

1 C. The Evidence Proves That Oksana Is Lying About Lucia's Alleged Injuries.

2 Oksana's present claim that she is "extremely concerned" for "the safety of Lucia"<sup>4</sup>  
3 based on earlier events is also directly contradicted by her words and conduct.

4 Oksana alleges that "on the night of January 6, 2010, right after the incident [Oksana]  
5 observed blood and a small abrasion on Lucia's chin, which was not present before the  
6 incident," implying that such "injuries" were a result of the "incident." Id., 7:10-11. Despite  
7 alleging that Oksana "sought medical treatment as soon as possible" for herself after the  
8 "incident," there is no evidence of that. Oksana does not state that the incident led her to  
9 seek any medical treatment for Lucia. Grigorieva Decl., 7: 15-16. It did not. In fact, despite  
10 Oksana taking Lucia for an appointment she scheduled with Lucia's pediatrician for the very  
11 next day, January 7, 2010, to examine Lucia's protruding belly button, Oksana did not even  
12 mention any purported concern about alleged injuries she now claims Lucia received on the  
13 evening of January 6<sup>th</sup> nor was any injury on her face noted. Declaration of  
14 Dr. Linda Nussbaum, dated June 24, 2010 ("Nussbaum Decl."). At Mel's request,  
15 Dr. Nussbaum examined Lucia's belly button and found nothing was wrong. Oksana did not  
16 discuss anything about the alleged incident, direct Dr. Nussbaum's attention to the alleged  
17 "abrasion" on Lucia's chin, or otherwise indicate to Dr. Nussbaum that she believed Lucia  
18 was injured. Dr. Nussbaum did not observe any symptoms of trauma, abuse, bruising,  
19 redness or injury on Luci's face, head or elsewhere on her body.

20 A close-up video of Lucia sent by Oksana to Mel on January 9, 2010, three days after  
21 the alleged incident, also shows that Oksana's claims about Lucia are false. This video  
22 shows no indication of any such "abrasion" or other type of injury (snapshots from video);  
23 the full video is also being submitted currently pursuant to the June 24, 2010 Notice of  
24 Lodging. In addition, two of Mel's attorneys previously viewed a photograph of Lucia's face,  
25 and the photograph at that time did not show any marks or injury to Lucia.

26 Oksana has not submitted evidence of a single recent event, including the subsequent  
27 occasions when Mel had physical custody of Lucia, where Oksana's supposed "fear" of  
28

<sup>4</sup> See Grigorieva Decl., 13:9-10.