

### Child Custody

The Parties acknowledge that they cannot finally and completely resolve issues pertaining to child custody, including visitation, and that those matters will always remain within the jurisdiction of the Los Angeles Superior Court and subject to modification upon an appropriate showing.

#### Agreement of Parentage and Child Custody

a. MEL GIBSON is the father and OKSANA GRIGORIEVA is the mother of the minor child LUCIA ANNA GRIGORIEVA-GIBSON, born October 30, 2009, and a judgment of Paternity, to be entered in this matter shall contain this provision.

b. The judgment to be entered in this matter shall provide that the parties are awarded joint legal custody of Lucia, as follows:

i. In exercising joint legal custody, the parties shall attempt to cooperate and agree in making decisions on the following matters:

- (1) Enrollment or termination in a particular school;
- (2) Change of the child's residence;
- (3) Beginning or ending the regular practice of religion;
- (4) Beginning major developmental transitions such as weaning from bottle or pacifier, toilet training and the commencement of preschool;

(5) Providing non-emergency professional services.

(6) The parties shall each have the authority to unilaterally consent to emergency medical treatment. The parties shall attempt to cooperate and agree on all non-emergency major health decisions regarding their minor child before any treatment is provided. The foregoing does not apply to regular, routine check-ups and such services from the child's regular health care providers and dentists.

ii. In the event the parties are unable to agree, any dispute regarding the exercise of joint legal custody shall be submitted to Judge Kenneth Black for mediation before filing an application for relief with the Court.

iii. Neither party shall change the residence of Lucia to a location outside the State of California, or, pursuant to their stipulation, more than 30 miles from the father's present residence located at [REDACTED] without first obtaining the written consent of the other party or an Order of Court.

c. The judgment to be entered in this matter shall provide that the parties shall share joint physical custody of Lucia, as follows:

i. Until June 14, 2010, Mel shall have the right to have custody of Lucia from Saturday at 11:00 am until Sunday at 4:00 pm. in every week.

ii. Commencing June 14, 2010, and continuing until Lucia turns one (1) year of age on October 30, 2010, the parties shall share custody of Lucia such that Mel shall have physical custody of Lucia

A. During "week one," which begins on Monday, June 14, 2010, and continues every alternate Monday thereafter:

(1) Mel shall have custody of Lucia on Tuesday from 10:00 a.m. until 6:00 p.m. the same day;

(2) Mel shall have custody of Lucia from Saturday at 10:00 a.m., overnight, until Sunday at 6:00 p.m., at which time the "week two" schedule set forth below shall resume.

B. During "week two," which begins on Monday, June 21, 2010, and continues every alternate Monday thereafter:

(1) Mel shall have custody of Lucia from 3:00 p.m. on Tuesday, overnight, until 10:00 a.m. on Wednesday;

(2) Mel shall have custody of Lucia from 10:00 a.m. on Friday until 6:00 p.m. that same day, at which time the "week-one" schedule set forth above shall resume.

iii. Commencing October 30, 2010, when Lucia turns one (1) year of age the parties shall share custody of Lucia such that Mel shall have physical custody of Lucia,

A. During "week one," which begins on Monday, and every alternate Monday thereafter:

(1) Mel shall have custody of Lucia on Tuesday from 10:00 a.m. until 6:00 p.m. the same day;

(2) Mel shall have custody of Lucia on Thursday from 10:00 a.m. until 6:00 p.m. the same day;

(3) Mel shall have custody of Lucia on Saturday from 10:00 a.m. until Sunday at 6:00 p.m.

B. During "week two," which begins on Monday and every alternate Monday thereafter:

(1) Mel shall have custody of Lucia from 10:00 a.m. on Tuesday, overnight, until 10:00 a.m. on Wednesday;

(2) Mel shall have custody of Lucia from 10:00 a.m. on Thursday until 10:00 a.m. on Friday, at which time the "week-one" schedule set forth above shall resume.

iv. Commencing October 30, 2011, when Lucia turns two (2) years of age the parties shall share custody of Lucia such that Mel shall have physical custody of Lucia:

A. During "week one," which begins on Monday, and every alternate Monday thereafter:

(1) Mel shall have custody of Lucia on Tuesday from 10:00 a.m., overnight, until Wednesday at 10:00 a.m.;

(2) Mel shall have custody of Lucia on Friday from 10:00 a.m. until Sunday at 6:00 p.m.;

B. During "week two," which begins on Monday and every alternate Monday thereafter:

(1) Mel shall have custody of Lucia on Monday from 10:00 a.m. until 6:00 p.m. that same day;

(2) Mel shall have custody of Lucia from 10:00 a.m. on Tuesday, overnight, until 10:00 a.m. on Wednesday;

(3) Mel shall have custody of Lucia from 10:00 a.m. on Thursday until 10:00 a.m. on Friday, after which time the "week-one" schedule set forth above shall resume

v. Commencing October 30, 2012, when Lucia turns three (3) year of age, Mel's custodial timeshare shall be scheduled in a manner that assures he shall have physical custody of Lucia no less than 50% of the time in every week as measured by overnight custodial periods.

d. Lucia's nanny, who shall be selected by the mutual agreement of the parties, shall be responsible for transporting Lucia to each party's residence so that she arrives in a timely manner at the commencement of the receiving party's custodial time.

e. Each day Mel does not have physical custody of Lucia, the nanny shall coordinate with Mel to have skype or similar visual and audio communication between Mel and Lucia that day. Oksana shall not participate in, record, or otherwise copy, or interfere with Mel and Lucia's skype communication, or use any image of Mel and/or Lucia from these conversations.

f. **Holiday Custodial Schedule:** The holiday custodial schedule set forth below shall take precedence over and supersede the parties' regular custodial schedule set forth above.

(1) **Birthdays**

(a) The parties shall share custody of the minor child on the child's birthday, such that one parent shall have custody of Lucia on her birthday (October 30th) from 9:00 a.m. until 2:00 p.m. and the other parent shall have custody of Lucia on her birthday from 2:30 p.m. until 7:30 p.m. This arrangement allows thirty minutes to transport the child between the parent's households, during which time Lucia will be deemed to be in the physical custody of the parent receiving custody for purposes of this order only. TRD

(b) Mel shall have custody of Lucia on his birthday in all years from 9:00 a.m. until 7:00 p.m. the same day.

(c) Oksana shall have custody of Lucia on her birthday in all years from 9:00 a.m. until 7:00 p.m. the same day.

(2) **Mother's Day/Father's Day**

(a) Mel shall have custody of Lucia on Father's Day each year from 9:00 a.m. until 7:00 p.m. the same day. Oksana shall have custody of Lucia on Mother's Day each year from 9:00 a.m. until 7:00 p.m. the same day.

(3) **Fourth of July**

(a) Mel shall have custody of Lucia on the July 4th Holiday in 2010 and every even-numbered calendar year thereafter, from 9:00 a.m. on July 4th until 9:00 a.m. on July 5th. Oksana shall have custody of Lucia in the same manner and for the same time period in 2011 and every odd-numbered calendar year thereafter.

(4) **Halloween**

(a) Mel shall have custody of Lucia on October 31st of each even-numbered calendar year, from 3:00 p.m. until 8:30 p.m.

(b) Oksana shall have custody of Lucia on October 31<sup>st</sup> of each odd-numbered calendar year, from 3:00 p.m. until 8:30 p.m.

(5) **Thanksgiving**

(a) In all even-numbered years, Mel shall have custody of Lucia for the Thanksgiving weekend, defined as from 3:00 p.m. or the end of school of the Wednesday preceding Thanksgiving Day until the Sunday immediately following Thanksgiving Day, at 7:00 p.m.



(b) In odd numbered years, Oksana shall have custody of Lucia for the Thanksgiving weekend, defined as from 3:00 p.m. or the end of school of the Wednesday preceding Thanksgiving Day until the Sunday immediately following Thanksgiving Day, at 7:00 p.m.

(6) **Christmas Eve and Christmas Day Holidays** TBB

(a) Oksana will have custody of Lucia during the Christmas Eve and Christmas Day holidays in 2010 and in every even-numbered calendar year thereafter, beginning at 2:00 p.m. on December 2<sup>3rd</sup> and continuing through 2:00 p.m. on December 2<sup>5th</sup>, after which the regular custodial schedule shall resume.

(b) Mel will have custody of Lucia during the Christmas Eve and Christmas Day holidays in 2011 and in every odd-numbered calendar year thereafter, beginning at 2:00 p.m. on December 23<sup>rd</sup> and continuing through 2:00 p.m. on December 25<sup>th</sup>, after which the regular custodial schedule shall resume.

(7) **Holy Days of Obligation**

(a) Commencing October 30, 2017, when Lucia is eight (8) years of age, Mel shall be entitled to have custody of Lucia during each of the following Holy Days of Obligation:

- (i) Mary Mother of God (January 1)
- (ii) The Ascension
- (iii) The Assumption of Mary (August 15)
- (iv) All Saints (November 1)
- (v) The Immaculate Conception (December 8)

(8) **Three-day weekends.**

(a) Commencing October 30, 2014, when Lucia turns five (5) years of age, Mel shall have custody of Lucia for the following three-day weekends in all even-numbered years and Oksana shall have custody of Lucia for the following three-day weekends in all odd-numbered years, defined as from 3:00 p.m. or the end of school of the Friday preceding the three-day weekend until return to school or 9:00 a.m. in the event Lucia is not in school, on the Tuesday following the three-day weekend:

- (i) President's Day weekend; and
- (ii) Memorial Day weekend.

(b) Commencing October 30, 2014, when Lucia turns five (5) years of age, Oksana shall have custody of Lucia for the

following three-day weekends in all even-numbered years and Mel shall have custody of Lucia for the following three-day weekends in all odd-numbered years, defined as from 3:00 p.m. or the end of school of the Friday preceding the three-day weekend until return to school or 9:00 a.m. in the event Lucia is not in school, on the Tuesday following the three-day weekend:

- (i) Martin Luther King weekend; and
- (ii) Labor Day weekend.

TED

(9) **Easter Holiday Weekend**

(a) Oksana shall have custody of Lucia for the entire Easter Holiday Weekend in all even-numbered years, defined as from 3:00 p.m. or the end of school of the Friday preceding Easter Sunday until return to school or 9:00 a.m. (in the event Lucia is not in school), on the Monday following Easter Sunday.

(b) Mel shall have custody of Lucia for the entire Easter Holiday Weekend in all odd-numbered years, defined as from 3:00 p.m. or the end of school of the Friday preceding Easter Sunday until return to school or 9:00 a.m. (in the event Lucia is not in school), on the Monday following Easter Sunday.

(10) **Summer Vacation**

(a) For the years 2010 and 2011, each party shall be entitled to have two (2) non-consecutive one-week periods of uninterrupted custody of Lucia during the summer (which is defined for purposes of this Order as during the months of June, July and August in all years) for vacation. Notice shall be provided by the parent selecting his or her period of vacation at least 30 days prior to the start of each of his or her planned period of vacation, of the dates he or she plans to exercise his or her vacation time with Lucia. In the event of a conflict, Mel shall have priority in selecting his vacation dates in 2010 and Oksana shall have priority in selecting her vacation dates in 2011.

(b) Beginning in 2012, each party shall be entitled to have two (2) non-consecutive two-week periods of uninterrupted custody of Lucia during the summer (which is defined for purposes of this Order as during the months of June, July and August in all years) for vacation. Notice shall be provided by the parent selecting his or her period of vacation at least 30 days prior to the start of each of his or her planned period of vacation, of the dates he or she plans to exercise his or her vacation time with Lucia.

(c) In the event the parties have conflicting periods of vacation which they cannot resolve by agreement, then Mel shall have priority of the summer vacation custodial dates in all even numbered years and Oksana shall have priority of vacation dates in all odd numbered years.

(d) No summer vacation period may conflict with the other party's right to exercise custody of Lucia pursuant to the holiday schedule set forth above. TBO

(e) At least one week prior to leaving on a scheduled vacation with Lucia, the party having custody of Lucia for the vacation period shall provide the non-custodial party with written information concerning the location and telephone numbers where Lucia will be staying during the vacation, along with travel

(f) itineraries including the name of any airlines, flight numbers, arrival and departure times. Each party shall promptly cooperate with the other by executing any written documents necessary for taking Lucia during these vacation periods.

(g) The parties agree that this Agreement is not intended to effect a "final" or "permanent" custody order, which would otherwise have required the Court to apply the "changed circumstances" rule in the event of a request for modification, as set forth in *Montenegro v. Diaz* (2001) 26 Cal. 4th 249, 256-257. Instead, the parties expressly agree that this Agreement is intended to reflect an interim custody arrangement, such that any subsequent court-ordered change shall be subject to the "best interest" standard. Oksana Grigorieva O.G. Mel Gibson [Signature]

h. Except for holiday and summer vacation custodial periods, neither party may remove Lucia from the State of California without the express written consent of the other party or prior Order of Court.

In the event the parties are unable to agree, any dispute regarding the exercise of joint physical custody shall be submitted to Judge Kenneth Black for mediation prior to either party applying to Court for relief.

i. A judgment of Paternity shall be entered in this matter, which shall provide that:

i. This court has jurisdiction to make Child custody orders in this case under the Uniform Child Custody Jurisdiction and Enforcement Act (part 3 of the California Family Code commencing with section 3400).

ii. Each party was given notice and an opportunity to be heard as provided by the laws of the State of California.

iii. The state of habitual residence of the minor child in this case is the State of California.

iv. The country of habitual residence of the minor child in this case is the United States.

j. Based upon the foregoing Agreement of the parties and their counsel and the Court finding that said Agreement was knowingly and voluntarily entered into, the current age of the child and the Court having had some prior history with the custodial issues in this case, the parties request that the Court find that the foregoing custodial time sharing stipulations are in the best interests of this child and order that the foregoing provisions shall become an Order of the Court to be fully complied with by each party.

Dated: May 16, 2010

By: 

Mel Gibson

Dated: May 14, 2010

By: 

Oksana Grigorieva

Dated: May 14, 2010

BROWN WOODS GEORGE LLP

By: 

Eric George, Esq.

Attorneys for Oksana Grigorieva

Dated: May 16, 2010

QUINN EMANUEL URQUHART & SULLIVAN LLP


By: 

William Urquhart, Esq.

Attorneys for Mel Gibson

Dated: May 6, 2010

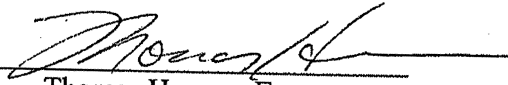
HANSEN, JACOBSON, TELLER, HOBERMAN,  
NEWMAN, WARREN & RICHMAN, L.L.P.

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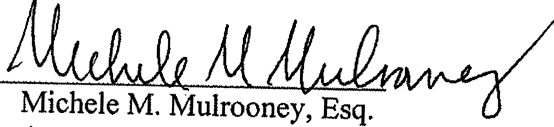
Mel Gibson 




By:   
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Dated: May 16, 2010

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