERSH MANNIS LLP 9150 WILSHIRE BLVD., SUITE 209 BEVERLY HILLS, CA 90212 TELEPHONE NO.: (310) 786-1910      FAX NO. (Optional): (310) 786-1917 E-MAIL ADDRESS (Optional): jmannis@hershmannis.com ATTORNEY FOR (Name):	RESERVED FOR CLERK'S FILE STAMP  <b>FILED</b> Superior Court of California County of Los Angeles  <b>MAR 27 2017</b>  Sherri R. Carter, Executive Officer/Clerk By <u>Sue Dillo</u> , Deputy Sue Dillo
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> COURTHOUSE ADDRESS: 111 NORTH HILL STREET LOS ANGELES, CA 90012	
PETITIONER/PLAINTIFF: HERBERT CLAIBORNE PELL, IV	
RESPONDENT/DEFENDANT: MICHELLE WINGSHAN KWAN	
<b>FAMILY LAW CASE COVER SHEET</b> <b>CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO DISTRICT</b>	CASE NUMBER: <b>BD656457</b>

**Case Filing Instructions**

This cover sheet is required so that the court can assign your case to the correct court district for filing and hearing. It satisfies the requirement for a certificate authorizing filing in the district, as set forth in Los Angeles Superior Court Rules 2(d) and 5.2. It must be completed and submitted to the court along with the original Complaint or Petition in ALL Family cases filed in any district of the Los Angeles County Superior Court. This form is not required in Abandonment & Emancipation cases, which are to be filed at Children's Court.

COPY

By FOX

**I. Fill in the requested information.**

**a) Enter address of Petitioner**

ADDRESS:	CITY:	STATE:	ZIP:

**b) Enter address of Respondent. DO NOT COMPLETE THIS ITEM IF THIS IS A MINOR'S CONTRACT CASE**

ADDRESS:	CITY:	STATE:	ZIP:

MINOR CHILDREN INVOLVED?       YES      HOW MANY?       NO

**II. Select the correct district:**

- a. Under Column 1 below, check the one type of action which best describes the nature of this case.
- b. In Column 2 below, circle the reason for your choice of district that applies to the type of action you have checked.

**Applicable Reason for Choosing District (See Column 2 below)**

1. May be filed in Central District. 2. District where one or more of the parties reside.	3. Child resides within the district. 4. District where Petitioner resides.
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1	TYPE OF ACTION (Check only one) (Continued)		2 APPLICABLE REASONS (See above)
<input checked="" type="checkbox"/>	A5520 Dissolution of Marriage		1. 2
<input type="checkbox"/>	A5525 Summary Dissolution of Marriage		1. 2
<input type="checkbox"/>	A5521 Dissolution of Domestic Partnership		1. 2
<input type="checkbox"/>	A5530 Nullity of Void or Voidable Marriage		1. 2
<input type="checkbox"/>	A5531 Nullity of Void or Voidable Domestic Partnership		1. 2

Short Title

PELL v. KWAN

CASE NUMBER:

<input type="checkbox"/> A5510	Legal Separation	1. 2
<input type="checkbox"/> A5511	Legal Separation of Domestic Partnership	1. 2
<input type="checkbox"/> A6126	Petition for Custody and Support of Minor	1. 2. 3
<input type="checkbox"/> A6131	Child Support Services Department (CSSD) Parentage/Support	1.
<input type="checkbox"/> A6139	Foreign Support Order	1. 2. 3
<input type="checkbox"/> A6136	Foreign Custody Order	1. 2. 3
<input type="checkbox"/> A6138	Uniform Interstate Family Support Act (UIFSA) Responding Petition	1. 2. 3
<input type="checkbox"/> A6122	Domestic Violence Restraining Order (Civil Harassment - use Civil Cover Sheet)	(Any Court Jurisdiction - DV's only)
<input type="checkbox"/> A6600	Habeas Corpus Petition - Child Custody	1. 3
<input type="checkbox"/> A6080	Petition to Establish Parentage / Paternity (Non-governmental)	1. 2. 3
<input type="checkbox"/> A6111	Approval of Minor's Contract (6751 Family Code)	1
<input type="checkbox"/> A6130	Other Family Complaint or Petition (Specify):	1. 2. 3
<input type="checkbox"/> A6101	Agency Adoption	1. 4
<input type="checkbox"/> A6102	Independent Adoption	1. 4
<input type="checkbox"/> A6104	Stepparent Adoption	1. 4
<input type="checkbox"/> A6103	Adult Adoption	1. 4
<input type="checkbox"/> A6106	Sole Custody Petition	1. 4

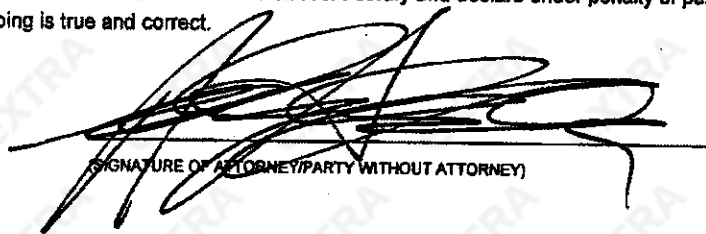
III. Enter address of minor child if known. (DO NOT COMPLETE UNLESS YOU HAVE CIRCLED ITEM 3 AS AN APPLICABLE REASON)

ADDRESS: Do not complete if this case falls under Family Code §6751	CITY:	STATE	ZIP CODE
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IV. Enter the information below and sign the certificate.

Certificate / Declaration of Assignment: The undersigned hereby certifies and declares that the above entitled matter is properly filed for assignment to the Central District of the Los Angeles Superior Court under Code of Civil Procedure §392 et seq., 2300 et seq. of the Family Code, and Rule 2(b), (c), and (d) of this court for reason checked above. I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 23, 2017



SIGNATURE OF ATTORNEY/PARTY WITHOUT ATTORNEY