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6 **SUPERIOR COURT OF WASHINGTON, COUNTY OF KING**

7 In re:

8 Petitioner:

9 VERONIKA GOODNIGHT,

10 And Respondent:

11 MATHEW RALIDAK.

No. 20-3-03830-3 SEA

Findings and Conclusions re: Parenting
Plan, Termination of a Committed Intimate
Relationship

Clerk's Action required 1, 5

12 **Findings and Conclusions re: Parenting Plan, Termination of a
Committed Intimate Relationship and Attorney's Fees**

13 **1. Money Judgment Summary**

14 *Summarize any money judgments in the table below.*

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
House Sale Proceeds	Mathew Ralidak	Veronika Goodnight	\$60,776.40	
ATTORNEY FEES	Mathew Ralidak	Veronika Goodnight	\$6,000.00	
Yearly Interest Rate: 6% (12% unless otherwise listed)				
Lawyer (name): Greta Jibbensmith, WSBA #41737 represents (name): Petitioner/Veronika Goodnight				
Lawyer (name): Margaret Bender, WSBA #11948 represents (name): Respondent/Mathew Ralidak				

23 **2. Basis for findings and conclusions**

24 These findings are based on the evidence produced at trial in January 2022, where the
25 following individuals testified: Petitioner, Respondent, Matthew Jolly, Vicki Chapman,
Josef Stanton, Deborah Oaks, Diana Muggli, Heidi Stafford, Dina Fix, Monica Bonilla
Gonzalez, Shawna Mokler, Dr. Michael Oreskovich, Amisha Zuber, Ann Ralidak and
Monica Gallerneau

1 ➤ **The Court makes the following findings of fact and conclusions of law:**

2 **3. Notice**

3 The Respondent has appeared in this case and has responded to the *Petition*.

4 **4. Jurisdiction over the children** (RCW 26.27.201 – .221, .231, .261, .271)

5 ☒ The court can approve a *Parenting Plan* because (check all that apply; if a box
6 applies to all of the children, you may write "the children" instead of listing names):

7 ☒ **Exclusive, continuing jurisdiction** – A Washington court has already made a
8 custody order or parenting plan for the children, and the court still has authority
9 to make other orders for the children.

10 ☒ **Home state jurisdiction** – Washington is the children's home state because
11 (check all that apply):

12 ☒ The children lived in Washington with a parent or someone acting as a
13 parent for at least the 6 months just before this case was filed, or if the
14 children were less than 6 months old when the case was filed, they had lived
15 in Washington with a parent or someone acting as a parent since birth.

16 ☒ The children do not have another home state.

17 Dr. Michael Oreskovich is a highly credentialed psychiatrist who was appointed to evaluate
18 the Petitioner's mental health function. Dr. Oreskovich's testimony was very credible. Matt
19 Jolly, the Parenting Evaluator, is a very experienced family law attorney, mediator, and
20 investigator. He was thorough and thoughtful and balanced in both his report and testimony.
21 It is important to note that he was not appointed as a substance abuse evaluator nor as a
22 mental health expert. Mr. Jolly's testimony was very credible.

23 Shawna Mokler, who has a MA in Addiction Studies was called upon to address evaluations
24 that SeaMar had conducted. Throughout her testimony she stayed in her lane. She was not
25 the one who did the intake or did the assessments, but when concerns were raised she
26 suggested that new evaluations occur. This increased her credibility. Monica Bonilla
27 Gonzalez, who has an MA in Social Work is Petitioner's current therapist at SeaMar, The
28 Court found persuasive as true that Ms. Mokler was acting as a counselor, not as an
29 evaluator, and thus was remaining true to her role.

30 Multiple lay witnesses testified as well including: Diani Muggli (a friend of the Petitioner's)
31 Heidi Stafford (former roommate and continued friend of the Petitioner's) and Deborah Oakes
32 (a neighborhood friend). The Court found their testimony sincere and honest.

33 Vicki Chapman, who was in the home prior to the purchase of the home, also testified and
34 her testimony underscored the difference between the two parties. When asked about her
35 impressions of the two parties Ms. Chapman testified that she found the Petitioner outgoing,
36 full of energy and appropriately pointed out that there would be the normal chaos of having
37 young children. The same witness found that the Respondent was stiff and asked a lot of
38 questions which she interpreted as arrogance. The Court does not find the Respondent

1 arrogant. The Court finds the Respondent reserved, quiet and that's the difference between
2 the two parties. The Petitioner is ebullient and vivacious, and the Respondent is reserved
and quiet. That does not make them bad people.

3 Josef Stanton's testimony regarding the potential nature of his relationship with the Petitioner
4 was contradicted by the Petitioner's testimony regarding the potential of the relationship
5 between the two of them, but this contradiction did not move the Court's needle in any
distinct way.

6 Ann Ralidak, the stepmother of the Respondent, was honest and open. Her testimony was
credible. Her perceptions are her personal opinions.

7 Amisha Zubar, a godparent to one of the children, a former confidante of the Petitioner's, and
8 a current friend of the Respondent's testified to a series of very serious allegations against
9 the Petitioner and the suicidality issue was the biggest concern for the Court. Amisha Zubar
10 testified that on 10 separate occasions the Petitioner made concerning statements. When
11 this Court inquired as to what she (Ms. Zubar) did when her best friend (at the time) said she
12 was suicidal, Ms. Zubar responded, "I told her I did not think that was a good idea." To this
Court, given the fact that Ms. Zubar does care for the children, I find it more credible that she
did not think this was an imminent suicide threat because her (Ms. Zubar's) conduct did not
comport with someone who believes children are in danger.

13 Monica Gallerneau, is the fiancé of the Respondent. The Court found her honest and
credible in her presentation.

14 The Petitioner has repeatedly been referred to as lively, vivacious, curious, friendly. The
15 word transparency was used a lot and the Court sincerely finds that her testimony was
16 sincere in her presentation; however, Mr. Jolly eloquently underscored in his testimony, that
17 he believed she was sincere but in many of her accusations there was no reasonable basis
18 for her belief. Another quote of Mr. Jolly's "her negative views are disproportionate to what
the evidence shows." There were many statements made that a very successful career was
thrown away to follow the Respondent but the Petitioner's Social Security Statement does not
support that interpretation. In 2014 the Petitioner made \$670.

19 Another example of the comments not equating to the reality of the situation regards the end
20 of the relationship. The testimony was that in the end of December 2019 the Petitioner left
21 home to stay with her friends. The Respondent had a business trip to go on a few days after
22 that and was depending on the Petitioner for childcare. The word "flee" was repeatedly used,
but the Court did not find that the Petitioner fled, the Court found that the Petitioner left. The
Petitioner testified that she fled, but there is no evidence to show any danger much less
lethality. The Court finds that the Petitioner left the home.

23 The Respondent presented as reserved and affectionate to his children and he takes
24 excellent care of them. On January 6, 2021, when he missed meetings due to the
Respondent's refusal to provide the children for his scheduled time, he was laid off and that
25 makes sense. When people do not show up for work they are fired, however he has since
been rehired by the same company. He was generally concerned for his children. His tax
returns confirm that he has not been truthful throughout the process. It underscores the fact
that both of these parties have been willing to embellish their facts when it suits their needs.

1 The parties met at a chance encounter at a club and there was a "Hollywood" moment. They
2 did not know each other or date each other. They immediately hopped into the deep end of
3 the pool. It's not a surprise that months or years later they look back on it and decided that
4 they were no longer the partners they needed. So what kept them together? The children. It
is without question that both of these parties love their children immensely. That's the only
glue that kept these people together for as long as they did.

5 The Children are better off if the parties are at peace. The court needs to consider the
6 relative strength of the relationship the children have with both parents. Both parties have a
strong relationship with the children.

7 Mr. Jolly found, through the scope of his investigation, that the children are healthy, well
8 nourished, balanced, and curious. Both parents say the other is poisoning the well, but the
9 objective evidence shows that the children are doing well. The agreement of the parties is
10 another important factor. The Respondent testified that he did not want 50/50 but for two
11 years the parties have operated in a joint residential plan. Before that the mother was caring
12 for the children while the father travelled. This Court finds that the caregiver of young
13 children in our society are not given the credit they deserve. At the height of the Petitioner's
imbalance, you have three children in diapers, whose needs are individual, one could be
hungry, one could bored children are not hungry at the same time, that is the reality of life.
The use of alcohol was inappropriate by the Petitioner, the court is satisfied that issue has
been addressed. Both parents have done parenting functions, but the majority of the day-
to-day child-rearing prior to separation in January 2020 was done by the Petitioner.

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- 15 a. The relative strength, nature, and stability of the child's relationship with each
parent. Each of the parents has a solid relationship with the children.
- 16 b. The agreement of the parties. The parties had been exercising a week on/week off
17 schedule from January 2020 to the present. The Respondent stated in his notice of
Respondent testified that he did not want 50/50 but for two years the parties have
18 operated in a joint residential plan.
- 19 c. Each parent's ability to perform parenting functions. The father works from home. It
is expected that the mother will work outside the home in the future. It is clear that
20 the Petitioner performed the majority of the childcare responsibilities as the
Respondent worked outside the home. Post-separation the Petitioner has
21 continued to be the one to spearhead the children's educational and medical needs.
The Respondent admitted that he would need to seek outside help if he were to be
22 the primary parent. It is a close call as both parents can perform parenting function.
- 23 d. The emotional needs and developmental level of the child. The children are doing
well. The parents with very different upbringings and personalities have produced
24 three wonderful children.
- 25 e. The child's relationship with siblings, other important people and involvement with
their environment. The older two children are enrolled and are participating in
school. Due to COVID the father has had less of an opportunity to foster the
children's relationships with others in the Everett community, by way of COVID so
there are less opportunities to form bonds in Everett. The children are bonded to

1 their friends in Carnation and the two older children are participating in school in
2 Carnation.

3 f. The wishes of the parent or the mature child. Both parents wish that the children
4 would reside with them primarily. The children are not sufficiently mature enough to
5 weigh in on this.

6 g. Each parent's employment schedule. The Respondent is gainfully employed
7 though working remotely. The Petitioner will necessarily have to begin work in a
8 more traditional manner outside the home.

9 The Court was presented with stability factors suggesting that the Respondent was the more
10 stable of the two parents because of his housing situation. The Court found that
11 Respondent's living situation was just as tenuous as the Petitioner's as the Respondent is
12 dependent upon the continued viability of his relationship with Monica Gallerneau to maintain
13 his housing. Both parties are renting. The Petitioner has a lease and the Respondent does
14 not. Housing size is not being considered by the Court.

15 The court found this to be a close case and finds both parents to be suitable parents. .

16 **The Court is not imposing RCW 26.09.191 limitations.** The alcohol use was more of a
17 symptom of the unhappiness that this Petitioner was going through; her story is not done.
18 She will need to continue to be proactive. The evidence does not comport to the allegations
19 made and .191 restrictions are not warranted. The Petitioner has a battle plan in place, she
20 has quit using substances, quit making negative social media posts, and is pursuing healthy
21 coping mechanisms. The testimony of the experts all pointed to the Petitioner having
22 proactively dealt with her issues and to having healthy coping mechanisms in place. Monica
23 Bonilla Gonzalez testified that the Petitioner was ready to graduate from counseling and Dr.
24 Oreskovich found that the Petitioner did not suffer from any mental health or substance use
25 disorder. In an abundance of caution the Court is ordering the Petitioner to continue to
undergo 24 months of additional counseling as outlined in the Parenting Plan.

Committed Intimate Relationship. The *Pennington* Court sets out the following factors to
consider when determining whether or not a committed intimate relationship existed:
continuity of cohabitation, duration of relationship, purpose of the relationship, pooling of
resources, and intent of the parties. The parties leapt into the deep end and their
commitment was for a family. There was a sufficient period of time that these parties lived
together in a marital-like relationship.

The couple purchased a van together with a 7 year financing term, made representations to
the community that they were husband and wife, lived together continuously from 2014 –
2020, and formed a family by having three young children together. The young age of the
children and closeness in time they were born illustrates the Petitioner and the Respondent's
commitment to each other and intention to act as a community. There was an intention to
make a go of it as a community. The Court finds there was a committed intimate relationship
from August 2014 and ended in January 2020 when the Petitioner moved out.

1 The overarching premise behind the case law surrounding CIR is the recognition that there
2 should be a fair division of property. It's not mathematical preciseness. The Respondent
3 was the breadwinner and the Petitioner was the stay at home caregiver. The dynamic
necessarily made the Petitioner dependent upon the Respondent financially.

4 There was no clear evidence of any separate property being used to purchase the home.
5 The only clear evidence was the \$5,000 loan from Amisha Zubar to the community for the
6 down payment that both parties and Ms. Zubar testified to. The Respondent's testimony,
7 was not clear. He said he liquidated a 401(k) but the court cannot find a per se contribution
of separate property. There was no objective evidence that the Respondent used separate
property to purchase the home. The 401(k) statement covered a period of years and did not
show separate loans or dates. The house closing statement showed different numbers.

8 The \$30,000 loaned by Monica increased the house sale proceeds and that money was
9 repaid. The house sale proceeds were \$131,294.00. \$30,000 was a legitimate loan to
10 Monica, leaving the net sale proceeds at \$101,294.00. The Court finds that it would be fair
and equitable for a judgment for 60% of those proceeds to be given to the Petitioner. The
Court makes the finding that under the circumstances it is equitable for the interest rate to be
6%.

11 The Respondent has said that the money has been spent. At the time the original Temporary
12 Orders were put into place the Respondent was employed and the Petitioner was not. He
13 was ordered to pay \$8500 in fees which were paid from the house proceeds. Those fees
were not subject to reallocation. Nor was the order to pay Matt Jolly's fee subject to
reallocation.

14 The Respondent is responsible for the Space Coast Credit Union Van Debt associated with
15 account ending in x5621.


16 **Attorney's Fees.** The Court found that the CIR required an entire day and a half of trial,
17 solely on that issue. In regard to attorney fees, the father had to reluctantly concede there
was a CIR. The court awards attorney fees in the amount of \$6,000

19 5. Money Judgment

Judgment for	Debtor's name (person who must pay money)	Creditor's name (person who must be paid)	Amount	Interest
House Sale Proceeds	Mathew Ralidak	Veronika Goodnight	60,776.40	\$
CR 11 Sanctions	Mathew Ralidak	Veronika Goodnight	\$6,000.00	
Yearly Interest Rate: 6% for house sale proceeds. The attorney's fees shall accrue interest at 12%				
Lawyer (name): Greta Jibbensmith, WSBA #41737 represents (name): Petitioner/Veronika Goodnight				
Lawyer (name): Margaret Bender, WSBA #11948 represents (name): Respondent/Mathew Ralidak				

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2 **6. Other findings or conclusions**
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5 March 3, 2022
6 Date

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8 Judge or Commissioner
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Leonid Ponomarchuk