

At a Special Term of the Family Court of the State of New York, held in and for the County of Onondaga in Syracuse, New York, on the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

PRESENT: **Kathryn Z. Davies**  
**Support Magistrate**

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF ONONDAGA

In the Matter of the Proceeding Pursuant to Article 4  
of the Family Court Act:



Petitioner,

vs.

**JOHN MURTARI,**  
Software Workshop, Inc.  
55 East Genesee Street  
Baldwinsville, New York, 13027,  
Social Security No. [REDACTED]

Respondent.

**ORDER TO SHOW CAUSE**

FF# 24467  
Docket No. F-540-98 / 05 I

Upon the filing of a Petition dated \_\_\_\_\_, 2005, for Violation and Enforcement of a prior Support Order of this Family Court, and upon all the proceedings heretofore had; it is hereby

**ORDERED**, that the Respondent show cause at a term of the Onondaga County Family Court to be held at the Onondaga County Courthouse located in Syracuse, New York, on the 4th day of October, 2005 at 10 o'clock in the fore noon, of that day, or as soon thereafter as counsel can be heard, before Hearing Magistrate Kathryn Z. Davies of the Family Court of the State of New York, why an order should not be made granting the Petitioner the following relief:

1. An order finding the Respondent in willful violation of the prior Order of Support;
2. A Judgment for Child Support arrears including child care and medical costs;
3. An order requiring the Support Collection Unit to suspend the Respondent's New York State driver's license until further order of this Court;
4. An order requiring the Support Collection Unit of Onondaga County to transfer this matter for federal prosecution pursuant to the Project Save Our Children, Title 18 U.S.C.A. §228;
5. An order awarding the Petitioner attorney's fees;
6. Such other and further relief as the Court deems just and proper; and it is further

**ORDERED**, that pending the return date of this date, the Onondaga County Support Collection Unit take immediate steps to suspend the Respondent's New York State driver's license and that said license suspension continue pending further order of the Court; and it is further

**ORDERED**, that service by certified mail on the Respondent at his last known address and place of employment, Software Workshop, Inc. at 55 East Genesee Street, Baldwinsville, New York, be deemed good and sufficient service.

Date: *Sept 19*, 2005  
Syracuse, New York

ENTERED:

*Kathryn Z. Davies*  
Kathryn Z. Davies  
Support Magistrate

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ONONDAGA FAMILY COURT

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF ONONDAGA

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In the Matter of the Proceeding Pursuant to Article 4  
of the Family Court Act:



Petitioner,

**PETITION FOR VIOLATION  
AND ENFORCEMENT OF A  
SUPPORT ORDER**

vs.

**JOHN MURTARI,**  
Software Workshop, Inc.  
55 East Genesee Street  
Baldwinsville, New York, 13027,  
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1. The Petitioner, [REDACTED]
2. The Respondent is John Murtari whose last known address is 55 East Genesee Street, Baldwinsville, New York, 13027.
3. The Petitioner is the mother of the child, Domenic Murtari.
4. The Respondent is the father of the child, Domenic Murtari.
5. The child who is the subject of this Petition is Domenic Kazu Murtari, born February 11, 1993. Domenic currently resides with his mother in Boulder, Colorado, and has resided there since on or about January 1, 1999.
6. There was an initial Order of Support dated March 26, 1997, made by the Supreme Court of Onondaga County and said Order was confirmed and upheld by a prior Order of the Family Court dated December 28, 1998, a copy of which is attached to this Petition.

7. The Order of Support required the Respondent to pay child support in the amount of \$120.00 per week plus a pro rata share of child care and uncovered medical and dental expenses and medical insurance.

8. The Respondent has failed to obey the Order of Support by failing to pay the ordered amount of support or a pro rata share of child care or medical insurance and expenses. At this time, the Respondent pays merely \$50.00 per month through the Support Collection Unit which ensures that his New York State driver's license will not be suspended.

9. No previous application has been made to any court for the relief requested in this Petition.

10. The Respondent is hereby given notice that the Petitioner may amend this Petition to include any additional arrears which shall have incurred from the commencement of this proceeding up to the date of the hearing or disposition.

11. The Respondent has consistently refused to pay child support since the Judgment and Decree of Divorce dated March 26, 1997. Upon information and belief provided by the Support Collection Unit, the Respondent has managed to avoid the suspension of his driver's license through the Support Collection Unit since he pays his support through his business, Software Workshop, Inc. The Respondent, however, is the sole owner of said business and manipulates the books to reflect minimal income. Both the Supreme Court and the Family Court based the Order of Support on the Respondent's ability to earn rather than on the income he reports. His ability to earn is substantial since he has received a Master of Science in Computer Engineering from Syracuse University.

12. Upon information and belief provided by Richard Southwick, an Assistant United States Attorney, Mr. Murtari spends considerable time and energy protesting at the Federal Courthouse in Syracuse, New York. He is demanding a meeting with Senator Hillary Rodham Clinton to discuss his issues with family law. He has been arrested numerous times at the Courthouse. Upon information and belief, Mr. Murtari has had at least three trials in Federal Court. There is currently an order that he is to stay out of the Federal Building in Syracuse without prior permission of the General Service Administration of the United States Government. He has on numerous occasions violated said Order and has threatened to continue to violate it until his demands are met and he is granted a meeting with Senator Clinton.

13. The Respondent has repeatedly violated the Orders of this Court and other courts and believes that he is above the law. Meanwhile, the Petitioner is struggling to support Domenic on a limited income. The Respondent travels to Colorado at least four times a year and brings his mother with him. He owns a home in Lyons, New York and has employees at his business, Software Workshop, Inc. in Baldwinsville, New York.

14. Petitioner respectfully requests that the Court order the Onondaga County Support Collection Unit to suspend Mr. Murtari's New York State license and refer this matter to the Federal Project Save Our Children for Federal prosecution pursuant to Title 18 U.S.C.A. §228. The criteria for referral to said program is that the violation of a support order be interstate in nature, the arrears be longer than two years and in excess of \$10,000.00. The local Support Collection Unit agency must make a referral to the Federal agency.

**WHEREFORE**, the Petitioner respectfully requests that:

1. The Respondent be dealt with in accordance with Article 4 of the Family Court Act including, but not limited to, Family Court at §454, 458a, 458d and CPLR 5242; and
2. The Support Collection Unit immediately suspend the Respondent's license to drive and continues said suspension until further order of this Court; and
3. The Support Collection Unit of Onondaga County refer this matter to the federal agency pursuant to Title 18 U.S.C.A. §228; and
4. A Judgment for child support, child care and medical arrears; and
5. Such other and further relief as the Court deems just and proper.

Dated: \_\_\_\_\_, 2005


  
\_\_\_\_\_  
[REDACTED], Petitioner

**Maureen K. Walsh, Esq.**  
*Attorney for the Petitioner*  
Two Clinton Square, The Atrium, Suite 215  
Syracuse, New York, 13202  
Telephone: (315) 421-1000

[REDACTED]

ss:

[REDACTED] being duly sworn, says that she is the Petitioner in the above-entitled proceeding and that the foregoing Petition is true to her own knowledge, except as to matters herein stated to be alleged on information and belief and as to those matters, she believes it to be true.

  
\_\_\_\_\_  
[REDACTED]

Sworn to before me this  
18<sup>th</sup> day of August, 2005.

  
Notary Public