

DECLARATION OF MICHAEL SMITH

I, MICHAEL SMITH, declare as follows:

I know the following of my own knowledge and could testify competently thereto if called upon as a witness to do so. I make this Declaration in support of Petitioner's Ex Parte Request for Order filed herewith.

1. I am the current principal at [REDACTED] a position I have held for 6 years. I have been an educator in the public and parochial school systems for 43 years, and I have spent 24 of those years as a school administrator.

2. I have known Julian Thicke and his family since he began school at [REDACTED]. I have had multiple interactions with Julian and have found him to be a very articulate, intelligent child. He has a very established vocabulary, which I have experienced to be more advanced than the average first grader.

3. As set forth in the attached Declaration of Veera Mahajan, Ms. Mahajan and I have had several interactions with Julian since December 2016, and have been concerned over allegations Julian has made about possible physical abuse. Ms. Mahajan came to me after the Christmas Break and shared some comments Julian had made to her during their sessions. The incidents that were described sounded to me like they went beyond normal corporal punishment and I believed that the situation qualified for suspected physical abuse. As an educator, I have been trained as to what to look for with respect to physical abuse among students, and in what scenarios it is appropriate for me to contact the police and/or Department of Child and Family Services ("DCFS").

4. Before making a report, I decided to reach out to Julian's mother, Paula, to help me determine whether Julian's statements were credible. I asked Paula to come in for a meeting on January 4, at which time Paula made clear that Julian had been making similar comments to her, and she did not know how to proceed.

5. I contacted DCFS at their toll free number on January 4, and was told how to make a report of suspected child abuse on their website. I filled out the appropriate paperwork and faxed it to DCFS that same day. I called DCFS the next morning to follow

up and make sure my report had been received, and was told the case had been referred to a sensitive unit. I spoke with the social worker assigned to the case, Latanya Moore, and her supervisor, Laney Brown.

6. On July 5, 2017, Ms. Mahajan and I met with Paula and Jullan to discuss what was happening. During that meeting, I observed Jullan's behavior and believe that based on that behavior, he was not making up statements or exaggerating about the punishment he was receiving from his father. Throughout the meeting I noticed Jullan hyperventilating and crying uncontrollably. At one point it took us between 10 and 15 minutes to help Jullan stop crying, by reassuring him that he was in a safe place and he was being protected. He made it clear that he did not want to be alone with his father in a place where his father could punish him. I observed Jullan to be very scared.

7. On January 6, 2017, Robin Thicke called me at the school. I was not sure if I should speak with him about my report, and I called DCFS to find out the appropriate protocol. DCFS did not return my call. Over the weekend of January 7, Paula contacted me and asked if I would call Robin back, because he was in the dark and no one was telling him anything that was happening. I left a voicemail for Robin, explaining that I had filed a report due to Julian's descriptions of how he was being punished at his father's house, that it was my duty to do this and that I had no choice but to make the filing, and that he should expect a visit from the Sheriff's Department or DCFS. I then texted Robin to let him know I had left the message. He responded that he had and thanked me. I have had no further contact with Robin.

8. It is my understanding that at this time, the Sheriff has interviewed Jullan and Paula at Paula's home, but has not visited Robin's home or interviewed him in any capacity.

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

Executed on January 11, 2017, at Los Angeles, California.


MICHAEL SMITH

DECLARATION OF ISABEL GARCIA

I, ISABEL GARCIA, declare as follows:

I know the following of my own knowledge and could testify competently thereto if called upon as a witness to do so. I make this Declaration in support of Petitioner's Ex Parte Request for Order filed herewith.

1. I have been employed as a nanny by Paula Patton and Robin Thicke since approximately 2011. While they were married I worked Monday to Friday. Since Paula and Robin separated, I have worked mostly for Paula, from Monday to Thursday. Another nanny, Adrienne Levy, works for Robin on the weekends. If Adrienne is unable to work, I will go to Robin's home. I have worked at Robin's home at least five weekends in the past year.

2. Julian and I have a very close relationship, as I have been his nanny for approximately six years. It is common for Julian to ask me to stay and not leave when my work day has ended. He will do so in a joking, happy manner, and I can tell that normally he simply wants to spend more time with me. When I tell him I have to go, he is okay with it.

3. I was asked to work at Robin's home over the weekend of December 17, 2016. When it was time for me to leave, Julian was very upset and was begging me not to go. He kept begging, "Bela, don't leave please". This seemed to me to be very different from the other times he asked me to stay, as he was not happy or laughing. I told him that this was his dad's time, and that it was up to his dad whether I stayed or left. He appeared fearful of me leaving, and asked me to ask Robin if I could stay. I asked Robin, and he told me and Julian that I would not be staying the night. Julian's reaction was to panic. He immediately ran to brush his teeth and did not say goodbye, which I believe is very unusual. Julian would not tell me why he wanted me to stay.

4. I became very concerned when I witnessed Julian's reaction to his spilling chocolate milk on Robin's sofa one morning during the weekend of December 17, 2016. Robin was still sleeping, and I had prepared breakfast for Julian. He was sitting on the couch, which was already slightly dirty, and spilled his chocolate milk. He immediately

1 became anxious, telling me not to tell dad and we can't tell dad. I told him it was okay, we
2 would not tell, as long as he helped me clean it up. He immediately jumped up from the
3 couch and said okay we will clean it up right now before dad wakes up.

4 5. I have witnessed Robin smoke marijuana on several occasions while Julian is
5 in the house. Over the weekend of December 17, for example, Robin had a dinner party with
6 10 or 12 family members. They were smoking marijuana with Julian in the room. Each time
7 I have been to his home in the past year, at least five times, I have witnessed Robin smoking
8 marijuana. Robin often has parties at the home, and most of the time I do not know the
9 people he invites over. They usually all seem to be drinking heavily and smoking marijuana
10 and cigarettes.

11
12 I declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14
15 Executed on January 11, 2017, at Los Angeles, California.

16
17
18 
19 ISABEL GARCIA

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION.

Petitioner is seeking implementation of temporary, emergency orders in order to protect the health, safety, and welfare of the parties' minor child, Julian. Julian has reported to several individuals, including Petitioner and his school administrators, that Respondent engages in corporal punishment amounting to physical abuse, which has left Julian fearful of Respondent. The school administrators, Principal Michael Smith and Veera Mahajan, determined that Julian's statements led them to believe there were credible allegations of abuse warranting mandatory reporting to Department of Child and Family Services ("DCFS").

Petitioner is seeking the temporary orders set forth on the attached Attachment "8", pending completion of the DCFS investigation and a hearing by this Court. As set forth below, the circumstances are exigent, as Julian is to return to Respondent's custody on Thursday, January 12, 2017 pursuant to the parties' judgment. Based on the current circumstances, it is imperative that the requested safeguards be put into place prior to Julian returning to Respondent's care.

II. EX PARTE RELIEF IS APPROPRIATE.

Family Code §3064(a) expressly provides that, "[t]he court shall refrain from making an order granting or modifying a custody order on an ex parte basis unless there has been a showing of immediate harm to the child or immediate risk that the child will be removed from the State of California." Family Code §3064(b) states that "immediate harm to the child" includes, but is not limited to, situations in which domestic violence and/or sexual abuse has been found.

Rule of Court 5.151 further states that, "the purpose of a request for emergency orders is to address matters that cannot be heard on the court's regular hearing calendar The process is used to request that the court: (1) Make orders to help prevent an immediate danger or irreparable harm to a party or to the children involved in the matter" Cal. Rule of Ct. 5.151(b).

As demonstrated below, and by the facts set forth in the concurrently filed

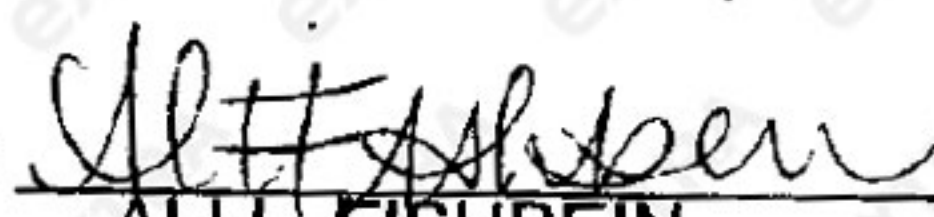
1 Declarations of Petitioner and third parties, this Court has jurisdiction to issue *ex parte*
2 temporary custody orders designed to protect the minor child from alleged abuse committed
3 by the Respondent. Said orders include, but are not limited to, instituting limited, monitored
4 visitations for the Respondent pending the completion of the investigation by Department of
5 Child and Family Services or further hearing, enrolling the minor child in counseling,
6 appointing minor's counsel to represent the interests of the minor child, prohibiting the use
7 of corporal punishment, and prohibiting the parties from drinking and using drugs in the
8 presence of the minor child.

9 The requests included in Petitioner's *ex parte* application are exigent based upon the
10 current custodial schedule and the allegations against Respondent. Pursuant to the current
11 orders, the minor child is to return to Respondent's care on Thursday, January 12, 2017.
12 Based upon the current allegations and the ongoing DCFS investigation, the minor child
13 cannot return to Respondent's care without the implementation of certain safeguards to
14 protect the minor child. While the allegations have not yet been confirmed by DCFS, the
15 mere fact of the allegations by the minor child, multiple interviews conducted by DCFS, and
16 the concerns of the multiple school administrators, the Petitioner, and third parties,
17 seemingly warrant the implementation of protective orders. It is not Petitioner's intention to
18 keep the minor child from Respondent, however, she must take whatever steps are
19 necessary to insure that the minor child is not subjected to any harm or abuse.

20
21 Respectfully submitted,

22 BUTER, BUZARD, FISHBEIN & ROYCE LLP

23
24 DATED: January 11, 2017

25 By: 
26 ALI L. FISHBEIN
27 Attorneys for Petitioner,
28 PAULA M. PATTON