

Public Appendix

Memorandum opinion and judgment, District of Columbia Court of Appeals, 7/22/2021

Docket sheet D.C. Superior Court

Order, D.C. Superior Court, 5/20/2020

Order, D.C. Superior Court, 11/06/2021

Order, D.C. Superior Court, 11/20/2018

Order, D.C. Superior Court, 9/11/2018

Order, D.C. Superior Court, 8/23/2018

Ruling(s) Bahrain Islamic Affairs & Waqf Court

Child's own written testimony

Lawyer emails threatening me unless I violate Original Consent Custody Order

D.C. Superior Court hearing transcript(s)

Letter, Safe Shores child trauma therapy

Letter, D.C. Public Schools trauma-based IEP determination

Letter, MSP child abuse and domestic violence trauma-based admission

Email, U.S. Department of State's American Citizen Services, OIG

Letter, U.S. Department of Justice, Civil Rights Division, Criminal Section-PHB

Email thread, Congressman Susan Davis

Photos of wedding onboard active military carrier

My profile

My professional endorsements

My Bachelor's Degree in Child Development from San Diego State University

Letter, referencing my outcomes as a mother/teacher from Poway Unified School District

My daughter's profile

My daughter's reference letter, Program Manager, Writopia Lab

My daughter's reference letter, President/CEO DC Urban Debate League

My daughter's reference letter, Past President of American Women's Association, Bahrain

DISTRICT OF COLUMBIA COURT OF APPEALS

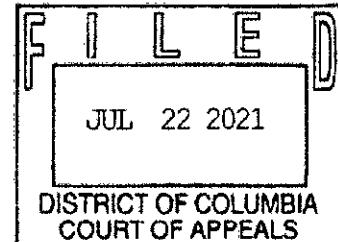
No. 20-FM-0099

ADELAIDE LORIND SCURLOCK-ZINDLER, APPELLANT,

v.

PETER HENRY ZINDLER, APPELLEE.

Appeal from the Superior Court
of the District of Columbia
(DRB-2297-18)



(Hon. Steven M. Wellner, Trial Judge)

(Submitted March 4, 2021)

Decided July 22, 2021)

Before GLICKMAN and EASTERLY, *Associate Judges*, and STEADMAN, *Senior Judge*.

MEMORANDUM OPINION AND JUDGMENT

Appellant, Adelaide Lorind Scurlock-Zindler, acting pro se, has filed a brief in which she addresses a myriad of issues spanning the two years that she and appellee, Peter Henry Zindler, deliberated custody and support of their minor child in the trial court. The appeal itself, however, is taken from an order, agreed to by the parties, which modified a Permanent Consent Custody and Support Order, also agreed to by the parties. For the following reasons, we affirm the order before us for review.

I. Background

Appellant and appellee entered into a Permanent Consent Custody and Child Support Order on December 20, 2018 ("the December 2018 order"). Both parties filed competing motions for contempt for non-compliance with the December 2018 order in the months following the issuance of that order. A hearing was held on November 6, 2019, at which the trial court discussed each party's motion for contempt, eliciting each movant's asserted bases for contempt, as well as the accused party's explanations for asserted non-compliance. The trial court questioned both

parties on what they would do to ensure compliance with the December 2018 order. At the end of this hearing, the parties deliberated outside the presence of the motion court and produced an agreed-upon modification to the December 2018 order. The trial court discussed the parties' proposed modification and ensured that each party agreed to it before making it an order of the court.

Before dealing with the main issues on appeal, we address appellee's threshold contention that appellant failed to timely file a notice of appeal in this case. While the parties discussed and approved the modification of the December 2018 order on November 6, 2019, appellee attended the hearing via telephone. As a result, D.C. App. R. 4(a)(1), (6) provided that the order was not entered for purposes of calculating the time for filing a notice of appeal until five days later, excluding weekends and holidays per D.C. App. R. 26(a)(2). Therefore, the order was deemed entered on November 14, 2019. Excluding the day of the event triggering the deadline, D.C. App. R. 26(a)(1), the period during which appellant could file this appeal began November 15, 2019. Because the last day of that period fell on a Saturday, the deadline to file was Monday, December 16, 2019, D.C. App. R. 26(a)(3), the day on which appellant filed the notice of appeal in this case. Therefore, appellant's appeal was timely filed.

II. Analysis

Appellant raises a number of objections to various parts of the proceedings that culminated in the agreed upon order entered by the trial court on November 6, 2019 modifying the Permanent Consent Custody and Support Agreement. To the extent that appellant addresses alleged problems with proceedings or conduct that pre- or post-date the November 6, 2019 order, they do not at this point affect the validity of the trial court's order entering the modified consent agreement because appellant gave her consent to that modification and that order is the only matter now before us. As we have explained,

A consent judgment is an order of the court, indistinguishable in its legal effect from any other court order, and therefore subject to enforcement like any other court order. It is also a contract, which must be construed within its four corners. It should generally be enforced as written, absent a showing of good cause to set it aside, such as fraud, duress, or mistake. No showing of good cause has been made in this case, and the record reveals no reason why the consent judgment to which the parties freely

agreed, with the approval of a Superior Court judge, should not [be] enforced as written . . .

Moore v. Jones, 542 A.2d 1253, 1254 (D.C. 1988).

As in *Moore*, appellant has not made a showing in any trial court proceeding of good cause to set aside the parties' consent agreement, nor does the present record reveal any reason to doubt the parties' consent to the modification. Rather, the record before us shows that appellant repeatedly agreed to the provisions of the modification.¹ Appellant does contend, for the first time on appeal, that she only agreed to the modification under duress due to the court's threat to place her in contempt for non-compliance with the original 2018 order. However, the correct venue to raise a fresh challenge to the validity of the parties' contract modifying the original 2018 consent agreement – as enshrined in the November 6, 2019 order – is the Superior Court. Our jurisdiction is limited to reviewing decisions of the trial court. *See* D.C. Code § 11-721(a)(1) (2012 Repl.) (establishing our appellate jurisdiction over "all final orders and judgments of the Superior Court of the District of Columbia"). Therefore, we cannot decide the merits of appellant's claim that duress undermines the validity of the modification.²

With respect to appellant's complaint that the trial court did not hold appellee in contempt, that issue is independent of the order agreed to by appellant and not properly before us. In any event, appellant has failed to show in the existing record an abuse of discretion by the trial court in failing to hold appellant in contempt, a decision that we could reverse "only upon a clear showing of abuse of discretion." *In re T.S.*, 829 A.2d 937, 940 (D.C. 2003). With respect to appellant's complaints

¹ *See* Tr. 11/06/2019 at 73 ("THE COURT: Okay. Any problem with that? MS. SCURLOCK-ZINDLER: Not at all."); *id.* at 80 ("THE COURT: Maybe you will just each send me the names that you've proposed . . . along with a couple of paragraphs about why you think that person is well suited to this job. And then I will choose. MS. SCURLOCK-ZINDLER: I like it."); *id.* at 84 ("THE COURT: That's an assumption. By the 18th, you either provide the name, jointly, or you provide separately your two names, a quick explanation for why they're really good for the job, and then by the end of that week, I will tell you who the person is. And then you're obligated to get – that'll be an order that you should promptly retain that person and move forward. MS. SCURLOCK-ZINDLER: Okay.").

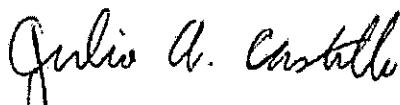
² The same may be said with respect to appellant's assertions that appellee engaged in some lying during the proceedings.

related to the Bahrain proceedings, these too do not bear on the subsequent agreed upon and superseding order now on review dealing with present child support and custody, regardless of any relevance they may retain regarding the apparently still outstanding and distinct issue of divorce.

For the reasons stated above, the trial court's November 6, 2019, order is hereby affirmed.

Affirmed.

ENTERED BY DIRECTION OF THE COURT:



JULIO A. CASTILLO
Clerk of the Court

Copies to:

Honorable Steven Wellner

Director, Family Division

Copies e-served to:

Adelaide Lorind Scurlock-Zindler

Jennifer Anukem, Esquire

**Additional material
from this filing is
available in the
Clerk's Office.**