

2 **DECLARATION OF VICTORIA HOPPER**

3 I, VICTORIA HOPPER, declare as follows:

4 1. I am the Respondent in the above-entitled action.  
5 I have firsthand, personal knowledge of the facts stated herein,  
6 and if called as a witness, I could and would competently testify  
7 thereto.

8 2. I submit this declaration in support of my Order  
9 to Show Cause Re child custody/visitation, restraining orders,  
10 therapy for minor child, use and occupancy of the family  
11 residence, removal of guns from residence, child support, spousal  
12 support, maintenance of life insurance policies, and attorneys  
13 and accounting fees and costs.

14 3. Petitioner and I began living together in 1992 and  
15 were married on April 12, 1996. We have a daughter, Galen, age  
16 6, born March 26, 2003.

17 4. Petitioner filed to dissolve our marriage on  
18 January 14, 2010. After having been diagnosed with prostate  
19 cancer nearly ten (10) years ago, he is now extremely ill with  
20 metastasized cancer. He has just completed months of a trial  
21 therapy with an experimental medication, which was,  
22 unfortunately, ineffective. On January 7, 2010 Petitioner began  
23 chemotherapy treatment. Petitioner has been in recent months and  
24 remains in ill health.

25 5. In October, 2009, I discovered Petitioner made  
26 changes to his estate plan in violation of the terms of our  
27 Premarital Agreement. I sought legal assistance in this respect.  
28 Since late October, 2009 my attorneys have been in communications

2 with Petitioner's attorneys in an attempt to resolve these issues  
3 surrounding our Premarital Agreement and Petitioner's estate  
4 plan. Instead of reaching a resolution, I was served with the  
5 Petition for Dissolution on January 14, 2010.

6 6. Over the past few weeks Petitioner has stated to  
7 me that he has been "pressured" by his advisors and adult  
8 children from other relationships to file for dissolution of our  
9 marriage. Furthermore, I believe that Petitioner is more often  
10 than not incapable of handling his legal and financial affairs.  
11 Petitioner's adult children are attending his legal appointments  
12 and have told me they "read everything."

13 7. Petitioner has told me that he does not want to  
14 divorce. Petitioner has told me that other people are insisting  
15 that he take care of them upon his death. In the spring of 2009  
16 Petitioner told me his adult daughter, Marin, told him that I was  
17 "stealing" Marin's inheritance. I had not requested a change in,  
18 or seen, any changes in Petitioner's estate plan that deviate  
19 from the terms of our premarital agreement. I believe that the  
20 filing of the present dissolution action is a result of estate  
21 planning by other family members. I do not believe that  
22 Petitioner is capable of taking care of himself or his legal and  
23 financial affairs. Therefore, I do not believe Petitioner is  
24 capable of making sound decisions in the best interests of our  
25 daughter.

26 / / /

27 / / /

28 / / /

2 **Child Custody/Visitation**

3 8. I am requesting that I be awarded sole legal and  
4 physical custody of Galen, with reasonable supervised (by reason  
5 of his present state of health) visitation to Petitioner. I have  
6 been Galen's sole parental care provider since she was born.  
7 While Petitioner loves his daughter and she loves him, he is not  
8 now nor has he ever been involved in any of her day-to-day  
9 activities, such as attending and organizing playdates, going to  
10 doctor appointments, feeding, bathing, clothing her, interacting  
11 with the school, or being a part of her bedtime and morning  
12 routines. I can recall only one outing Petitioner has had with  
13 Galen alone during her lifetime and only a handful of hours alone  
14 in the house during Galen's life.

15 9. Petitioner does not seem aware of matters which  
16 are inappropriate for a child of Galen's age. Petitioner has  
17 television on almost twenty-four (24) hours per day, mostly on  
18 news and crime programs. For example, when Petitioner wanted to  
19 show Galen a program in which he appeared, which had a graphic  
20 sex scene between two characters, I removed her from the room  
21 immediately when I saw the content of the program. I have  
22 monitored Galen and the television since she was born to shield  
23 her from inappropriate programs. When I do this, Petitioner has  
24 told me, "She should hear it. She should learn what the world is  
25 really like." Galen is six-years old.

26 10. In recent months, I have become particularly  
27 concerned about Petitioner's ability to care for Galen. I do not  
28 believe he is presently capable of making any competent decisions

2 concerning Galen due to his illness which I have witnessed has  
3 resulted in his diminished mental and physical capacity.  
4 Petitioner receives 24 hour nursing care. Petitioner is very ill  
5 following his chemotherapy treatments. Petitioner is taking  
6 painkillers, using medical marijuana, and other prescription  
7 medications as a result of his illness. His activity level and  
8 cognitive skills seem to vary depending on the day. For example:

9 a. On November 12, 2009, I spoke with  
10 professionals at Galen's school regarding possible effects  
11 Petitioner's diminishing health may have on Galen. They  
12 recommended Petitioner and I get support from a good child  
13 therapist for Galen to help her express her feeling and to cope  
14 with the difficult and troubling experience of her father's  
15 illness. I came home and discussed these recommendations with  
16 Petitioner. Petitioner became infuriated and aggressive. I  
17 attempted to calm him down and reassure him that it was not about  
18 him, but for support for Galen. Petitioner's behavior became  
19 erratic, with Petitioner jumping between topics and making  
20 extraordinarily exaggerated statements. Petitioner then  
21 threatened to "end" me if I ever tried to leave him, although I  
22 had not indicated I would do so.

23 b. On or about January 17, 2010, I heard  
24 Petitioner over the intercom in our house telling our daughter  
25 that he had to go to the emergency room and he had just been in  
26 the hospital for a few days and he just returned home. I was  
27 alarmed by these statements as I had brought Galen to see him the  
28 day before and he was in bed. For the most part, Petitioner is

2 in bed and requires assistance to take care of even his basic  
3 daily routine needs.

4 11. Petitioner uses marijuana multiple times daily.  
5 I have come upon Petitioner using marijuana in Galen's presence  
6 in recent months. *I request the Court order Petitioner to*  
7 *refrain from use of marijuana and any nonprescription drugs 6*  
8 *hours before and during any time he spends with Galen.*

9 12. While I believe it is in Petitioner's and Galen's  
10 best interest that they have frequent contact with one another,  
11 I believe visitation should be scheduled in reasonable periods of  
12 time depending on Petitioner's medical state in order to best  
13 provide for our daughter emotionally. *I am requesting that*  
14 *Petitioner spend reasonable supervised time with Galen weekday*  
15 *afternoons for 30 - 60 minutes depending on his health and*  
16 *Galen's schedule. I am requesting that further time between*  
17 *Petitioner and Galen be as mutually agreed upon, taking into*  
18 *consideration his health, and giving our child as normal a*  
19 *routine as possible with normal play dates, after school*  
20 *activities, etc. Galen is involved in musical theater class, art*  
21 *class, tutoring and dance class. While I believe Petitioner's*  
22 *time with Galen is important, I believe it is in Galen's best*  
23 *interest to maintain a sense of normalcy during this time of*  
24 *changing family dynamic and allow her to continue with her*  
25 *regular activities.*

26 13. Because Petitioner's medical and cognitive state  
27 fluctuates and is unpredictable, *I request that Mischa or another*  
28 *mutually agreed upon person be present at all times Galen is in*

2 *Petitioner's care. Mischa is Galen's former baby nurse and*  
3 *current babysitter who has worked for our family for many years.*  
4 *Galen is very familiar with her because Mischa has been with our*  
5 *family since Galen's birth.*

6  
7 **Therapy for Galen**

8 14. I am requesting immediate therapy for Galen with  
9 a psychologist referred to us by either Galen's school or by her  
10 pediatrician. I am requesting that Petitioner pay for the costs  
11 of therapy for Galen.

12 15. I have made requests of Petitioner for Galen to  
13 commence therapy since October, 2009, to no avail.  
14 Petitioner and I received a letter from Galen's school dated  
15 January 12, 2010 indicating they see signs of stress in her.  
16 They have recommended she receive therapy and have suggested  
17 Junie Mayes conduct this therapy.

18 16. Our attorneys are presently attempting to resolve  
19 this matter. In the event they are unable to do so, *I request*  
20 *therapy for Galen be ordered to commence immediately by a*  
21 *therapist recommended by Galen's school or pediatrician for so*  
22 *long as directed by the therapist. I request Petitioner bear the*  
23 *expense for Galen's therapust.*

24  
25 **Gun Restriction**

26 17. During our marriage I was aware Petitioner owned  
27 guns and kept them in the house. Petitioner told me they were  
28 securely stored and separated from ammunition. In 2009 I

2 discovered a pistol with multiple rounds of ammunition in  
3 Petitioner's bedroom drawer. The gun and ammunition was unsecure  
4 and easily accessible, including to Galen. I also located a  
5 loaded shotgun, unsecure, in our bedroom closet. I told  
6 Petitioner I would remove the guns from our home. Petitioner  
7 agreed. I immediately moved the guns to a secure temporary  
8 location and later had them removed by a police officer.

9 18. In mid-October 2009, while I was putting Galen to  
10 sleep, I heard the sounds of firecrackers outside.  
11 Petitioner burst into Galen's bedroom and demanded to know where  
12 his guns were. He said he had gone for his pistol in his drawer  
13 and was enraged when I reminded him I had it removed. Petitioner  
14 screamed at me, swearing. His behavior frightened me. This was  
15 done in Galen's presence. Petitioner told me he was going to get  
16 more guns. I am unaware if he did so. *I request the Court order*  
17 *Petitioner to remove any guns that may be in our home and be*  
18 *restrained from bringing any guns into our home.*

19  
20 **Restraining Orders**

21 19. Marin is Petitioner's 47 year old daughter from a  
22 prior relationship. Marin and her daughter moved into the  
23 guesthouse on our property two and a half years ago.

24 20. *I request Petitioner be restrained from allowing*  
25 *Marin to be present during his visits with Galen or from having*  
26 *any communications with Galen.*

27 21. *I further request that the Court make orders that*  
28 *neither Petitioner nor I talk about, or allow others to talk*

2 *about, matters related to this litigation or make disparaging*  
3 *remarks about the other in the presence of Galen.*

4  
5 **Use of Home**

6 22. Petitioner and I live in a home which is composed  
7 of three lots and six structures, all with separate kitchens and  
8 bathrooms. I would best describe the set-up as a "compound."  
9 Petitioner's adult children, Henry (age 19) and Marin (age 47),  
10 reside on the "compound" in which we reside. Marin and Henry  
11 have their own units on the compound and have unfettered access  
12 to the main residence and it's facilities, including the yard and  
13 pool.

14 23. By way of general description to provide context  
15 for the relief requested herein, the main unit is a modern style  
16 with two stories. The second floor is the master suite, living  
17 room, kitchen, Galen's bedroom, the nanny's room, a television  
18 room, and a guestroom which is most often utilized by Henry (who  
19 also lives in one of the other units on the compound.) Our home  
20 is open with few doors. For example, some floors are made of a  
21 transparent glass; there are open balconies and several walls do  
22 not reach up to the ceiling. There is little privacy within the  
23 home.

24 24. Petitioner's daughter, Marin, and her six year-old  
25 daughter live in the guest house on the lot which contains our  
26 yard, pool, and a pool house with a full kitchen. Marin has a  
27 key and enters our home (the main unit) unannounced and at times  
28 when we are not at home.

2 25. Petitioner's son, Henry, lives on another lot  
3 (Unity 326B) containing a 2-story, one-bedroom guesthouse. This  
4 lot contains two other one-bedroom guesthomes, one of which is an  
5 office (Unit 326C) and the other has been treated by  
6 Petitioner and I as a "retreat" (Unit 326A). Petitioner used  
7 Unit 326A as his place to work on his art, watch television, and  
8 relax. All of the homes on the lots have full kitchens and  
9 bathrooms.

10 26. I do not believe it is emotionally healthy for me  
11 or Galen to continue to reside in close proximity to Petitioner.  
12 Petitioner is volatile and verbally abusive to me. With  
13 Petitioner's illness, this behavior has escalated to direct  
14 threats to my safety and well-being. For example:

15 a. Petitioner was diagnosed with metastasized  
16 prostate cancer during the summer of 2008. Petitioner became  
17 increasingly angry following this diagnosis. In October of 2008,  
18 Petitioner told me I was "a human garbage can" that he could  
19 "dump anything on." Later that week we learned Petitioner's  
20 cancer had become spread and become very serious. I made a  
21 decision at that point to stay with Petitioner and stand by him,  
22 no matter how difficult, through his illness.

23 b. In the summer of 2009, Petitioner said to me,  
24 "Something bad is going to happen to you and you won't see it  
25 coming."

26 c. In October 2009, Petitioner fell ill and was  
27 taken to a hospital while he was in New York on a press junket.  
28 I was in Los Angeles with Galen at the time. I flew to New York

2 to be with Petitioner. While I was caring for him at his hotel  
3 following his release from the hospital he became enraged and  
4 yelled that I "caused" his prostate cancer. I expressed to  
5 Petitioner I was going to the lobby to request a separate room  
6 upon hearing this accusation which was very upsetting for me.  
7 Petitioner threatened me, "I will never let you leave me."

8 d. In November, 2009 Petitioner then threatened  
9 to "end" me if I ever tried to leave him.

10 e. In October 2009, when I removed Petitioner's  
11 guns from the family residence, Petitioner became very angry with  
12 me for removing the guns and threatened that he was going to buy  
13 new guns.

14 27. I felt so traumatized by Petitioner's threats,  
15 there were days when I slept behind a locked door in Galen's area  
16 with Galen in order to feel that Galen and I were safe.

17 28. Galen was sick January 12, 2010, and was sent home  
18 from school as a result of her illness. At the direction of  
19 Petitioner's nurses, I kept Galen out of the main unit and into  
20 Unit 326A so as to not compromise Petitioner's health during  
21 chemotherapy. On January 14, I was served with the Petition for  
22 Dissolution of Marriage. On January 14, Galen was well enough to  
23 return to school and I attempted to return to the main residence.  
24 However, Petitioner had people, including his adult children, in  
25 the main house who demanded that I leave immediately. These  
26 demands were made in front of Galen. Galen became distressed and  
27 asked that we not stay in the main unit, saying she "did not feel  
28 safe" there. Galen and I have been sleeping together on

2 sectional couches pushed together in Unit 326A. There are few  
3 furnishings in this unit.

4 29. I recognize that it would be unconscionable for  
5 Petitioner to be removed from our main residence considering his  
6 medical condition. Therefore, I am requesting the right to  
7 reside in a separate structure of the family compound and have  
8 exclusive use and possession of Unit 326A. I agree that  
9 Petitioner may have exclusive use and possession of the master  
10 bedroom suite. I am further requesting the sum of \$30,000 so  
11 that I may furnish unit 326A with appropriate furniture and  
12 furnishings.

13 30. As both Marin and Henry have free access to the  
14 main unit at the present time, *I request Petitioner and I*  
15 *mutually agree upon any other third parties ability to have*  
16 *access to the common areas of the main unit.*

17  
18 **Support**

19 31. As stated above, Petitioner and I signed a  
20 Prenuptial Agreement prior to our marriage. I dispute the  
21 validity and enforceability of this Agreement. Neither spousal  
22 support, child support, nor attorneys fees and costs are  
23 discussed in the Prenuptial Agreement.

24 32. Petitioner stated to me that he will leave me  
25 destitute. Under the terms of the agreement, Petitioner agreed  
26 to leave me 25% of his estate so long as we are "married and  
27 living together". Petitioner's medical state is rapidly  
28 deteriorating. I believe this action for dissolution of marriage

2 was filed in an attempt to cut me out of Petitioner's estate  
3 plan. I reserve my rights to dispute the validity and  
4 enforceability of the premarital agreement.

5 33. Based on Petitioner's statements to me that he  
6 will leave me destitute and because I do not have a steady or  
7 significant source of income, I fear I will be unable to  
8 financially provide for our six year old daughter and myself.

9 34. Although Petitioner and I married in 1996, we have  
10 been together for almost twenty years. I moved in with  
11 Petitioner in 1992, when I was twenty-four (24) years old.  
12 Nearly the entirety of my adult life has been devoted to  
13 maintaining our home, caring for our child, caring for  
14 Petitioner's now adult children from prior relationships, and  
15 supporting Petitioner in his career.

16 35. While I have attempted to work at various careers  
17 throughout our marriage, Petitioner has discouraged and prevented  
18 me from doing so. Therefore, I do not have earnings or monetary  
19 accumulations in order to provide support for me or Galen, pay my  
20 attorneys fees, or obtain another residence.

21 36. Petitioner has solely provided financially for our  
22 family, pays all of our living expenses, and provides me with the  
23 use of two different credit cards, each of which has a \$5,000  
24 limit for Galen's and my general expenses. I typically utilize  
25 the majority of the \$10,000 per month limit on my credit cards.  
26 While I would not consider Petitioner or I frivolous with our  
27 spending, we live comfortably and have had the ability to spend  
28 discretionarily throughout our marriage.

2 37. I signed our jointly filed 2008 tax returns. Our  
3 2008 federal tax return states our total income to be \$1,286,864.  
4 I believe Petitioner has additional cash flow available for  
5 support based upon perquisites he receives from his businesses  
6 and business deductions.

7 38. I request guideline child support and spousal  
8 support in an amount to enable me to maintain a comparable  
9 standard of living as we had during our marriage.

10  
11 **Life Insurance**

12 39. I am aware of one life insurance policy  
13 Petitioner has on his life, with a death benefit of one million  
14 dollars (\$1,000,000). I request that the Court order  
15 Petitioner to maintain and designate Galen and me as sole and  
16 equal beneficiaries on this and any other life insurance policy  
17 in existence on Petitioner's life, as security for child and  
18 spousal support.

19  
20 **Educational Trust**

21 40. Petitioner formed a trust to fund the education of  
22 Henry and Galen. Henry, now 19 years old, has graduated from  
23 high school, has attended two years of art school, and is now  
24 successfully acting in film roles. I request the Court order  
25 Petitioner to maintain the remainder of this trust for Galen's  
26 sole benefit.

27 / / /

28 / / /

2 **Attorneys' Fees and Costs**

3 41. I am requesting payment of my attorneys' fees and  
4 costs so that I have legal representation in this matter. I do  
5 not have an income and do not have a source for payment of my own  
6 attorneys' fees and costs. I am requesting the sum of \$150,000  
7 for attorneys' fees and an additional \$50,000 as and for  
8 accounting fees and costs.

9  
10 I declare, under penalty of perjury, under the laws of the  
11 State of California, that the foregoing is true and correct.

12 Executed January 25, 2010 at Los Angeles, California.

13  
14  
15 \_\_\_\_\_  
16 VICTORIA HOPPER  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28