



IN THE CIRCUIT COURT OF MADISON COUNTY, ALABAMA

MELODY SHARI HOLT,)
)
 Plaintiff,)
)
 v.)
)
 MARTELL LAVOR HOLT,)
)
 Defendant.)



FIRST AMENDED COUNTERCLAIM AND PETITION FOR RULE NISI

COMES NOW Defendant, **MARTELL LAVOR HOLT**, by and through his attorney of record, and files this his **FIRST AMENDED COUNTERCLAIM AND PETITION FOR RULE NISI**, and in support thereof states as follows:

1. Defendant adopts and incorporates by reference the claims set forth in his original Counter-Claim and Petition for Rule Nisi as if set forth herein in their entirety.
2. That this Court previously ordered, in an Order dated September 6, 2022, that “[t]here shall be **NO CORPORAL PUNISHMENT** administered to the children.” However, Plaintiff continue to physically punish the parties’ youngest child, M.H.
3. That this Court Ordered on February 28, 2023, that “[t]he Father **shall have** the right of first refusal. For purposes of the parties’ edification, if the parties cannot agree, ‘occasional nights with a grandparent’ shall be considered once per quarter.”

Plaintiff is in contempt of this order by allowing the minor children to visit with their grandmother, Vanessa Tracey (“Tracey”), at least once a month without giving Defendant right of first refusal.

Plaintiff is further in violation of this order by leaving the minor children in the care of Jason Moore (“Moore”), a man she refers to as her “security guard,” without giving Defendant right of first refusal.

4. That Plaintiff refuses to provide Defendant with the grandmother’s contact information. Therefore, he has no way to communicate with his children anytime they are with her.
5. That Moore routinely places the lives and welfare of the children at risk by allowing the 11- and 12-year olds to drive a car on city and state roads.
6. That Plaintiff’s mother also places the live and welfare of the children at risk by allowing the 11-and 12-year olds to drive her car on city and state roads.

7. That Plaintiff allows Moore, who is married to another woman, to refer to himself as “Daddy” to the children, in violation of this Court’s Parenting Clauses, which have been attached to and incorporated in at least two (2) previous orders of this Court.

8. Plaintiff allows Moore to spend the night with the children present. Plaintiff also allows Moore to travel with her and the children.

9. Plaintiff and Moore appear to be engaged in a relationship other than that of an employer/employee. She allows him to come inside the house and stay after the children are asleep, she cuddles on the couch with him and he rubs her feet, and they tell each other they love the other via text messages. Additionally, they have been observed kissing in the middle of the night when they think all of the children are asleep. At least one child has observed this and was very upset that her mother would have a relationship with a married man.

Allowing a member of the opposite sex with whom she is engaged in a romantic relationship to spend the night while the children are home is a violation of this Court’s Parenting Clauses, which have been attached to and incorporated in at least two (2) previous orders of this Court.

10. That Plaintiff continues to provide pictures of the minor children to her assistant, Lauren, and her mother, Tracey, to post on social media and allows them to be seen in “live” posts.

11. That Plaintiff, who has decision-making authority over routine medical issues, refuses to provide the children with a pediatrician or primary care physician. The children have no routine medical check-ups.

12. That Plaintiff continues to take the minor children out of town for extended periods of time during the school year. These trips have no educational or cultural benefit. Two of the children are struggling academically and are forced to miss school. These trips also force them to miss scheduled sports and cut into Defendant’s custodial time.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Honorable Court will:

A. Order the Plaintiff, **MELODY SHARI HOLT**, to appear at a time and date to be set by the Court, to show cause, if any she may have, why she should not be punished as for a civil and criminal contempt with respect to the matters and things set out herein above, that upon said hearing, the Court will find said Plaintiff, **MELODY SHARI HOLT**, in contempt of court and will mete out such punishment as this Honorable Court may deem just and proper;

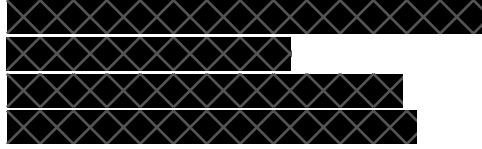
B. Award to Defendant reimbursement for any and all attorney’s fees;

C. Enter such other orders and decrees as may be reasonable and proper in this action.

Respectfully submitted on this the 26th day of September, 2024.

/s/ JoLayne G. Duck
JOLAYNE G. DUCK

Attorney for Defendant



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Hon. Kintisha M. Matthews, Attorney for Plaintiff, and Hon. Marie Crissone, Guardian ad Litem, by electronic mail, hand delivery and/or the alafile electronic filing system on this the 26th day of September, 2024.

/s/ JoLayne G. Duck

JOLAYNE G. DUCK