



IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

WILLIAMS, LA'BERRICK D.)	
)	
Plaintiff,)	CIVIL ACTION NO.
V.)	47 DR-2020-900600.03
)	
(WILLIAMS), DESTINY L. PAYTON)	
)	
Defendant.)	

PETITION FOR RULE NISI AND MODIFICATION

Comes now the Defendant in the above-entitled cause and files this, her Petition for Rule Nisi and Modification, and respectfully represents unto this Court as follows:

Petition for Rule Nisi

1. Defendant re-adopts and reavers the allegations contained in her Counter-Petition for Rule Nisi as set forth in her Answer and Counter-Petition for Rule Nisi filed in Case No. 47-DR-2020-900600.02, and which are set forth in their entirety as follows:
 - a. That the Plaintiff has unilaterally changed the medical providers of the minor child of the parties, contrary to the medical decision-making authority awarded to the Defendant pursuant to 3(B)(h) of the Final Judgment of Divorce as entered by this Honorable Court on April 12, 2021.
 - b. Furthermore, the Plaintiff has continually willfully and intentionally failed to pay uninsured healthcare costs of the minor child.
 - c. That the Plaintiff has failed to coparent with the Defendant, refusing to communicate prior to making decisions regarding the minor child and/or communicating his decisions through third parties, in contradiction of the Standard Parenting Clauses incorporated in the Final Judgment of Divorce of the parties.

- d. That the Plaintiff has intentionally and willfully attempted to alienate the minor child of the parties from the Defendant.
- e. That the Plaintiff has intentionally and willfully neglected the medical needs of the minor child by interfering with attempts to have the minor child of the parties thoroughly evaluated and/or treated, as recommended by the medical providers of the minor child of the parties.
- f. That the Plaintiff has disparaged, attempted to intimidate, and harassed the Defendant in front of the minor child of the parties, one such incident resulting in him being ordered to leave the location of custody exchange by a uniformed police officer at the Huntsville Police Department.
- g. That the Plaintiff has violated Paragraph 1(e) of the Standard Parenting Clauses as incorporated in the Final Judgment of Divorce by travelling out of town for overnight travel and failing to inform the Defendant of same or provide her with her right of first refusal as set forth in said Paragraph.
- h. That the Plaintiff has failed to provide the minor child an environment in which he can grow and thrive, by intentionally interfering in and refusing to take the minor child to scheduled extracurricular activities and keeping the minor child from school, despite the minor child's documented delayed speech development, potential behavior issues, and educational progress.
- i. That further, Plaintiff has repeatedly refused to pay his share of costs of extracurricular activities, participated in by the minor child, and out of pocket medical expenses.

- j. To the best information and belief of the Defendant, the Plaintiff has had overnight romantic partners as visitors in the presence of the minor child during the minor child's overnight custodial time with the Plaintiff which is an intentional, willful violation of Paragraph 2(k) of the Standard Parenting Clauses incorporated in the parties' Final Judgment of Divorce.
- k. That as a result of the actions of the Plaintiff, up to and including an attempt to have the Defendant arrested without justification and Plaintiff's failure to communicate or co-parent the minor child, the Defendant has incurred unnecessary attorney fees that warrant an award to Defendant of attorney's fees to be paid by the Plaintiff.

Petition for Modification

- 2. Having set forth her Petition for Rule Nisi, the Defendant sets forth her basis for requesting a modification of the Final Judgment of Divorce as entered on April 12, 2021, and the Final Order of Modification as entered on May 1, 2023, as follows:
 - a. That to the best information and belief of the Defendant, and against the advice of medical professionals, the Plaintiff practices corporal punishment of the minor child of the parties. Furthermore, the minor child of the parties is currently in therapy due to the limitations referenced in Paragraph 1(h) of the Petition for Rule Nisi hereinabove. The Defendant respectfully requests this Honorable Court to enter an Order modifying the Final Judgment of Divorce to add a provision forbidding corporal punishment to be used on the minor child as it is contrary to the advice of medical professionals due to the minor child's current cognitive development.

- b. That the Defendant avers the parties have difficulty co-parenting, and that the Plaintiff requires all communications to be made through Facebook Messenger, which is subject to messages being deleted, recalled, or otherwise hidden. The Defendant would request a modification of the Standard Parenting Clauses, Paragraph 2(b), to require the parties communicate via electronic mail services such as “My Family Wizard” or any comparable equivalent thereto.
- c. That the Settlement Agreement of the Parties as incorporated in the Final Judgment of the Divorce, Paragraph 12(c)(4), prohibits the Defendant from discussing the Plaintiff on the television show Love and Marriage Huntsville. However, to the best information and belief of the Defendant, the Plaintiff has been communicating with fellow cast members on the show as well as various bloggers to spread false allegations regarding the Defendant, while the Defendant is completely restrained from exercising her First Amendment Rights to defend herself from said false allegations, and further interfering with her ability to generate income as she has been threatened with removal from such employment due to the allegations made by the Plaintiff and her apparent acquiescence to such claims due to her silence in the face of such claims.
- d. That in the alternative, Defendant requests that the Plaintiff be restrained from contacting the cast workers, management, or other individuals associated with Love and Marriage Huntsville to discuss the Defendant, the minor child of the parties, or any issues related thereto, and intentionally interfering with her attempts to produce income.


- e. That during the Plaintiff's custodial time, the Plaintiff has intentionally and willfully neglected the educational and extracurricular activities of the minor child of the parties, in part contributing to the minor child's documented delayed speech development, potential behavior issues, and educational progress. Therefore, the Plaintiff requests that Paragraph 3(h) of the Agreement of the Parties as incorporated in the Final Judgment of Divorce be modified to permit the Defendant to exercise decision making authority over sports, extracurricular activities, and the education of the minor child. Further, that Paragraph 1 and 2 of the Settlement Agreement of the Parties, as incorporated in the Final Order of Modification entered on May 1, 2023, be modified to require the minor child be with the Defendant on days when the minor child's academic center and/or development center are in session.
- f. That the Plaintiff has repeatedly failed to pay for the medical expenditures related to the minor child, which has caused the Defendant to be burdened by additional costs that are only exacerbated by the unique needs of the minor child of the parties. That the Defendant requests that this Honorable Court will order a recalculation of child support due from Plaintiff to Defendant, pursuant to the applicable Child Support Guidelines, taking into account the parties' current income, and make any such change in child support retroactive to the date of the filing of this Petition.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that your Honor will take jurisdiction of this Petition for Rule Nisi and Modification and that, upon a final hearing of this cause, your Honor will enter a final judgment granting the following relief to the Defendant:

That Defendant further prays that upon a final hearing of this Petition, your Honor will find the Plaintiff in civil and criminal contempt of Court for his failure to comply with the Orders of this Court, and further, enter a judgment in the Defendant's favor for all sums due to her as past-due medical, childcare, and extracurricular activities plus accrued interest.

That the Defendant further prays that this Honorable Court will enter an Order modifying the previous Orders of this Court to prohibit corporal punishment of the minor child, to set forth an approved method of communication between the parties, to remove the restraints on the speech of the Defendant, or in the alternative, to restrain the Plaintiff from making spurious allegations to the workplace of the Defendant, to grant the Defendant authority over the educational and extracurricular activities of the minor child of the parties, to modify the custody schedule so that the minor child is with the Defendant on school and/or days in which the minor child is to attend his developmental center, and further, to enter an Order requiring a recalculation and setting of child support to be paid to the Defendant retroactively to the date of the filing of this Petition.

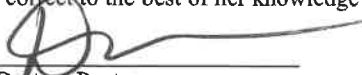
That Defendant further prays that your Honor will order the Plaintiff to pay to her a reasonable sum with which to pay her attorney of record for her services rendered to her in this cause, and the Defendant prays for such other, further, different or more general relief to which it may appear that she is entitled.


Destiny Payton

STATE OF ALABAMA)
MORGAN COUNTY)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Destiny Payton, who, being first duly sworn, deposes and says that the matters and

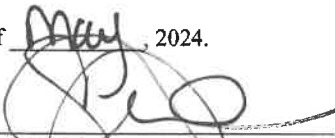
things contained in the foregoing Counterclaim are true and correct to the best of her knowledge and information.



Destiny Payton

Sworn to and subscribed before me this 8th day of May, 2024.





NOTARY PUBLIC

DOMINICK • FEED • HYDE, P.C.

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served on counsel for all parties to the proceedings by:

- electronically filing the foregoing with the Clerk of Court using the CM/ECF System, which will send notification of such filing;

this May, 2024 ~~May~~, 2024, to the following:

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Of Counsel