

FILED

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

2014 SEP 12

) IN THE FAMILY COURT
) NINTH JUDICIAL CIRCUIT
) CASE NO. 2014-DR-10-3174
) REF: CASE NO. 2009-DR-10-4904
) JULIE)
) CLERK OF COURT

JENNIFER SULLIVAN SANFORD, BY _____)

Plaintiff,)

vs.)

MARSHALL CLEMENT SANFORD, JR.,)

Defendant.)

AFFIDAVIT OF DEFENDANT
MARSHALL CLEMENT SANFORD, JR.

PERSONALLY APPEARED BEFORE ME, Marshall Clement Sanford, Jr., who having been duly sworn, deposes and says as follows:

1. My name is Marshall Clement Sanford, Jr., and I am the Defendant in the above-captioned matter. I am providing this Affidavit to the Family Court in support of the following Motions which are being filed on my behalf in the above-captioned matter:
 - A. Motion for Confidentiality and Protective "Gag" Order,
 - B. Motion to Require Mediation and, in the Interim, Set Visitation,
 - C. Motion to Dismiss Plaintiff's Motion to Appoint Guardian *ad Litem*, and
 - D. Motion to Dismiss Plaintiff's to Complaint.

2. The Plaintiff and I are the divorced biological parents of four (4) sons: Marshall Sanford, born June 23, 1992; Landon Sanford, born September 28, 1993; Bolton Sanford, born February 2, 1996; and Blake Sanford born October 5, 1998. Marshall, Landon and Bolton are all over eighteen (18) years of age and emancipated. Blake,

our only son who is still a minor, will be sixteen (16) years old on October 5th and he is a currently a sophomore in high school.

3. Pursuant to our Separation and Property Settlement Agreement dated February 26, 2010, page 3, Section II, Paragraph A, which was approved by the Family Court pursuant to the Final Order and Decree of Divorce and Approval of Separation and Property Settlement Agreement issued March 18, 2010, in Case No. 2009-DR-10-4904, I am informed and believe that I have a right to regular visitation with our son Blake. Section II, Paragraph A, pages 2 - 3 of our Settlement Agreement states:

Notwithstanding the issue of fault in the dissolution of the marriage, we believe that God placed us as stewards in the lives of these four boys. As no one can supplant us in these roles, it is our aim to maximize each parent's respective time with the boys. Mother.... shall work to see that the boys share their time jointly with both parents. Should the parties be unable to agree on the visitation schedule or visitation-related issues, they agree to engage in a minimum of six (6) hours of mediation before filing an action with the Family Court.

4. Since our divorce in March 2010, Plaintiff has been in control of when and how long I am allowed to exercise visitation with our sons. Anytime I wanted to see our sons, I was forced to contact the Plaintiff, request permission to see the boys, and she would decide if, when and how long I was allowed to see our sons. To some extent, this visitation arrangement has been an ongoing problem because there was no set schedule or guarantee that I would be able to see the boys, but when all four (4) boys were at home it was not as prevalent a problem as it has become in the last two (2) years.

5. For instance, beginning in early 2013, when I began my campaign to fill the 1st District Congressional seat vacated by now Senator Tim Scott, Plaintiff refused to allow me access and normal visitation with our sons who were at home for a period of approximately 5 months while I was campaigning, until after I was elected on May 7, 2013. As further evidence of how untenable the visitation has been, Plaintiff did not provide a visitation schedule for this year and, for instance, Defendant was not able to have overnight visitation with our son Bolton for a period of seventeen (17) weeks in the Spring of 2014. Plaintiff has continued to limit my visitation since that time and she has now filed a lawsuit asking the Court to require me to have psychiatric/psychological evaluations (at my own expense), complete an anger management program, complete a parenting program, abide by numerous restraining provisions that were not previously included in our Separation Agreement, insinuating that I am not a fit parent, including an insinuation that I have used illegal or un-prescribed drugs and excessively used alcohol in our son's presence which is certainly not true.
6. In direct contravention of our Settlement Agreement as cited above, the Plaintiff has filed this action without first engaging in mediation.
7. Since there is no Order in place sealing the record in this matter, all of these allegations have been made public and, I am sure, these allegations have also been brought to all of our sons' attention, including fifteen (15) year old Blake.
8. Blake is our youngest child and the last to "leave the nest." I have never had any problems getting along with our sons and they have never indicated that they did not

want to spend time with me. Unfortunately, now that Blake is at home alone with his mother and no longer has the comradery of his brothers, I am concerned that Blake is being alienated from me by his mother.

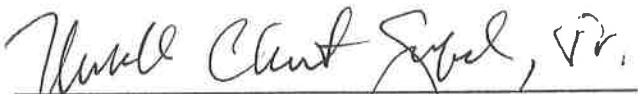
9. I do not believe that a Guardian *ad Litem* is necessitated at this time. First of all, the Plaintiff has not gone to mediation in an attempt to resolve our visitation issues. She is relying on a mediation that we attended over four (4) years ago when all of our boys were still living at home. At that time, she refused to agree to the mediator's proposed set visitation schedule and in an attempt to "keep the peace" and prevent a second round of protracted litigation, I have not pursued this issue legally. However, now that she has opened the door, I must at least defend myself and also seek the set visitation schedule that I believe is in the best interest of our son.
10. I am asking that the Court require Plaintiff to engage in meaningful mediation in an attempt to resolve whatever issues she intends to raise in this litigation and, most importantly, to address our visitation issued. I believe that a set schedule would be in Blakes' best interest and I am requesting the following set visitation schedule:
 - A. I would have visitation with Blake every other week from Thursday evening until the following Monday morning or Friday evening until Tuesday morning in accordance with the Congressional schedule;
 - B. I would have one evening or dinner time visitation with Blake during the alternating "off" weeks; and
 - C. I would exercise holiday visitation during Thanksgiving this year from the time school is recessed for the Thanksgiving holiday until the Monday

morning following the holiday weekend, as we have been following by mutual agreement for the past four (4) years.

11. I am also asking that the Court issue a Confidentiality and Protective “Gag” Order in this case. It is abundantly clear that the pleadings, motions and affidavits filed by the Plaintiff have already been provided to the press and there are stories appearing on the television, in the newspapers and on the internet insinuating that I am an unfit parent and, therefore, also an unfit Congressional Representative. I am sure that all of our sons, including Blake, have been subjected to these news casts and publications and probably even approached by friends and taunted by people who are not so friendly. I am asking the Court to please, for the protection of our sons, especially Blake, issue a Confidentiality and Protective “Gag” Order in this case.
12. I agree with the Plaintiff that the record in this case should be sealed in order to protect the best interest of our son Blake.
13. I believe that the Plaintiff’s Complaint and Motion to Appoint a Guardian *ad Litem* should be dismissed since the Plaintiff has failed to allege any fact sufficient to show a change of circumstance.
14. I believe that the Court should not change the provisions of the Court’s Final Order Approving the Separation and Settlement Agreement entered in Case No. 2009-DR-10-4904 and that Plaintiff should be compelled to comply with the provisions set forth therein.

15. I believe that Plaintiff has brought this action in an effort to further alienate our son from me, to justify her efforts to limit and, at times, deny my visitation, and to defame and harass me both personally and professionally.
16. Plaintiff received a significant financial award as a result of our divorce and she has the financial ability to pay her own attorney's fees as well and mine.
17. I am informed and believe that I am being forced to defend this action through no fault of my own and that Plaintiff should be required to advance sufficient funds to pay for my attorney's fees and costs necessarily incurred to defend this action.

Respectfully submitted,



Marshall Clement Sanford, Jr.

SWORN TO and subscribed before me
this 11th day of September, 2014.



Notary Public for South Carolina

My Commission Expires: 10/29/2019