

1 DECLARATION OF MEL GIBSON

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3 I, MEL GIBSON, declare as follows:

4 1. I am the Petitioner in the within action and the father of the minor child LUCIA
5 ANNA GRIGORIEVA-GIBSON, born on October 30, 2009 and presently seven and one-half
6 months old. Respondent, Oksana Grigorieva, is Lucia's mother. I make and submit this
7 Declaration in connection with my *ex parte Order to Show Case re Child Custody, Visitation*
8 *and Other Orders* and this Declaration shall relate to only those matters.

9 **Orders Made as a Result of Misrepresentations**

10 **Made by Respondent Should Be Vacated**

19 15. On the evening of January 6, 2010, Oksana and I were alone together in my
20 home in Malibu with then two-month old Lucia. Oksana and I were in the kitchen and Lucia
21 was in a bassinet in the next room. Oksana and I began to argue and as our argument
22 escalated volume, I asked her to leave my house. She refused to leave and continued to
23 argue with me. I repeated again that I wanted her to leave my house but she would not.
24 Suddenly, Oksana stormed in to the room where Lucia was, grabbed her out of her bassinet
25 and yelled at me "stop yelling or you will make her into a retarded brain damaged idiot!" She
26 continued to scream at me and argue with me while she held Lucia between us, literally
27 placing our two-month old baby in the middle of our argument.

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1 16. Oksana then spun around quickly with Lucia in her arms and took off down the
2 hallway, at a very quick pace. I followed her, concerned about Lucia's safety, having just
3 seen Oksana spin around with the baby in her arms. Oksana darted in to the room where
4 her son, Sacha, was, continuing to scream at me and now Lucia was crying too.

5 17. I followed her into Sacha's room where I saw her run out the open door leading
6 out into my back yard, still carrying Lucia. She was not "hiding" in Sacha's room, as she
7 states in her declaration rather, she ran straight through it into the yard.

8 18. My back yard is made up of several different levels, each with a different kind
9 of terrain. The yard is dimly lit at night and located in an area where coyotes are common
10 and even mountain lions have been spotted. I followed Oksana to the door where I saw her
11 continuing to run, barefoot and in her bathrobe, across the different levels of terrain with
12 Lucia in her arms, facts she chose to leave out of her declaration.

13 19. I saw Oksana run approximately 75 yards across rocks, grass and sand, past
14 trees with low hanging branches, some of which (the lemon) also have thorns. During all of
15 this time I was yelling to her to bring Lucia back inside the house. I did not think it was safe
16 for Lucia to be in the back yard at night, particularly not being carried around the different
17 levels that make up my yard by her mother in bare feet. While both Oksana and I were
18 yelling, I never yelled into Lucia's ear as Oksana falsely alleges.

19 20. Suddenly, Oksana squatted down in the yard, clutched Lucia to her chest and
20 started screaming long and loud. Then she got back up and ran through the same dark and
21 uneven path with Lucia again, back to the house. When Oksana finally brought Lucia back
22 inside the house, she ran into Sacha's bedroom and climbed up on the bed. I followed
23 Oksana into the bedroom and told her to give Lucia to me. Oksana refused to let go of
24 Lucia, who was screaming loudly by this time. I could not tell whether Lucia was just afraid
25 or whether she had also been hurt from Oksana's run through branches in the yard. I
26 repeated to Oksana to give Lucia to me but she kept screaming "No! No!"

27 21. Suddenly, Oksana started swinging Lucia erratically in her arms, jerking her
28 body from side to side to keep Lucia out of my reach. Oksana was acting hysterical and

1 Lucia was screaming as Oksana's rapid movements were causing Lucia's little body to be
2 flung from one side to the other, her head shaking violently. I could see that Oksana's
3 behavior had spiraled out of control. I feared the physical risk to Lucia associated with
4 shaking an infant Lucia's age, known as "shaken baby syndrome," and was very concerned
5 that Oksana's rough treatment of Lucia would cause her physical harm. As Oksana
6 continued to argue with me, I felt like I needed to remove our baby from what had become
7 a dangerous situation. When Oksana climbed onto the bed with the baby in one arm, I
8 attempted to hold Oksana there to keep her from squeezing and jerking Lucia, so I could
9 take the baby from her. Oksana would not let me take Lucia. She continued screaming at
10 me and was being so rough and erratic with her movements that I became increasingly
11 afraid for Lucia's safety. I slapped Oksana one time with an open hand in an attempt to
12 bring her back to reality. I did not slap her hard, I was just trying to shock her so that she
13 would stop screaming, continuing shaking Lucia back and forth. I did not hit Oksana with a
14 closed fist, as she alleges. I did not ever punch her in the face or in the temple or anywhere
15 else, not then or at any other time.

16 22. While I do not believe that I handled the situation as well as I should have, I
17 was worried about the rough way Oksana was shaking and tossing Lucia around, concerned
18 about injury to our then two-month old daughter. I was desperate to get Lucia out of
19 Oksana's arms because of how Oksana was behaving and this was the only way I could
20 think of to stop her hysteria. My hand never touched any part of Lucia and there were no
21 marks, injuries or blood on Lucia's face as a result of anything I did.

GIBSON V. GRIGORIEVA

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CASE NO. BF 039 488

PAGE 6