

STATE OF NEW YORK COUNTY OF ESSEX
SUPREME COURT

MARSHA FINNAN, PLAINTIFF
-AGAINST-
TERENCE FINNAN, DEFENDANT

Index No. 403-03

RJI No. 15-1-2003-0167

Supporting affidavit for a Cross Motion

State of New York, County of Essex, ss:

Terence Finnan, being duly sworn deposes and says:

A. The argument for the request for an Order for a Examination Before Trial and a directive to the plaintiff are in Defendant's filed affidavit dated 5/25/2005.

B. 1. A hearing concerning Plaintiff's criminal acts including, perjury, fraud, assault and battery, attempted murder and other acts with a **racist/religious motive** is required because the court cannot allow such acts to continue. 2. The statements of the two doctors in this cross motion and original motion require a hearing. 3. Large parts of the Plaintiff's complaint and Bill of Particulars would be dismissed at a hearing with the same witnesses testifying in the health needs.

C. If the court accepts the Plaintiff's motion, which does not follow the standing rule of this court, then the court has suspended its standing rule. This change of venue motion is properly filed according to CPLR 2215, absent the standing rule of this court. If the Plaintiff need not follow a standing rule of the court, neither need the Defendant.

D. In absence of the standing rule, the court has not requested oral argument. My doctor has told to me it is dangerous to my life to be in court for this oral argument. (Exhibit A).

E. A change of venue is necessary because,

Part I Poisoning the Well by the Plaintiff

1. The Plaintiff's "poisoning of the well" deprives me of competent local representation and gives an unjust advantage to the Plaintiff in the local court. This is described in the filed affidavit of the Defendant dated 1/3/2005.

Part II Net Worth Statements

1. The court is aware that the Plaintiff, Marsha filed two fraudulent Net Worth Statements which left out the fees paid to her various attorneys. In particular, using one of the Plaintiff's check

register as the basis of this swearing, the plaintiff wrote checks in August 2003 to pay the following attorneys:

Denin and Denin with check #122 from HSBC account #433270322

Wilkins and Griffin with check #121 from HSBC account #433270322

Clute, Clute, Thompson with check #127 from HSBC account #433270322.

2. The court in oral argument on 5/24/2004 was aware that the Plaintiff did not file her Net Worth Statement either when she was first ordered nor at the date in October 2003 to which she was given an extension to it. Judge Dawson on the above date could not find it in the filed papers.

Part III David E. Rutgers

1. The court on the record on 1/25/2005 allowed David E. Rutgers to unethically disclose attorney/client privileged communications. The Defendant, Terence Finnan, did not consent to this breach of his attorney/client privilege at any time before or after Mr. Rutgers was allowed to be removed from this action.

2. Mr. Rutgers in a recorded telephone conversations claimed the Judge made a bad decision and that the court has become more corrupt.

Part IV \$111,000, Perjury and Fraud

1. The court allowed the Plaintiff to take over \$111,000 of marital assets in spite of a court order obtained by the plaintiff that specifically identified the money taken as marital property.

2. The court allowed the plaintiff to first swear a Discover Bank CD was marital property and then to then swear it was separate property. **That alone is perjury**, The court ignored the evidences presented of the deposits of funds to the Discover Bank CD definitely made it marital property. (Filed affidavits of defendant dated 5/3/2004, 1/3/2005)

3. The court accepted the Plaintiff's fraud in September 2003. The Defendant's attorney would not have supported the restraining order if it was known that the money was already taken by the Plaintiff.

Part V Plaintiff's perjury

1. The court accepted all the perjury described in filed affidavits dated 1/3/2005 and 5/3/2004

2. The Plaintiff, in an filed affidavit dated 6/6/2005, falsely swore that Darla Breckenridge was licensed in the State of New York. The Plaintiff was previously told this was false and but she then knowingly swore to this falsehood. This is refuted in the filed affidavit's (dated 9/7/2005) Exhibit E which is the affirmation of the Clerk in The NY State Department of Education.

3. It is unknown whether the court will tolerate this perjury in item #2 above.

Part VI Visitation, Joint Custody, Deprived of all Rights

1. The court was aware and did nothing knowing the Defendant was deprived of all contact with his daughter, Victoria, even though Joint Custody was awarded. This is detailed in filed affidavit dated 1/3/2005

Part VII Plaintiff's health

1. The Defendant takes LORAZEPAM in order to make these affidavits and to appear. This drug causes many problems including drowsiness for the Defendant and other known problems. The Defendant does not take this drug except for cases of extreme anxiety. The defendant is deprived of local competent counsel and adversely affected by his required medication.
2. The court has refused to accept medical evidence about the health of the Defendant presented to the court in filed affidavits dated 3/29/2004, 5/3/2004.
3. The Defendant has made the court aware of the his health problems in the letter dated 9/15/2004 and filed with court.
4. In Defendant's affidavit dated 9/7/2005, Exhibit A is the letter of Dr. DeMuro concerning my health.
5. The court must hear the evidence from Dr. Richard Smith concerning my health. (Exhibit B) and in filed affidavit 1/10/2005.
6. The Plaintiff has assaulted and caused injury to the vision of the Defendant by her deliberate assault and the court has not protected the Defendant from this criminal.
7. The court is aware that the Plaintiff has stated " she didn't know what to do, that the only way to get rid of Terry was to kill him" and the court has not protected the Defendant from this criminal. Filed affidavits dated 1/10/205.

Part VII Improper behavior of Asadourian

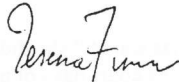
1. At a court conference in September 2003 the Plaintiff's attorney, Ara Asadourian, was yelling for all to hear in the waiting area outside the court chambers, he's crazy, he's insane, repeatedly. Because Asadourian was swinging his arms up and down while emoting, my attorney, Mr. Anderson, insisted that we leave the courthouse by a back way to avoid a physical confrontation initiated by Asadourian.
2. I will not be demeaned by Asadourian. I will not leave by the back door.
3. The court knew Asadourian lied to Justice Dawson on the record on 4/21 /2004 that a Net Worth Statement was submitted, because,
 - A. Judge Dawson did not find it in the filed papers

- and B. because, Asadourian then sent a Net Worth Statement to the judge after that date in court.
4. Other false certifications are described in an affidavits dated 5/3/2004 and 1/10/2005.

Part VIII Refusal to hear Defendant

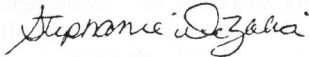
1. The court on March 18, 2005 refused Defendant's demand;
 - A. that everything be on the record;
 - B. that medical evidence be accepted;
 - C. that the false filings of Asadourian be considered;
 - D. that the fraud of Marsha Finnan be considered;
 - E. that I not be excluded while the Plaintiff and her attorney remained before the court.
2. The court had the court officer remove The Defendant from the court and take him outside of the courthouse while the court continued to talk to the Plaintiff and her attorney.
3. The court stenographer has said that she has no record in *Finnan v Finnan* on 3/18/2005

WHEREFORE, the defendant requests his requests be granted and that a change of the venue be granted to allow the Plaintiff and the Defendant to both have access to competent attorneys in this divorce action.



Terence Finnan
PO Box 354
Keene NY 12942
Phone 518-576-9734

Sworn to and subscribed to before me this 15th day of September 2005.



Stephanie DeZalia
Notary Public, State of New York
No. 04DE0115156
Residing in the County of Essex
My Commission Expires August 30, 2008

Richard M. Smith, Ph.D.
Clinical Psychologist
APA-CPP Substance Use Disorders

Phone (518) 563-1911
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202C Cornelia Street
Plattsburgh, New York 12901

09/14/2003

Statement of Dr. Richard Smith

I, Dr. Richard M. Smith, am a licensed psychologist in the State of New York; make this statement of my findings.

1. Terence Finnan and his wife, Marsha, were continuously patients of mine beginning in January 2002 and continuing until June 2003.
2. Since July 2003, after his wife left him, Terence has been treated by me for clinical depression without his wife.
3. My treatment has been deemed medically necessary by the Medical Director of Blue/Cross/Blue Shield/NY.
4. No one has reported to me that Terence Finnan has committed any Domestic Violence.
5. I am aware that Terence Finnan suffered two heart attacks, a stroke, significant injuries to his legs, feet and hands.
6. Terence Finnan is prescribed Lorazepam at the maximum dose of 0.5 mg max daily dose four tablets prescribed by Dr. Rob Demuro.
7. I find Terence Finnan to be sane and acting rationally under the circumstances.
8. It is dangerous to the life of Terence Finnan for him in court because he has anxiety issues that may exacerbate his serious medical conditions.
9. I advise him not to be in court under such circumstances at this time.

Richard M. Smith, Ph.D.
Richard M. Smith, Ph.D.
Clinical Psychologist
APA-CPP Substance Use Disorders

EXHIBIT A