



IN THE CIRCUIT COURT OF MADISON COUNTY

| | |
|-----------------------------|-------------------------------|
| MELODY SHARI RODGERS (HOLT) |) |
| Plaintiff, |) Case No.: DR-2020-900543.02 |
| v. |) |
| |) |
| MARTELL LAVOR HOLT, |) |
| Defendant |) |

PLAINTIFF'S VERIFIED PETITION FOR RULE NISI AND FOR MODIFICATION

PETITION FOR RULE NISI

COMES NOW, the Plaintiff, MELODY SHARI RODGERS (HOLT) (hereinafter referred to as "Mother"), by and through her attorney of record, Kintisha M. Matthews, and files this her Petition for Rule Nisi against the Defendant, Martell L. Holt (hereinafter referred to as "Father") by stating the following separately and severally:

1. The parties hereto were divorced by final decree of this Court on or about the 15th day of March 2021, which incorporated an agreement of the parties and Parenting Clauses (hereinafter referred to as "Final Judgment of Divorce"). (Please see attached, Exhibit A, Final Judgment of Divorce.)
2. Subsequently On January 22, 2022, the Defendant/Father filed a Petition to modify Custody and hold the Plaintiff in Contempt, by and through his attorney Michael C. Lambert, Esq. The Plaintiff/Mother filed a Response and Counterclaim and Petition to Modify Custody and to hold the Defendant/Petitioner in contempt on May 25, 2022, by and through her attorney of record, Caleb W. Ballew which resulted in an order from this honorable court on September 06, 2022 (hereinafter referred to as "Order"). (Please see attached, Exhibit B, Order)
3. **The Final Judgment of Divorce provides the following, inter alia:**
Section 2 Parenting Clauses
 d. *Both parents shall encourage the minor child(ren) to love, respect and honor the other parent. Neither of them shall alienate or attempt to alienate or diminish the affection of the minor child(ren) for the other parent or disparage or allow others to disparage the other parent to or in the presence of the minor child(ren). The parties understand and agree that the designations of "father" and "mother", or similar designations, shall refer to each of them only and not to third parties.*

 e. *The Court expects children to be insulated to the fullest extent possible from the conflict between their parents. They should not be made to be confidants of a parent, and should be encouraged to love, honor and respect both parents and their respective families. Parents should act accordingly in the presence of the children. In the event a child testifies in court, a parent **SHALL NOT** question or discuss that child's testimony with the child nor discuss the case with the child.*

4. The "Order" provides the following, inter alia:

Paragraph 2: There shall be no public dissemination, of any sorts, regarding the minor children, pending custody issues, counseling or any other matters related to this pending case

Paragraph 3: There shall be NO CORPORAL PUNISHMENT administered to the children. For the father's edification, corporal punishment shall include spanking, slapping, pinching, pulling, twisting, hitting with an object and forcing a child to consume any unpleasant substance, such as soap, hot sauce, etc.

Paragraph 4 Therefore, the father shall begin counseling no later than September 20, 2022, and shall comply with the counselor's recommendation.

Paragraph 5: The father shall also take immediate steps to enroll in and complete a parenting class.

5. Since the entry of the Final Judgment of Divorce, and September 6, 2022, order the Father has willfully violated the above provision by allowing his paramour to make disparaging remarks about the mother, the father has shown the minor children videos of their mother on dates with other men and making inappropriate comments about the video to the minor children. The father continues to disseminate information to bloggers concerning the previous custody case therefore placing the minor children in the middle of the parties' disputes/litigation. The father continues to use Corporal punishment that is excessive and abusive towards the minor children including but not limited to choking, grabbing, punching the minor son, hitting all the children, pulling, and twisting them. The Father has refused to follow the court order as he has stopped therapy between him and his minor son.
6. The Father's actions are contemptuous in nature and should be punished accordingly. It is clear by the Father's actions that he has no intention of complying with any of the Orders of this Honorable Court, and the mother requests that the Father be found in civil and criminal contempt for said willful disregard of the court's previous orders, or in the alternative, that this matter be set for hearing and the Father be ordered to appear and show cause why he should not be held in civil and criminal contempt of court for his violations of this Court's Order as referenced above.
7. The Mother has incurred attorneys' fees and costs in the pleading and proof of this Petition for Rule Nisi and would request that the Father be ordered to pay the same, and

MELODY SHARI RODGERS (HOLT) v. MARTELL LAVOR HOLT

Case No.: DR-2020-900543.02

Verified Petition for Rule Nisi and for Modification

Page 2 of 5

she be given such other, further, and different relief to which she may be entitled under the circumstances.

PETITION FOR MODIFICATION

COMES NOW, the mother, Melody Shari Rodgers (Holt) (hereinafter referred to as "Mother"), by and through his attorney of record, Kintisha M. Matthews, and having filed his Petition for Rule Nisi, states the following, separately and severally, in support of her Petition for Modification against the Defendant, Martell L. Holt (hereinafter referred to as "Father"):

8. The Mother realleges paragraphs 1 through 6 as if set out here in full.
9. That since the entry of the Final Judgment of Divorce, and the subsequent modification order, there have been material changes in circumstances that are substantial and warrant a modification of legal custody of the minor child and of the visitation schedule set forth for the Father.
10. The Final Judgment of Divorce provides the following, *inter alia*:

Section 5 Parental Designations

The parties agree that they shall continue to discuss matters which pertain to the welfare and best interests of their children. In the event that they are unable to agree on any matter, the mother shall be designated as possessing primary authority and responsibility regarding medical decisions, religion and the involvement of the minor children in cultural activities. The father shall be designated as possessing primary authority and responsibility regarding educational decision and the involvement of the children in extracurricular, athletic, and civic activities. Notwithstanding these designations, the parties agree that children shall attend private school unless they mutually agree otherwise in writing.

11. Since the entry of the Final Judgment of Divorce, the Father has exhibited behavior that has been negligent, and unstable. He has shown a lack of proper parenting when it comes to his care for the minor children during his custodial times, and the father continues to cause mental and emotional abuse of the minor children. Such behavior by the father has caused the mother to have concerns for the minor children's health and well-being.
12. Specifically, the father has moved multiple times in a short period of time and now wants to uproot the children from the school system the parties agreed for them to attend, so that the children can attend school in his new school district.
13. Moreover, the father continues to make threats to the minor children such as "he will knock them out" or directing abusive language toward them with the intent of alarming the minor children and causing mental and emotional injury to them.

MELODY SHARI RODGERS (HOLT) v. MARTELL LAVOR HOLT

Case No.: DR-2020-900543.02

Verified Petition for Rule Nisi and for Modification

Page 3 of 5

14. The Father continues to incorporate corporal punishment on the minor children that they only want to see their father if he will stop hitting them.
15. The father does not provide adequate care for the minor children during his custodial periods. The father has asked the mother to deliver food to his house while the minor children was there. The father does not take pride in the minor children's appearance in public more specifically he refuses to comb/brush his daughters' hair.
16. That the father constantly has the minor children around his paramour who has threatened the mother and allows for her daughter to bully and taunt the minor children of the Father. The Mother fears that continued contact between the children and the father's paramour will cause confusion and emotional distress for the minor children. Additionally, the father's promiscuity was an issue during the divorce, and the mother avers that she is concerned for the children's moral well-being while in the father's care.
17. The Mother is concerned about the mental stability of the Father as he continues to relocate, violate previous court orders, in addition, threaten to distribute a sex tape that the parties created during their marriage.
18. That the mother avers it is in the best interest of the minor children for her to have sole legal custody.
19. Further, the mother fears for the safety and welfare of the minor children and avers it is in the best interest of the minor children for the father's visitation to be restricted to daytime visits only with no overnight visitation until such time as the father enrolls in therapy and anger management.
20. The Modification Order entered on February 28, 2023, provides the following, *inter alia*:

*Paragraph 3: The minor children **SHALL NOT** participate or be filmed for television or any other social media platform without leave of court or until the children reach the age of majority.*
21. That since the entry of the Final Judgment of Divorce, and the subsequent modification order, there have been material changes in circumstances that are substantial and warrant a modification of the restriction of the children being on social media and/or being filmed.
22. Since said order the mother has not been able to share memorable moments and milestones with a vast majority of family and friends such as Mother's Day photos,

Memorial Day, 4th of July. It has become a societal tradition for parents to share pictures of the minor children on the first day of school and even Christmas.

- 23. That the minor children have requested to be filmed as they miss that process and enjoyed it.
- 24. That the minor children have only been in opportunities on the mother's social media and filming that was age appropriate.
- 25. That social media and filming provides economic opportunities for the minor children to create their own wealth at an early age.

Respectfully submitted, this the 26 day of July, 2023,


Melody Shari Rodgers (Jul 26, 2023 15:42 CDT)

MELODY SHARI RODGERS (HOLT)
Petitioner/Mother

STATE OF ALABAMA)
MADISON COUNTY)

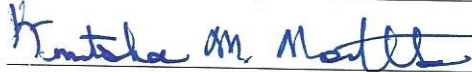
BEFORE ME, the undersigned authority, personally appeared **MELODY SHARI RODGERS** who being first duly sworn did depose and say that she has read the above and foregoing and it is true and correct.

SWORN TO and subscribed before me this the 26th day of July 2023



NOTARY PUBLIC

My Commission Expires: 5-18-2024



KINTISHA M. MATTHEWS (MAT069)

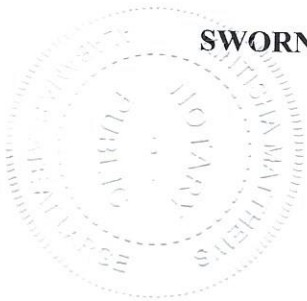
Attorney for Petitioner/Mother

KIN FAMILY LAW

P.O.Box 2491

Birmingham, AL. 35201

kmatthewslaw@gmail.com



PLEASE RETURN TO COUNSEL FOR THE PETITIONER FOR SERVICE
RESPONDENT'S/FATHER'S ADDRESS:

284 Big Oak Ln
Madison, AL. 35758

MELODY SHARI RODGERS (HOLT) v. MARTELL LAVOR HOLT

Case No.: DR-2020-900543.02

Verified Petition for Rule Nisi and for Modification