



JUDICIAL MERIT SELECTION COMMISSION
P. O. BOX 142
COLUMBIA, SC 29202

RECEIVED
DATE 10/28/24

JUDICIAL MERIT SELECTION COMMISSION)

In the Matter of: Judge Monet Pincus)
Candidate for)

South Carolina Family Court Judge)

**WITNESS AFFIDAVIT
FORM**

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement and all supporting documentation, if any, must be completed and the hard copies of all such documents shall be returned to the Judicial Merit Selection Commission by the deadline for complaints in order for the Commission to hear my testimony, and that the deadline for complaints is **12:00 Noon, Monday, October 28, 2024**. I understand I must be available to testify at the Public Hearing, and failure to appear will result in a dismissal of my complaint.

In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers.
- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.
- (3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including:
 - (a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate;
 - (b) specific dates, places, and times at which or during which such allegations took place;
 - (c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; and
 - (d) how this information relates to the qualifications of the judicial candidate.
- (4) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the

judicial candidate.

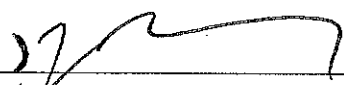
- (5) State any other facts you feel are pertinent to the screening of this judicial candidate.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate, and counsel.

WAIVER

I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the Commission,

I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the Commission to question other parties, including my attorney, concerning the facts and issues of my case.



Signature

Sworn to me this 25 day of October, 2024

Olivia Richards L.S.
Notary Public of South Carolina

My commission expires: June 14 2033

Olivia Richards
NOTARY PUBLIC
State of South Carolina
My Comm. Expires June 14, 2033

10/28/24

To the Members of the Judicial Merit Selection Commission:

This is a brief synopsis of my formal complaint against Judge Monet Pincus being submitted to your committee in the hopes that your committee not reappoint her as a Family Court judge so that future litigants in the Family Court will have to endure what I believe is lack of discernment over Family Court issues as well as what appears to be a lack of ethics in carrying out her duties.

As a background, I would like the Committee to know that I have been a long time small business owner in the state (Toolex Inc., since 2003) and additionally as a philanthropic hobby- a certified "Safety Officer" for South Carolina in which said credentials allow me to issue motorcycle license "waivers" to students that successfully pass a motorcycle safety course which I've taught both for the SC Technical College System and a South Carolina Harley Davidson dealership over 20 years.

While my divorce case is still working its way through the Lexington County Court system, it has been close to 4 years since it started and I've now become my own attorney for a variety of reasons that I am willing to discuss with the Committee if it sees fit to interview me. (and I hope it does)

My divorce "officially" started in December of 2020 with my attorney's first filing and subsequent hearing in February of 2021.

Earlier in December of 2020 my wife and I successfully completed a voluntary mediation to try to start divorce as we didn't meet the legal criteria to do so by SC law.

That mediation was with recently retired (at the time) Judge Dana Morris and the terms were that my wife was to clean our house and after doing so I would leave the house so we could start a "divorce" to fulfill SC's legal standard for a divorce and we would share custody of our 4 minor children and take psyche evaluations.

Further background information the Committee should be aware of is that my wife was suffering a "hoarding" disorder as acknowledged by Dr. Henderson in his March of 2023 report I've included with my information packet to your committee.

I had documented the increasing severity of her condition with well over 200 pictures spanning roughly three years that were submitted as part of that initial mediation with Judge Dana Morris.

Additionally, the Committee should note that I struggled to handle the matter emotionally and did both yelling and cursing in the second to the last year of the marriage that did more damage to the marriage.

While some of my documentation/pictures have been filed with the Court, not all of them due to the constraints within the filing process itself but should the Committee want access to the full scope of said pictures I can supply them via a cloud folder link.

Regardless- as the mediation agreement was being written up, my wife instead decided to abscond with our four children and go on a "multi-state" run through the South East and ended up in a women's shelter in Dallas by the time we had our first hearing in February of 2021.

I was greeted with charges of "violence" and my wife also floated "sexual grooming" charges both via the appointed Guardian ad Litem and to officers that recorded these suggestions on their bodycams prior to her flight.

It was at that point I started immediately being treated to some degree as a "criminal" in the court system.

Not only was I stripped of my right to be around my four children alone after being a father of seventeen years, but I was required to have a supervisor while being investigated.

This certainly diminished me further in the eyes of my children and "confirmed" to some degree initially that I was a "bad" person to them as they were already angry that I had yelled and cursed at their mother and they didn't understand that our living conditions were not "normal" due to their mother's disorder. For the record, I believe there has been substantial and significant "parental alienation" by my disordered wife in that regard and I ask the Committee to refer to excerpts from Dr. Henderson's report I have provided in that regard.

I believe the legal strategy that was employed by my wife's new attorney (she either fired her previous mediation attorney, Bill Forte, after fleeing the state with our children or he dropped her as I client, I don't know which) is referred to as the "Silver Bullet" strategy because rarely do spouses suffer for making false charges.

Please keep in mind that these charges were not made during the mediation with Judge Dana Morris.

As the case started I had an opportunity to clean our house a second time (I had cleaned it a year prior when my wife was out of town for extended period of time- she would not let me clean it when she was present which is typical of her disorder), which took me approximately two months and occasional help from others, cleaning at night while working during the day.

While the GAL's investigation yielded no evidence of said charges(because they aren't true)- the damage done during this time in terms of my relationship with my children was immense and my belief is that much of it will never be fully undone.

It was made very clear to me by my one and only visit with the initial psychologist(Dr. Touma), appointed by the GAL, that my wife intended to move back out of state after she was ordered back initially in our first hearing.

Please notice in Dr. Henderson's report that he states "Cathy(my wife) stated that she did not want to leave the marriage because she feared an equal time sharing arrangement and Nick being alone with the girls."

Fast forward to a hearing on July 15, 2021 with Judge Newton in which my wife asked to be able to move again out of state with our children and in which he ruled that she would NOT be allowed to do so as he saw no evidence she was actually looking for a job in state and that he was concerned about the parental alienation in the GAL's report. I have supplied your committee both with the GAL report and the transcripts of that hearing.

Please note that I did eventually file a SCODC complaint against the GAL as among the many issues that impacted the children negatively, the most egregious was confusion over the housing arrangements and negotiations which came up later. While the GAL acknowledged that my wife had access to her mother's 5 bedroom house in the SC upstate to live while we tried to negotiate a solution, she didn't actually communicate that to Judge Pincus during a hearing shortly following the Judge Newton hearing.

Roughly three weeks after Judge Newton denied my wife the out of state move- my wife's attorney filed an secured yet another emergency motion under almost identical conditions(though Judge Pincus has denied this to be the case in her motion to reconsider ruling) in which Judge Pincus allowed my wife to move a six hour drive away with our children, which has remained this way ever since despite both my oldest and youngest children suffering academically and my wife continuing to exhibit conditions of her hoarding disorder. (I have tried numerous time to resolve this situation via the family courts and failed)

I have provided the Committee with the transcript from that hearing(August 9, 2021) as well so it can decide for its own whether Judge Pincus's discernment is "reasonable" or not. I do not believe it to be obviously, but ultimately that is for your committee to decide.

I also ask that you consider the backdrop in which not one, but TWO judges prior saw fit to prevent my wife from removing the children substantially from their father's life- which as my wife stated as a goal to Dr. Henderson.

Aside from the lack of reasonable discernment I believe Judge Pincus exhibits, I ask the Committee also consider the following ethical/legal issues surrounding the carrying out of her duties as a family court judge:

1. I had to file and SCODC complaint(Dated 10/17/23 and in the packet) in order to get Judge Pincus to hear my "motion to reconsider" on the above issue, which took years in and of itself in addition to the other issues in said complaint, which I have included to the Committee for its consideration.

My SCODC complaint includes "less than professional" comments made by Judge Pincus during that hearing that from some reason escaped the transcripts. The Committee will have to decide if I am a credible witness or not in that regard, but there is still plenty of other evidence via the transcripts that show said lack of discernment in many areas, especially in regard to the notion of "flying" every other week to see my children as shown in the transcripts.

I'm sure Judge Pincus knows that 99.9% of the population can't afford to do that. It should also be noted that initially I was the only person that initially brought up the issue of the impacts on my children of driving 12 hours every other weekend(to/from Virginia) despite the comments made by Judge Pincus in the transcripts. In fact, my asking the "temporary" visitation be moved to extended weekends once a month was used against me later by my wife's attorney by her suggesting I didn't want to be around my children in a later hearing.

Judge Pincus also claimed to have "not received" the certificate of service and filing associated with the motion to reconsider despite the certificate, stamped filing and email service which I have included in the packet.

2. Judge Pincus actually tried to prevent me from even hiring a psychologist to further investigate issues surrounding "parental alienation" as the GAL had admitted to me that she is not trained in that area. I ask the Committee to note both Judge Pincus's email to the attorney's in regard to the hearing as well as the transcripts related to said order via email and my attorney's response which have been provided to the Committee.(Dated 3/31/22 & 4/14/22 in the packet)

I can't imagine any reasonable judge preventing the litigants from discovery in a situation like this and I ask the Committee to consider this in its decision to reappoint Judge Pincus.

3. I have provided the transcripts and ruling(dated 2/15/24) by Judge Pincus from earlier this year finally ruled on the "motion to reconsider" that I believe the Committee should review given Judge Pincus all but acknowledges ignoring the "Latimer" factors in her "temporary" ruling(now over 3 years old) in allowing my wife to have moved six hours away with our children and states the Court is not obligated to "make findings of fact" in temporary orders.

One of the Latimer factors to be considered is specifically what the custodial parents intent is regarding moving away from the other parent and my wife made clear to Dr. Henderson what her intent was.

I ask the Committee to again consider, is this "reasonable"?

Also troubling is Judge Pincus's statement in said ruling that "nothing in the undersigned's order prevent the litigants, the Guardian or the Court from continuing to address the issue of alleged alienation" despite the record showing otherwise as I have provided to the Committee(email dated 4/12/22) by Judge Pincus herself.

4. I ask the Committee consider that despite my SCODC complaint, filed in October of 2023, Judge Pincus did not recuse herself from further hearings(outside of the motion to reconsider) on my case. It is my belief that by reasonable ethical standards given the case history this should have been done.

Recently, I asked for equity in discovery from the court as well as permission to sell the family home due to my business struggling and not only did Judge Pincus heard this case improperly in my opinion, but half of the actual "judgment" against me, specifically not allowing me to sell said family home, which I believe is legally "dubious" in nature, has never been formally filed to my knowledge.(yet the other half of said order/judgment has been)

My belief is the other half specifically denying me the ability to sell the marital home(as noted in the transcripts(dated 8/13/24 I have provided in this packet) has not been filed purposely.

Again, the Committee will have to decide what is or is not reasonable, but my guess is that once Judge Pincus is made aware of my communication to your committee, she will once make an excuse along the lines of her claim that she never received the certificate of service or communication from my attorney on the "motion to reconsider" and then "write" the order, so in that regard, this portion of my communication to your committee is costing me over \$1700.

I would appreciate any opportunity to directly address and/or be questioned by your committee and I'd like to reinforce my ultimate hope in filing my complaint against Judge Pincus is really so that future litigants have better outcomes via judges that exhibit better discernment and commitment to the law/ethics.

Sincerely,



Dominic "Nick" Badalamenti

Note: Attachments are not included.
Documents are from a pending case.