

**FILED**

[REDACTED]  
Plaintiff,

)  
2013 JUL 17 A 10:03  
)

v.

[REDACTED]  
BY \_\_\_\_\_ )

[REDACTED]  
Defendant.

**REPLY, RESPONSE TO  
AFFIRMATIVE DEFENSES, AND  
MOTION FOR A TEMPORARY  
CUSTODY ORDER**

The Plaintiff, replying to the Counterclaim of the Defendant, says and alleges as follows:

**FIRST DEFENSE**

1. The allegations contained in paragraph 1 of the Counterclaim are admitted.
2. The allegations contained in paragraph 2 of the Counterclaim are admitted.
3. Answering the allegations contained in paragraph 3 of the Counterclaim, it is admitted that the Defendant denies that the parties were married in this legal action; however, it is denied that he denies the marriage of the parties in any other circumstance or forum.
4. Answering the allegations contained in paragraph 4 of the Counterclaim, it is admitted that the Defendant is indeed asserting a claim for custody. Except as admitted herein, the allegations contained in paragraph 4 of the Counterclaim are denied.
5. The allegations contained in paragraph 5 of the Counterclaim are admitted.
6. The allegations contained in paragraph 6 of the Counterclaim are admitted.
7. The allegations contained in paragraph 7 of the Counterclaim are admitted.
8. The allegations contained in paragraph 8 of the Counterclaim are denied.
9. The allegations contained in paragraph 9 of the Counterclaim are denied.
10. The allegations contained in paragraph 10 of the Counterclaim are denied.
11. Answering the allegations contained in paragraph 11 of the Counterclaim, the Plaintiff re-asserts and re-alleges here responses to paragraphs 1 through 5 of the Counterclaim.
12. The allegations contained in paragraph 12 of the Counterclaim are admitted.
13. The allegations contained in paragraph 13 of the Counterclaim are denied.
14. The allegations contained in paragraph 14 of the Counterclaim are admitted.
15. Any heretofore unanswered allegations are hereby denied.

**A TRUE COPY  
CLERK OF SUPERIOR COURT**  
[REDACTED]  
Clerk of Superior Court

## RESPONSES TO AFFIRMATIVE DEFENSES

In reply to the affirmative defenses, the Plaintiff hereby asserts the following:

### ESTOPPEL

The Plaintiff hereby pleads estoppel in response to the Defendant's assertion that the parties were not legally married. In support thereof the Plaintiff asserts that by intentional acts or assertions on the part of the Defendant, or in the alternative, culpable omissions on his part misrepresented to the Plaintiff that the parties were in fact married in the eyes of the law and in the eyes of the Islamic Religion as evidenced by the exhibits attached to the Defendant's Answer and Counterclaim. The Plaintiff has reasonably relied upon his acts, assertions, and misrepresentations to her detriment.

### QUASI-ESTOPPEL

The Plaintiff hereby pleads quasi-estoppel in response to the Defendant's assertion that the parties were not legally married. In support thereof the Plaintiff asserts that, in addition to the misrepresentation previously asserted, the Defendant is the party that insisted on the marriage, both by the state and in accordance with Islamic practice. The Defendant has benefitted from the marriage and has placed the Plaintiff in a place of total dependency to her detriment due to her reliance upon the marriage. Further, even after the filing of the Defendant's *Answer and Counterclaim*, he continues to insist that the parties are married and that the Plaintiff has to continue to perform her wifely duties.

### MOTION FOR TEMPORARY CUSTODY ORDER

The Plaintiff, moves the Court, pursuant to N.C. Gen. Stat. § 50-13.5, for an order granting the Plaintiff temporary custody until such time as this matter can come on for hearing for permanent custody. In support of this motion, the Plaintiff states as follows:

1. The Plaintiff instituted this action on April 24, 2013, which included causes of action for Divorce from Bed and Board, Child Custody, Child Support, Post Separation Support and Alimony, Equitable Distribution, and Attorney's Fees.
2. The Plaintiff and the Defendant are the parents of [REDACTED], born [REDACTED], born [REDACTED], and [REDACTED], born [REDACTED].
3. During the course of their lives, the Plaintiff has been a stay-at-home mom and has been the primary caretaker of the children.

4. Since the filing of this action, the Defendant has become extremely agitated and angry.
5. He displays his anger in front of the children, causing the children fear and stress.
6. He is very controlling and has continually harassed the Plaintiff for months.
7. He has increasingly become more and more agitated and his actions have become increasingly bazaar.
8. For instance, by way of example but not limitation, in the last couple of days he has done the following:
  - a. On July 10, 2013, without prior notice, he removed most of the furniture from the marital home and put a lock on his bedroom door.
  - b. He informed the Plaintiff that if the Plaintiff took the parties' van – the primary family vehicle - that he would “burn it.”
  - c. He told the children that the Plaintiff “was lying to get him in trouble.”
  - d. When the Plaintiff tried to console the children by telling them that “everything is fine,” he screamed that “no, everything is not fine!”
  - e. He continually begins arguing with the Plaintiff in front of the children.
9. The children are continually being subjected to the stress of the marital issues and strife surrounding the parties to their detriment.
10. On July 14, 2013, the Plaintiff moved out with the children to remove herself and the children from the continued harassment and stress.
11. From his actions and statements, the Plaintiff is firmly convinced that if given the opportunity the Defendant will take the children from the Plaintiff's custody and subject them to a back and forth struggle for control over the children.
12. The Defendant is not an American citizen - he is Palestinian with family ties to Saudi Arabia.
13. The Plaintiff has strong concerns that, if given an opportunity, he would remove the children from this jurisdiction and this country.
14. It is in the best interest of the minor children for the Court to enter a temporary custody order.
15. The allegations contained in paragraph 28 of the Complaint are incorporated herein by reference as if set forth word for word.

WHEREFORE, the Plaintiff moves this Court as follows:

1. The Court assume the jurisdiction of the aforesaid minor children and grant the Plaintiff temporary custody.
2. The Court expedite the hearing of this matter.
3. The costs of this action, including reasonable attorney's fees be taxed against the Defendant.
4. For such other and further relief as to the Court may seem just and proper.

This the 17<sup>th</sup> day of July, 2013.

JASMINE BROOK COOPER,

By and Through Plaintiff's Attorney,



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