

IN THE TWENTY-FIRST JUDICIAL CIRCUIT COURT  
SAINT LOUIS COUNTY, MISSOURI

KENNETH ROSA	)	
	)	
Plaintiff	)	
	)	
v.	)	Cause No.
	)	
MINDY L. SKAGGS, MA, LPC	)	Division No.
	)	
Defendants.	)	

**PLAINTIFF’S FIRST AMENDED PETITION AND DEMAND FOR TRIAL BY JURY**

COMES NOW, Plaintiff, Kenneth Rosa (“Plaintiff”) and for his Petition against Defendants Mindy Skaggs (MA, LPC – Clinical Director) (collectively “Skaggs”), Elaine Pudlowski (“Pudlowski”), and The Right Solution Counseling Services, who provided services to Plaintiff and his minor children, states as follows:

**PARTIES, JURISDICTION AND VENUE**

1. Plaintiff is an individual who resides in Saint Louis County, Missouri.
2. Defendant Pudlowski is an attorney licensed to practice law in the State of Missouri with her principle place of business in Clayton, Saint Louis County, Missouri.
3. Pudlowski was a Court appointed Guardian ad Litem (GAL) on April 15th, 2016, in Plaintiff’s divorce decree and custody modification case, Rosa vs. Rosa, Case No. 14SL-DR06683, Saint Louis County Circuit Court. A copy of the Order Appointing Defendant Pudlowski is attached as **Exhibit 1**.
4. Defendant Skaggs is a Missouri licensed professional counselor, with her principal place of business in Eureka, Saint Louis County, Missouri.
5. Defendant The Right Solution Counseling Services is a Missouri limited liability company with the principal place of business in Eureka, Saint Louis County, Missouri. At all

relevant times hereto, Skaggs acted within the scope and course of her employment, servancy and/or agency for The Right Solution Counseling Services.

6. The Court appointed Skaggs as an expert in Plaintiff's custody modification case, Rosa vs. Rosa, Case No.14SL-DR06683, Saint Louis County Circuit Court, to "evaluate the psychological status of Petitioner and Respondents, two minor children, and to assess any allegations or issues regarding their current mental health and the parenting ability of each parent specific to this case bearing on the best interests of their two minor children. The Evaluator shall offer opinions and recommendations regarding this case" and to "exercise her independent objective judgment in conducting the evaluation."

7. On September 17, 2015, the Court appointed Defendant Skaggs, who was employed at TRSCS at the time of the appointment, to act as a custody support professional and a therapist for Plaintiffs children. Skaggs and subsequently TRSCS accepted the Court Appointment as litigation support professionals to conduct family and child reunification therapy to Plaintiffs children in Plaintiff's custody modification case, Rosa vs. Rosa, Case No.14SL-DR06683, Saint Louis County Circuit Court.

8. On her firm's website,<sup>1</sup> Pudlowski holds herself to the public and the Saint Louis County Courts as an attorney with an extensive practice in the field of domestic relations where she represents both men and women in matters pertaining to divorce, paternity, child custody, child support and spousal support. According to her website, Pudlowski's expertise extends to the juvenile court where she handles adoptions as well as the probate court where she assists families with legal guardianships and estates. Pudlowski states that she is a certified Guardian ad Litem, a

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<sup>1</sup> <https://www.frankelrubin.com/about-us/our-attorneys/elaine-a-pudlowski/>

mediator, and a parent coordinator. Pudlowski is a frequent author and lecturer in the area of family law.

9. Pudlowski holds herself out as a court appointed Guardian ad Litem representing minor children in every courtroom in both the Saint Louis City and the Saint Louis County Circuit Courts, with twenty years of experience in representing children. Defendant Pudlowski also states that she is a personal injury lawyer in civil lawsuits and handles a variety of civil and traffic matters. According to Pudlowski she has tried hundreds of cases throughout the Saint Louis Metropolitan area and surrounding counties.

10. On her website, Skaggs holds herself out to the public and to Saint Louis County Courts as a career court expert in criminal, civil, and family law cases, a Forensic Interviewer, who conducts court assessments and provides court testimony for a living. Skaggs also holds herself out as a mediator who helps people resolve conflicts in an effective way. Skaggs states that as a parenting coordinator, Skaggs assists parents in fairly resolving disputes regarding parenting issues. For attorneys, Skaggs provides expert testimony in family law cases, mediation, and parent coordination. Skaggs lists her employment as Licensed Professional Counselor at The Right Solution Counseling Services having been employed there currently.

11. On its website, Defendant TRSCS holds itself to the public and to Saint Louis County Circuit Courts as a comprehensive mental health and consulting service provider consisting of a unique, experienced group of caring mental health professionals who provide psychotherapy to individuals, couples, families, and organizations.

12. Kolleen L. Simons MSW, LCSW is the owner of TRSCS, and she is a licensed psychologist and has been the TRSCS Director since its inception and still currently holds that position. TRSCS advertises that through its therapy, TRSCS clients are able to solve their

problems, achieve their desired goals and pursue changes that will result in their clients having more control, direction, and sense of grounding in their lives. TRSCS offers mental health services such as family, co-parenting and parent-child reunification therapies. TRSCS also provides legal services such as divorce mediation, child custody modification mediation, and child custody evaluations and assessments for the courts.

13. On the TRSCS's website, Simons and TRSCS hold her out to the public and Saint Louis County Circuit Court as a Director of TRSCS and as a Missouri LCSW experienced "in therapy with high conflict relationships and divorce counseling," in working "with children and adolescents experiencing difficulties related to divorce or reunification." Simons also markets her services as a Parent Coordinator, Co-Parent Counselor, Custody Evaluator and Divorce Consultant on the TRSCS website.

14. Simons advertises herself as a legal consultant who provides training to other professionals regarding legal issues, custody, and understanding parenting plans for children of divorced parents and holds herself out as a professional whose services are personalized to the government. Simons advertises TRSCS's and her services on major social media websites as a Forensic Family Specialist, a Divorce Expert and/or Specialist, a Mediator and a Child Custody Expert and Evaluator. Copies of the Defendants TRSCS and Simons's recent marketing materials published on the TRSCS's website, Facebook, and other online platforms are attached herein as **Exhibit 4**.

15. According to Simons, because of her extensive experience in litigation and the court room, she is regarded by many family law attorneys in Saint Louis, including Pudlowski, as the expert in divorce, child modification, parenting coordination, forensic custody evaluations and family court mediation.

16. Simons states that as the Director of TRSCS, she devotes “her time, skill, and attention to the delivery of psychological intervention, consultation, educational and preventative services” and she is required to advise TRSCS “within the realm of the expertise of therapist”.

17. As part of her duties at TRSCS, Simons prepares and maintains case records and files in a manner consistent with ethical standards determined by law and practice and by TRSCS. Simons is required to attend TRSCS meetings that are scheduled, organized, and conducted by TRSCS. Simons is responsible for hiring and firing personnel employed at TRSCS. Simons provides legal and therapeutic services full time at TRSCS’s locations.

18. As TRSCS Director and as a LCSW, Simons is required “*to maintain strict ethical standards, and professional and legal confidentiality, with respect to [TRSCS’s] clients*” as well as “*to use her best efforts to promote the good will of TRSCS.*” [emphasis added]. Simons is required to follow TRSCS guidelines on presenting various educational seminars with TRSCS’s final approval and permission. All educational materials prepared by Simons are considered the TRSCS’s intellectual property.

19. At TRSCS, Simons is not allowed to misappropriate any materials she develops during her employment/agency and/or servancy at TRSCS. Simons is subject to a three-year agreement not to compete with TRSCS if she terminates her relationship with TRSCS. Upon leaving TRSCS, Simons is not allowed to practice anywhere within the Saint Louis metropolitan area. TRSCS holds the titles, ownership, and the rights to any and all trade secrets and intellectual property that Simons develops during her employment/agency and/or servancy at TRSCS.

20. The incidents that gave rise to this cause of action took place in Saint Louis County and, therefore, venue is proper in Saint Louis County, Missouri.

### **COMMON FACTS AND ALLEGATIONS**

### **A. Plaintiff's Family History That Led to Plaintiff's Divorce**

21. Plaintiff is a natural born citizen of the United States.
22. On August 8, 2008, Plaintiff married Kristin Stanley("Stanley").
23. While married, Plaintiff and Stanley had two children, Child K born in 2002 and Child K born in 2004. (The names of the children are withheld to protect their privacy).
24. Child K was maternally born to Stanley in 2002 and legally adopted by petitioner in 2009.
25. Plaintiff's family struggled through cycles of abuse during the marriage where Stanley would report false allegations to authorities on petitioner and petitioner's family and abuse the legal system to cost the plaintiff and his extended family legal fees. The verbal abuse started early in the marriage, before and after their children were born, with Stanley often using Child K and Child K as leverage throughout the marriage.
26. Stanley abused Child K and Child K, emotionally and psychologically during her cycles of abuse withholding them from any family member for long periods of time, including Stanley's own mother.
27. Plaintiff was naïve to the fact that he was a victim of domestic and intimate partner violence as he dutifully and lovingly met Child K's and Child K's needs for monetary and emotional support, loving parenting, and access to appropriate medical and mental health treatment.
28. Plaintiff focused Child K and Child K, on positive behaviors by motivating them to engage in sports and art, engage them with their emotions, to accept responsibilities at home, improve their social skills, and to be respectful towards their parents. Plaintiff continually attempted to provide support to Child K and Child K to decrease the impact of Stanleys' emotional

cycles and withholding of the children from friends and family members. However, Plaintiff was not able to protect Child K and Child K or himself from Stanley's never ending psychological abuse and failed to end his marriage in the early stages of the abuse cycle.

29. Although Stanley always curbed her anger professionally, it was anything but, behind closed doors in the family home. Over time, Child K and Child K where emulating similar behavior to Stanley in showing disrespect and aggressiveness toward Plaintiff at the encouragement of Stanley.

30. Stanley began an affair with a subject outside the plaintiff's marriage and moved out of the children's residence on July 12<sup>th</sup> 2014 weekend. Stanley used marital funds to purchase and place a marital residence in her mother's name several blocks from the children's current residence.

31. Stanley continued for several months to continue a relationship with plaintiff to pay her extra incurred bills at the newly and fraudulently acquired extra residence while psychologically and emotionally forcing Child K and Child K to cover up her affair as they were moved from residence to residence and placed in an unstable home life.

32. Stanley filed for divorce of petitioner on or about Nov 14<sup>th</sup> 2014. Petitioner attempted to amicably end the divorce through Stanley's first legal counsel without counsel to represent petitioner.

33. Stanley's boyfriend at the time John Huellinghoff is the co-owner of Huellinghoff Bros. Inc and their principle place of business is Union, MO. Huellinghoffs employee and family member Ryan Huellinghoff did attempt to illegally hold petitioner against his will at the Huellinghoff company property while a minor child MC (not named to protect their identity) did

attempt to use a firearm to inflict and cause bodily injury or death upon petitioner at the behest of Stanley on January 30<sup>th</sup> 2015.

34. Ryan Huellinghoff did contact and harass and intimidate petitioner on January 31<sup>st</sup> 2015.

35. Stanley filed multiple false and unfounded division of family services hotline calls on petitioner against Child K and Child K.

36. Stanley filed false and unfounded 911 calls to the St. Louis County Police Department stating that petitioner had used a baseball bat to strike Child K in the head while at petitioner's residence for his parental time resulting in several attempts to falsely imprison petitioner. Child K was dropped off at school the next day by plaintiff with no markers of abuse especially those that would have been left from a baseball bat.

37. Petitioner had to seek relief from the St. Louis County Courts in an ex parte hearing against John Heullinghoff and his employees and family members. Petitioner was coercively forced to withdraw ex parte relief by the courts.

38. Child K reported at age 12 to petitioner that naked pictures of herself were taken at Stanley's residence and electronically sent out over the internet by a minor that fits the age difference to constitute a sexual felony under Revised Statutes Missouri. Petitioner made a Division of Family Services report. Petitioner enrolled Child K in counseling services. Child K denied the allegations of abuse while in Stanley's custody to DFS that she had disclosed to petitioner and several minor friends.

39. From Nov 2014 through May 2015, Plaintiff futilely attempted to pacify Stanley and seek an amicable divorce settlement in order to protect Child K and Child K. Plaintiff urged Child K and Child K to have an ongoing relationship with Stanley even when they reported to a

DFS worker who was frivolously called by Stanley to check the wellbeing of the children in petitioners care. Included in that report the DFS worker reported that children would rather live with petitioner because he loved and took care of them and Stanley was a high conflict parent. Defendant Pudlowski had access to these reports. Petitioner was 2 hours away from the children when this report was made by DFS at petitioner's mother's residence on his parental time. Despite Plaintiff's isolation from his family members and friends by Stanley, Plaintiff tried to instill in Child K and Child K a sense of security. Plaintiff listened to and comforted Child K and Child K when they were hurt or scared by Stanley's actions.

40. In May 2015 Stanley attempted twice to have her legal counsel to dismiss or halt the divorce proceedings she had filed. Petitioner refused to nullify the divorce proceedings hoping that Child K and Child K would not grow up to be mentally and psychologically abusive like Stanley but grow up to understand the damaging consequences of the abuse, remain kind, respectful, and learn to establish boundaries in abusive relationships in the future.

41. Upon plaintiffs refusal dismiss the divorce proceedings, Stanley began to threaten self-harm and death by suicide. Two check the wellbeing reports were filed with the Eureka, MO police department. When those psychologically damaging and manipulative tactics didn't cause plaintiff to dismiss the divorce proceedings, Stanley fired her former legal counsel.

42. Stanley immediately filed for an ex parte against petitioner on May 22 2015 and obtained The Haus Law Firm, Attorney Erin Zielinski. After 10 months of separation and 7 months of divorce proceedings Stanley used false and misleading statements for the first time alleging abuse against the petitioner. Stanley was granted an exparte and a hearing.

43. Petitioner was severely assaulted on May 24<sup>th</sup> by Eureka Police Officer Powell in service of Stanley's ex parte paperwork in view of petitioner's children. A formal written complaint was made against Eureka Police Officer Powell for assault.

44. Stanley was granted a Restraining order on June 4<sup>th</sup> 2015 by Judge Nancy Watkins. Plaintiff was ineffectively represented by legal counsel of the Stenge Law Firm.

45. From May 22 through November 1 2015, petitioner was denied any contact with Child K and Child K even though the lawful criteria of a child ex parte was not met in the petition for the ex parte to be fully instated.

46. Petitioner was granted unsupervised parental time every Sunday from 10am-6pm with Child K through defendant Pudlowski on Oct 26 2015 but denied any time with Child K.

47. Unfortunately, Plaintiff did not consider himself to be a victim of domestic violence until he spent several sessions in therapy over the trauma being inflicted on petitioner.

48. During the divorce proceedings, Plaintiff was excessively litigated with filings by Stanley and her counsel attorney Erin Zielinski. Petitioner was targeted by motions claiming petitioner was stalking her residence, entered her residence by breaking and entering, and throwing screws in her driveway while no police reports were filed that would have been a direct violation of the active Restraining Order in place against petitioner and against the revised statutes of Missouri. Filing those motions as police reports would have constituted severe felony's against the plaintiff. Defendant Pudlowski accepted those motions as evidence of wrong doing against the plaintiff.

49. The couple's divorce was granted on April 15<sup>th</sup>, 2016 at a settlement conference on the day of trial. The divorce was coerced and forced on plaintiff. Plaintiff requested 4 witnesses at his trial and was denied his right to due process by Defendant Pudlowski and Defendant Skaggs.

In ex-parte communications with Honorable Judge Mary Bruntrager Schroeder, Defendant Pudlowski and Skaggs both refused to testify or allow the minor child K or child K to testify. Plaintiff was informed if he wished to exercise his right to have witnesses he would be assigned all legal fees for all parties involved. Plaintiff under duress entered into agreement of the parties. (All reference to “the Court” hereafter is to the Court that presided over the dissolution case and subsequently over the child custody modification proceedings up to plaintiff seeking a change of venue to ensure defendant Pudlowski and Skaggs were not part of the modification, being Rosa vs, Case No.14SL-DR06683., Saint Louis County Circuit Court.

50. Pursuant to the 2016 Dissolution Judgment, Petitioner was awarded no custodial legal rights and 36 hours of physical custody of Child K and Child K, then ages 14 and 12, respectively.

#### **B. Family History That Led to Plaintiff Seeking Modification of Child Custody**

51. In May 2016, less than 30 calendar days after the dissolution, Stanley filed a false police report against the plaintiff with the Union, MO police department (#2016-01172) and a subsequent Ex parte renewal attempt with the St Louis County, MO circuit court (15SL-PN02086) after consulting with Defendant Pudlowski. Plaintiff was required to get a signed statement from Defendant Skaggs that plaintiff did not in fact SPIT on Defendant Skaggs at her court ordered counseling session as alleged in Stanley’s ex parte renewal attempt. Ex parte was called and dismissed for Stanley’s failure to appear.

52. During her custody time, Stanley endlessly berated Plaintiff in front of Child K and Child K and went so far as to have conversations on how to kill plaintiff on social media platforms along with many disparaging and public rants on how plaintiff belongs in hell.

53. Stanley encouraged Child K and Child K to be disrespectful towards Plaintiff and repeatedly told Child K and Child K that they did not need to respect Plaintiff or follow the Parenting Plan ordered by the Court. After each visitation with Stanley, Child K and Child K returned to Plaintiff's home aggressive, disrespectful, hostile, and belligerent.

54. Stanley would not follow the parenting plan for Child K at all and removed her from counseling with Defendant Skaggs shortly after the dissolution and failed attempt at the ex parte renewal. Child K text plaintiff from an unrecognized number to inform him that she was grounded from her phone by Stanley for two weeks for communicating with plaintiff.

55. Plaintiff sought court relief from the Franklin County Circuit Court (#16AB-PN00292) to keep the Minor Child A (mentioned in section 41) away from plaintiff's Child K who Stanley was allowing unsupervised contact. Child K told plaintiff on several occasions how terrified she was to be around someone who had sexually exploited her. Defendant Pudlowski was named as the GAL by the Franklin County Circuit Honorable Judge Hoven. Stanley with Defendant Pudlowski made recommendations that the sexual abuse was only on record one time and that Minor A was leaving for college and no ex-parte was granted to plaintiff for Child K. Honorable Judge Hoven is on transcript as stating that the abuse only happened once. Respondents were required to cover Defendant Pudlowski's legal fees.

56. Minor A was represented by Eureka, MO Police officer Laura Biser and Eureka, MO, Prosecuting Attorney Katherine L. Butler. Plaintiff began to receive harassing tickets and traffic stops from the Eureka Police Department. It should also be noted that Officer Biser was present when plaintiff was assaulted in section 45 at the service of Stanley's frivolous ex parte.

57. Stanley blocked all school and medical records against plaintiff in violation of FERPA laws and the parenting plan. Plaintiff had to hold a meeting with the principal of Union

High School Amy Kain and her staff. After discussion with Kains staff plaintiff was informed Stanley had blocked all access to records with improper documentation. It should be noted Kain and Stanley are close personal friends.

58. Stanley changed plaintiff's cell phone records after the dissolution to receive plaintiff's cell phone itemized records to her mother's residence.

59. Stanley abusing use of the local police departments to harass, demean, detain and persecute plaintiff by filing multiple erroneous, contradictory and inaccurate reports.

60. Stanley abusing use of the legal system to harass, demean, persecute, and excessively litigate plaintiff to the point of loss of his residence and becoming delinquent on child support ordered in parenting plan.

61. Stanley abusing use of the division of family services to harass, demean, detain, persecute, and in an attempt to have my other minor children not of our marriage removed by frivolous, inflammatory, and malicious false reports that I had dislocated a 1 and 3 year old shoulder sockets in a "cop move".

62. Stanley took Child K to the Franklin County Sheriff's office and had her file a false police report that I had dislocated Child Ks shoulder socket in a "cop move".

63. Stanley used her friends abusing use of the legal system to harass, demean, and persecute by filing false ex parte hearings.

64. Stanley's significant other at the time, John Huellinghoff would drive past plaintiff's dead end street house with no legal business to conduct in order to intimidate, harass, and stalk.

65. Stanley allowed Child K to associate and be photographed with other minor children that were known narcotics dealers that had been photographed doing felony property damage.

66. In January 2017, Stanley had Child K create a scene at dinner and assault plaintiff over a cellular phone. Child K called 911 on plaintiff's parental time. Plaintiff was again assaulted by the Eureka Police Department and was not arrested. Stanley was allowed to leave with Child K. Plaintiff filed a lengthy written formal complaint with the City of Eureka. Eureka city Prosecutor Katherine L. Butler retaliated and charged plaintiff with 4<sup>th</sup> degree fighting in public. Plaintiff had all charges dropped under condition to not litigate for damages of the assault on Plaintiff. Plaintiff refused and all charges were dropped anyway.

67. Stanley used the Eureka Police Department report to obtain an ex parte that was later dropped by the honorable Judge Hoven with the stipulation that plaintiff no longer contact Child K. Child K could contact me at her will even though that's a direct violation of the divorce decree, parenting plan, and RSMO that custody may not be overturned with an ex parte.

68. Stanley had Child K make a false 911 call to the Union Police Department to report that plaintiff was on a church parking lot to see Child K and Child K and a major "fight had erupted". Upon the arrival of over a dozen officers Stanley drove onto the parking lot with Child K and Child K in the vehicle to attempt to have plaintiff arrested. Plaintiff filed a formal written complaint with the Union, MO Police Department for abusing use of a 911 service.

69. Stanley had another Child M file a false police report that plaintiff had assaulted her when plaintiff was not arrested in the false 911 call.

70. From the date of dissolution to 2020 Stanley has moved Child K and Child K over six separate times without providing the proper notification to plaintiff as required under RSMO 452.780 and the divorce decree.

71. On 12-24-2018 Stanley kidnapped Child K on plaintiff's parental time and Chesterfield Police Department would not follow the color of law and file the appropriate charges under RSMO 565.153 although Stanley stated in a police report that she knew her ex-husband would try to have her charged with parental kidnapping.

72. Stanley has never allowed Plaintiff any parental time with Child K or Child K after 12-24-2018 against the RSMO 565.150 and the divorce decree and parenting plan.

73. Stanley's manipulative and abusive tactics have resulted in plaintiff's loss of affection from Child K and Child K.

74. Stanley has doxed plaintiff's current significant other with pornographic images to Child K.

75. Stanley has violated all of plaintiff's inalienable rights to Child K and Child K with criminal contempt of all the divorce decree, parenting plan, and revised statutes of the state of Missouri to maintain a domestic violence abusive and antagonistic co-parenting conflict to interfere with all contact with Child K and Child K

76. Stanley has continued to display zero respect for my constitutionally protected rights and the plaintiff's rights to Child K and Child K. Franklin County Prosecuting Attorney Matthew Becker refuses to protect my due process and prosecute Stanley for criminal violations of parental time under RSMO. Stanley has used the same county prosecutor to suspend my driver's license, issue felony charges, and prosecute me for arrears under RSMO on child support from all the excessive litigation.

77. Stanley has caused Child K to graduate with a 1.02 High school GPA.

78. Stanley has caused Child K to have anger issues and to be excessively suspended well over 50 plus days from his three years of high school for behavioral non compliances.

79. Stanley has falsely stated and filed forms to the Missouri child support division for Child K who has turned 18 to attend school. Stanley has received to date 10 months of support payments while Child K still isn't enrolled in further education.

80. Child K has now passed the applicable age requirements to nullify half of plaintiff's motion for modification.

81. Plaintiff filed motion to modify in 2019 with a change of venue to the Franklin County Circuit Court and disqualification of Defendant Pudlowski.

**COUNT I**  
**ACTION IN BREACH OF STANDARD OF CARE AGAINST**  
**DEFENDANTS SKAGGS AND THE RIGHT SOLUTION COUNSELING**  
**SERVICES LLC.**

82. Plaintiff re-states and re-alleges each and every allegation stated above as if they are fully set forth herein.

83. Skaggs was appointed by the Court in case 14SL-DR06683, in 2015, and owed Plaintiff the duty of acting within the standard of care for a MA, LPC – Clinical Director and a court appointed expert.

84. Skaggs also owed Plaintiff the duty of care as established by the Court's Order appointing Skaggs. Each required that Skaggs be objective, act as a forensic psychologist, conduct a psychological evaluation and be impartial.

85. Skaggs departed from the established standards of her profession when conducting a court appointed evaluation by failing to use the required degree of skill and learning ordinarily used by psychologists involved in forensic evaluations of child custody litigants and their children

under the same or similar circumstances by the members of Skaggs profession in one or more of the following ways:

- a. by refusing to testify in a trial after being subpoenaed as the expert witness;
- b. by failing to use standard methodology used by other family court forensic psychologists providing services under similar circumstances as Skaggs in data gathering, data analysis, data testing, behavioral observation, interviewing, and reviewing all relevant records;
- c. by failing to use MMPI assessments specifically designed for family custody litigants with children;
- d. by concealing from the Court and her report, any allegations the plaintiff was accused of committing;
- e. by failing to account for or report objective findings that would have given the Court notice that plaintiff definitely committed some type of abuse or wrong doing
- f. by failing and refusing to investigate and account for a pattern of Stanley's mental abuse of Child K or Child K resulting in extreme mental damage to the children;
- g. by failing to identify domestic abuse, attribute domestic abuse and account for domestic abuse as was required by the guidelines established by the Association of Family and Conciliation Courts, and their Standards of Practice for child Custody Evaluations;
- h. by failing and refusing to investigate and to account for Stanley relocating Child K and Child K to Union, Missouri to several undisclosed residences:

- i. by failing and refusing to investigate and account for Stanley falsifying paperwork to the Union School District to deceitfully enroll Child K and Child K there where they had to start over with no friends or stability;
86. As a direct and proximate result of Skaggs violations of the standard of care, Plaintiff suffered the following damages:
- a. Plaintiff suffered the alienation of Child K and Child K, from Plaintiff;
  - b. Plaintiff, Child K and Child K, did not receive the Court ordered family reunification counseling aimed “to reestablish the relationships between the children and the parents” and “to reunify the family and to improve relationships within the family.”
  - c. Child K’s constant story evolution were ignored and her unhealthy anger towards Plaintiff was validated, fueled, and empowered;
  - d. Child K withdrew from school and his grades plummeted;
  - e. Child K suffered severe depression
  - f. Plaintiff, Child K and Child K required past and will continue to require future therapies and Plaintiff will be required to pay for those therapies; and
  - g. Plaintiff is entitled to recover fees Skaggs charged and collected from Plaintiff, for the incompetent services provided in breach of standard of care.
87. Plaintiff is entitled to recover against Skaggs all damages allowed by law, without limitation, for all past, present, and future medical and therapeutic expenses, for litigating related fees and expenses, and for loss of time and family relationships with Child K and Child K. All categories of Plaintiff’s damages stated above are continuing, ongoing and will continue into the future.

88. Plaintiff is entitled to recover pre-judgment interest, attorneys' fees, and expenses, as determined by this Court, and for such other and further relief as this Court deems just and proper under the circumstances.

WHEREFORE, Plaintiff prays for judgment on Count I of his Petition against Skaggs in an amount that is fair and reasonable in excess of twenty five thousand dollars (\$25,000.00), for his costs, attorney fees and for such other and proper relief the Court deems just and proper under the circumstances herein.

**COUNT II**  
**BREACH OF CONTRACT AGAINST**  
**DEFENDANTS SKAGGS AND THE RIGHT SOLUTION COUNSELING**  
**SERVICES LLC.**

89. Plaintiff re-states and re-alleges each and every allegation stated above as if they are fully set forth herein.

90. Skaggs was appointed by the Court in case 14SL-DR06683, in 2015, to "exercise her independent objective judgement in conducting the evaluation" and to testify in Court as an expert.

91. Plaintiff was required to attend a court ordered session and fill out paperwork to attend with Skaggs and Child K.

92. Skaggs materially breached her obligations by failing to provide Plaintiff with the services Plaintiff bargained for with Skaggs and which Skaggs obligated herself to meet.

93. Skaggs had an obligation to act in good faith, to deal fairly and honestly, to act reasonably, to comply with the Court Order appointing her, to act objectively and to act within the standard of care of a MA, LPC – Clinical Director and court appointed expert toward Plaintiff.

94. Plaintiff fully performed his obligations to Skaggs and did not contribute to Skaggs breaches in any way. In spite of Plaintiff's compliance with the terms, Skaggs breached the contract's terms in numerous ways as stated in paragraphs above.

95. Skaggs charged and collected from Plaintiff, fees for the deeply flawed services provided in breach of the contract between Skaggs and Plaintiff.

96. As a direct and proximate result of Skaggs's conduct in breach of his contractual obligations to Plaintiff, Plaintiff suffered damages, which include, but not limited to: (a) Plaintiff paid Skaggs for services; (b) Plaintiff endured two (2) years of painful and costly litigation; (c) Plaintiff suffered Child K and Child K's alienation, from Plaintiff; (d) Plaintiff suffered emotional distress and pain; (e) Plaintiff did not receive reunification therapy ordered by the Court; and (f) Child K and Child K did not receive the Court ordered therapy to nurture their relationship with Plaintiff.

97. Skaggs breach has caused Plaintiff to suffer damages and will continue to cause him damages in excess of twenty-five thousand dollars (\$25,000.00) and which will be established by a jury.

WHEREFORE, Plaintiff prays for a judgment in his favor on Count II of his Petition against Skaggs in an amount to be determined at trial, to compensate him for his above described damages, for his costs of bringing this action, attorney fees and for such other and further relief that the Court deems just and proper under the circumstances herein.

**COUNT III**  
**CONSTRUCTIVE FRAUD AND/OR BREACH OF FIDUCIARY DUTY AGAINST**  
**DEFENDANT PUDLOWSKI**

98. Plaintiff re-states and re-alleges each and every allegation stated above as if they are fully set forth herein.

265. Pudlowski was appointed by the Court in case #14LS-DR06683, in June, 2015, to serve as a GAL for Child K and Child K. Pursuant to the Appointment Order and Standard 7 of the Missouri Supreme Court Standards governing the conduct of GALs, Pudlowski was required “to adhere to applicable statutes, rules and regulations relating to receipt and redisclosure of privileged information received as GAL.”

266. Pudlowski, by filing her entry of appearance, acknowledged her obligation to comply with the Missouri Supreme Court Standards for GALs and Court Orders in Plaintiff’s child custody proceedings.

267. Pudlowski’s GAL Appointment Order required Pudlowski to comply with the Missouri Rules of Professional Responsibility (MRPR), namely, Rule 4-3.4 (c) which prohibited Pudlowski from “knowingly disobey[ing] an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists.”

268. Pudlowski’s GAL Appointment Order required Pudlowski to comply with MRPR Rule 4-8.3(a), requiring Pudlowski to self-report her conduct which violated MRPR Rules 4-3.4(c) and 4-8.4 (to inform the appropriate professional authority, i.e. the Court in case 16SL-DR-4088-01 and the Disciplinary Committee of the Bar of her violations of the Court Orders).

269. Pudlowski’s GAL Appointment Order required Pudlowski to comply with MRPR Rule 4-8.4(a) which prohibited Pudlowski from “violat[ing] or attempt[ing] to violate the Rules of Professional Conduct, knowingly assist[ing] or induc[ing] another to do so, or do so through the

acts of another;” (c) “engag[ing] in conduct involving dishonesty, fraud, deceit, or misrepresentation;” (d) “engag[ing] in conduct that is prejudicial to the administration of justice;” and (g) “manifest[ing] by words or conduct, ... bias or prejudice.”

270. Plaintiff and Pudlowski’s relationship were defined in Court Orders. Plaintiff placed confidence in Pudlowski’s fidelity and integrity as soon as Pudlowski signed these Court Orders and acknowledged that Pudlowski would comply with these Court Orders. By virtue of these Court Orders, the trust and a fiduciary relationship existed between Plaintiff and Pudlowski, always

272. Pudlowski’s ignoring excessive litigation allegations with no clear definition of any wrong doing by Plaintiff to Child K or Child K while keeping extended and excessive time frames of no parental contact was highly prejudicial to Plaintiff.

274. As a direct and proximate result of Pudlowski’s breaches of her fiduciary duty to Plaintiff, Plaintiff suffered the following damages:

- a. Plaintiff suffered the alienation of Child K and Child K, from Plaintiff;
- b. Plaintiff, Child K and Child K did not receive the Court ordered family reunification counseling aimed “to reestablish the relationships between the children and the parents” and “to reunify the family and to improve relationships within the family,”
- c. Child Ks mental manipulation were ignored while unhealthy anger towards Plaintiff was validated, fueled, and empowered, causing Plaintiff’s anguish and emotional suffering;
- d. Child K suffered severe depression;

- e. Plaintiff, Child K and Child K required past and will continue to require future therapies and Plaintiff will be required to pay for those therapies; and
- f. Plaintiff is entitled to recover fees Pudlowski charged and collected from Plaintiff for the services Pudlowski provided, in breach of Pudlowski's fiduciary duty to Plaintiff.

275. Plaintiff is entitled to recover against Pudlowski all damages allowed by law, without limitation, for all past, present, and future medical and therapeutic expenses, for litigation related fees and expenses, and loss of time and family relationships with Child K and Child K. All categories of Plaintiff's damages are continuing, ongoing and will continue into the future.

276. Plaintiff is entitled to recover pre-judgment interest, attorneys' fees, and expenses, as determined by this Court, and for such other and further relief as this Court deems just and proper under the circumstances.

WHEREFORE, Plaintiff prays for judgment on Count III of his Petition against Pudlowski in an amount that is fair and reasonable in excess of twenty-five thousand dollars (\$25,000.00) for his costs, interest, attorney fees and for any other and further relief the Court deems just and proper under the circumstances herein.

**COUNT IV**  
**VIOLATION OF MISSOURI MERCHANDISING PRACTICES ACT AGAINST**  
**ALL DEFENDANTS**

294. Plaintiff re-states and re-alleges each and every allegation stated above as if they are fully set forth herein.

295. Plaintiff is "a person" as defined in the Missouri Merchandising Practices Act at Mo. Rev. Stat. § 407.010 (5).

296. Skaggs, Pudlowski, and TRSCS hold themselves out to the public and held themselves to Plaintiff as individuals and businesses, as family court litigation experts, who sell litigation expertise, litigation support services, mediation, consultation, legal education, and legal forensic expert services.

298. Skaggs holds herself out to the public and to Saint Louis County Court as a family law educator, legal consultant, court mediator, divorce expert, divorce specialist, custody evaluator, custody mediator, court expert, and custody expert as well as Missouri MA, LPC – Clinical Director experienced in family reunification services with significant expertise in reunifying children, siblings and family members involved in divorce and child custody litigation proceedings.

299. TRSCS holds itself out to the public and to Saint Louis County Court as a *consulting firm* offering such legal services as mediation, divorce consultation, divorce coaching, custody evaluation, divorce litigation support services, forensic evaluations, custody mediation, custody evaluation services, and forensic mental health services.

301. Pudlowski is an individual who sells divorce, mediation, reunification, personal injury, traffic, litigation, forensic services, healthcare services, domestic violence services, therapy services, mediation, and custody modification services in Saint Louis County, Saint Louis City, and all surrounding counties.

302. Pudlowski also holds herself out to the public and to Saint Louis County Court as a certified court appointed GAL with required training in social work and law, forensic sciences, family law mediation, and parental coordination.

303. The services and events complained of in this Petition constitute, “trade or commerce” as defined in the Missouri Merchandising Practices Act at Mo. Rev. Stat. § 407.010

(7). Trade and practice encompass court experts, litigation support professionals, family law educators, family law consultants, expert and forensic consultants, and legal consultants. Mo. Rev. Stat. § 407.010 (4) and (7).

304. The Missouri Merchandising Practices Act prohibits unfair practices, use or employment of false promises, misrepresentation, or omission in the conduct of trade or commerce, including provision of services as set forth in Mo. Rev. Stat. § 407.020.1.

305. Plaintiff purchased services that Skaggs, Pudlowski, and TRSCS offered.

306. Plaintiff purchased their services for personal and family use.

307. Plaintiff suffered significant and ascertainable losses because of purchasing Skaggs, Pudlowski, and TRSCS's services.

308. Plaintiff's significant and ascertainable losses were the result of the unfair and deceptive practices by Skaggs, Pudlowski, and TRSCS, as stated in this petition.

309. Defendants Skaggs, and TRSCS never acted in their roles as the health care providers but sold their services as legal consultants, career court experts, litigation support professionals, legal mediators, legal educators, forensic court experts and family court support professionals.

310. Defendants' conduct violated the Missouri Merchandising Practices Act on numerous occasions in holding themselves as family court experts:

- a. Defendants held themselves to Plaintiff as experts in family law, custody modification and litigation, custody-related family reunification services, custody mediation services, litigation consulting services, expert testimony services, forensic psychology and forensic clinical social work expertise, domestic violence law specialists, financial abuse specialists, and sexual abuse prevention consultants,

when in fact, they knew that they were incompetent and inexperienced in these areas;

- b. Defendants promised Plaintiff significant benefits when Plaintiff agreed to receive their services, when in fact, Defendants knew that the actual services they would render were harmful and injurious to Plaintiff;
- c. Defendants billed and received payments from Plaintiff for the services they were ordered by the Court to provide, which in fact they never rendered;
- d. Defendants' failure to advise Plaintiff, with respect to the conflict of interest and the Defendants' personal and business relationships with each other, Stanley, and Stanley's attorney, constituted an omission and/or suppression of a material fact in violation of V.A.M.S. 407.020;
- e. Defendants fraudulently billed and overbilled Plaintiff for the injurious litigation support services they provided;
- f. Skaggs never provided evidence from her report, engaged in ex parte communications with Pudlowski, Stanley and Stanleys' attorney to deceive and mislead the Court and the Plaintiff;
- g. Pudlowski pledged to the Court and Plaintiff that she would follow the Court Orders, when in fact Pudlowski had no intent to follow these Orders, and which Pudlowski breached many times and in doing so, injured Plaintiff;
- h. As an officer of the Court, Pudlowski promised Plaintiff with rights to his children and telling him she knew Stanley was harmfully coaching the children resulting in loss of Plaintiff's custody rights;

- i. As an Officer of the Court, Pudlowski knew full well that Skaggs and TRSCS violated their duties of care, in many respects including, but not limited to, omission of crucial data and information and mischaracterization of the evidence to mislead the Court but Pudlowski failed to inform the Court of these violations;
- j. Pudlowski knew that Plaintiff was vigorously challenging the excessive and ongoing allegations and Pudlowski with the sole purpose to injure Plaintiff, continued to destroy Plaintiff's relationship with his children;
- k. Pudlowski involved Skaggs knowing in advance that Skaggs would produce a biased report (like Skaggs did in numerous other cases with Pudlowski) and that Plaintiff would challenge the excessive paperwork through arduous, painful and expensive litigation that would destroy Child K and Child K's college savings but would enrich Skaggs, Pudlowski, and TRSCS's pockets while injuring Plaintiff, his children and destroying Plaintiff's relationship with his children;
- l. As an Officer of the Court, Pudlowski vexatiously delayed the trial in the Plaintiff's case allowing Stanley's counsel frivolous claims they were searching for millions of plaintiff's dollars causing damage to Plaintiff and his children and destroyed Plaintiff's relationship with his children;

311. Pudlowski's conduct violated the Missouri Merchandising Practices Act on numerous occasions as previously stated in paragraphs above.

312. Skaggs's conduct violated the Missouri Merchandising Practices Act on numerous occasions as previously stated in paragraphs above.

313. TRSCS's conduct violated the Missouri Merchandizing Practices Act on numerous occasions as previously stated in paragraphs above.

314. Defendants' representations that their services were suitable and beneficial for Plaintiff and his custody litigation procedures were false or were made by Defendants without knowledge as to their truth or falsity. These representations were unfair and false promises as described in V.A.M.S. 407.020 and in violation of the MMPA, which prohibits such practice.

315. Defendants' representations were material to purchase professional services from Defendants.

316. Plaintiff relied on Defendants' representations to Plaintiff's detriment and suffered damages in the amount in excess of twenty-five thousand dollars (\$25,000.00).

317. Defendants' conduct was intentional and wrongful and entitles Plaintiff to recovery of punitive damages as authorized by V.A.M.S. 407.025.1.

318. As a direct and proximate result of Skaggs, Pudlowski, and TRSCS's violations of the Missouri Merchandising Practices Act Mo. Rev. Stat. § 407.025, Plaintiff is entitled to a recovery of his actual damages suffered to date, and an additional amount to be proven at trial, an award of punitive damages, an award of reasonable attorney's fees, injunctive relief prohibiting Defendants unfair and deceptive conduct prospectively, and any other penalties or awards that may be appropriate under applicable law.

WHEREFORE, Plaintiff prays for judgment on Count IV of his Petition against Reid, Pudlowski, and TRSCS and for a) actual compensatory damages in an amount to be determined at trial; b) an award of punitive damages in an amount to be determined at trial; c) injunctive relief prohibiting Defendants from continuing to commit the deceptive and unfair acts alleged herein; d) an award of reasonable attorney's fees and costs; and e) such further and other relief the Court deems reasonable and just.

## **JURY DEMAND**

Plaintiff requests trial by jury of all claims that can be so tried.

Kenneth Rosa  
Pro Se Petitioner

Comes now to respectfully provide a small sampling in collection of Federal Case law regarding certain special considerations to and for Pro Se rights.

Pro Se pleadings are always to be construed liberally and expansively, affording them all the opportunity in obtaining substance of justice, over technicality of form. Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938); Picking v. Pennsylvania Railroad Co., 151 F.2d 240 (3<sup>rd</sup> Cir. 1945); Jenkins v. Mckeithen, 395 U.S. 411, 421 (1959); Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 596, 30 L.Ed.2d 652 (1972); Pucket v. Cox, 456 F. 2d 233 (6<sup>th</sup> Cir 1972); and etc., etc., etc., practically and ad infinitum.

If the court can reasonably read submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax or sentence construction, or a litigant's unfamiliarity with particular rule requirements. Boag v. MacDougall, 454 U.S.364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982); Estelle v. Gamble, 429 U.S. 97, 106 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)(quoting Conley v. Gibson, 355 U.S. 41, 46-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)); Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 596, 30 L.Ed.2d 652 (1972); McDowell v. Delaware State Police, 88 F.3d 188, 189 (3<sup>rd</sup> Cir. 1996), United States v. Day, 969 F.2d 39, 42 (3<sup>rd</sup> cir. 1992); Then v. I.N.S., 58 F. Supp.2d 422, 429 (D.N.J. 1999); and etc., with numerous similar rulings.

When interpreting Pro Se papers, this court is required to use its own common sense to determine what relief that party either desires, or is otherwise entitled to. S.E.C. v. Elliot, 953 F. 2d 1560, 1582 (11<sup>th</sup> Cir. 1992). See also United States v. Miller, 197 F. 3d 644,648 (3<sup>rd</sup> Cir. 1999)(court has a special obligation to construe Pro Se Litigants' pleadings liberally); Poling v. K. Hovnanian Enterprises, 99 F. Supp.2d 502, 506-07 (D.N.J. 2000); and, etc.

Indeed, the courts will even go to particular pains to protect Pro Se litigants against consequences of technical errors if injustice would otherwise result. U.S. v. Sanchez, 88 F.3d 1243 (D.C. Cir 1996). Moreover, "the court is under a duty to examine the complaint to determine if the allegations provide for relief on "any" possible theory." (emphasis added). See, e.g., Bonner v. Circuit Court of St. Louis, 526 F.2d 1331, 1334 (8<sup>th</sup> Cir. 1975)(quoting Bramlet v. Wilson, 495 F.2d 714, 716 (8<sup>th</sup> Cir. 1974). and etc.

Respectfully Submitted,

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Kenneth Rosa  
Pro Se Petitioner

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