

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIR VELOZNY, *on behalf of minor children R.V.,
N.V. and E.V.*,

Petitioner,

v.

TAL VELOZNY,

Respondent.

Case No. 1:20-cv-06659-GBD

**DECLARATION OF NIR VELOZNY IN SUPPORT OF HIS
MOTION FOR SUMMARY JUDGMENT**

I, NIR VELOZNY, under penalty of perjury of the laws of the United States pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a citizen of Israel over the age of 18.

2. I am the father of the three children who are the subject of this proceeding, brought pursuant to the Hague Convention on the Civil Aspects of International Child Convention, T.I.A.S. No. 11,670 U.N.T.S 89 (Oct. 25, 1980) (the “Hague Convention”):

<u>Name</u>	<u>Birth Date</u>
R ■ V ■ ■ ■ ■ ■	■ ■ ■ ■ ■ ■ ■ ■ ■ ■
N ■ ■ V ■ ■ ■ ■ ■	■ ■ ■ ■ ■ ■ ■ ■ ■ ■
E ■ ■ V ■ ■ ■ ■ ■	■ ■ ■ ■ ■ ■ ■ ■ ■ ■

(Together, the “Children”.)

3. Respondent Tal Velozny is the mother of the Children.

4. Respondent and I resided together in Israel beginning in or about 2005. From approximately 2011 until approximately the last week of July 2019, I lived with Respondent and the Children in the family home at Kehilat Yassi 10, Tel Aviv, Israel.

5. The Children were all born in Israel.

6. Until approximately September 28, 2019, the Children were raised in Israel. Their permanent residence was Israel, they attended school exclusively in Israel, and they each carried an Israeli passport. My youngest attended pre-school in Israel, and had just started kindergarten in 2019.

7. Until approximately September 28, 2019, the Children's friends were located in Israel, as were their caretakers, including me, Respondent, my parents, and the Children's nanny. The Children had nannies who helped with their care their entire lives. My two older Children were active in the local community in Tel Aviv, Israel, and participated in activities including judo, tennis lessons, and Boy Scouts.

8. Starting approximately in the spring of 2019, Respondent and I began discussing a separation.

9. On or about July 31, 2019, Respondent and I went to dinner to discuss the difficulties in our marriage and the possibility of reconciling. The Children did not attend this dinner. Approximately a week before, I temporarily moved out of the family home due to ongoing issues with Respondent and her parents. Respondent and I were not on the same page, as I hoped that we could amicably discuss a separation over dinner but Respondent expected to reconcile.

10. After the dinner, I drove Respondent back to the family home. We began arguing during the car ride, and by the time we parked outside the family home, Respondent became physically aggressive toward me including hitting me and throwing objects found in the car at me.

11. When we arrived at the family home, I stepped out of the car and asked Respondent to leave the car. Respondent refused. I did not want to argue anymore and wanted to leave, so I grabbed Respondent's arm to pull her out of the car. After I pulled her out of the car, I drove to my friend's home, where I was staying at the time.

12. A neighbor apparently heard us arguing and called the police. The police contacted me the same evening, and I went to the police station for an interview, during which I learned that Respondent accused me of hitting her. I was not arrested, and I was told to go home after the interview.

13. Because Respondent told the police I hit her, I was required under Israeli law to stay out of the family home for 21 days. The Israeli police ultimately declined to prosecute, and closed the case on or about December 8, 2019. A true and correct copy of the police report is attached as Exhibit 1 to this Declaration.

14. At no other time during our marriage did Respondent file any police complaint against me.

15. After I left the family home, I constantly tried to speak to and see my Children. Respondent refused to let me visit the Children, and I had difficulty reaching my children. My oldest son would take my calls in the bathroom.

16. I was extremely upset by Respondent's refusal to let me see or communicate with my Children. I asked my sister-in-law, Ravit Ben Sarouk-Vilozny (who is an attorney practicing in Israel), to work out a visitation arrangement with Respondent so that I could see my Children, and to start discussing divorce. At that time, my primary goal was to be able to immediately see and speak with my Children.

17. On or about August 12, 2019, on the advice of my Israeli attorney/sister-in-law, I filed a Petition to Settle a Dispute Pursuant to Regulation Two of the Litigation in Family Disputes Arrangements Regulations, 5766-2016 with the State of Israel Rabbinical Courts (the “Rabbinical Petition”). A true and correct copy of the Rabbinical Petition is attached to this Declaration as Exhibit 2.

18. Although I am aware now that they occurred, I was not involved in any discussions between Ravit and Respondent’s Israeli counsel that occurred after August 1, 2019. I did not participate in any meetings with Respondent or her attorneys after August 1, 2019.

19. I am aware now that, in the discussions between Ravit and Respondent’s Israeli counsel between August-September 2019, Respondent’s counsel proposed a custody arrangement whereby Respondent would move the Children to New York, and I would have certain visitation rights. At the time that these discussions occurred in 2019, I was not aware of these proposals, and I certainly did not agree that Respondent could move to New York with the Children. In fact, I specifically told Ravit that I did *not* want my Children to move to New York.

20. Respondent did not tell me that she was leaving Israel with the Children on or about September 28, 2019. She did not tell me that she was pulling the Children out of their schools, bringing the Children to New York on that date, or that she intended to remain in New York with the Children. I was not even given an opportunity to say goodbye to my Children, and the Children were not given the opportunity to say goodbye to my parents (their grandparents), their nanny, or their friends.

21. On the afternoon of September 28, 2019, I drove to the family home to try to say hello to the Children before the beginning of Rosh Hashanah. The house was completely dark, and no one was there. I then drove to Respondent's parents' home, as the Children were supposed to see Respondent's parents over Rosh Hashanah. Respondent's parents' home was also dark, and their doorman told me that they had gone to the airport. I tried to call my children repeatedly, but no one answered.

22. After learning that Respondent's parents had left for the airport, I went to the police to report a kidnapping. That is when I learned that Respondent and my Children had left the country. A few days later, my eldest son confirmed that Respondent and my Children were all in New York.

I declare under penalty of perjury of the laws of the United States that the foregoing is true.

Executed on: March 23, 2021



NIR VELOZNY

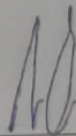
DECLARATION OF TRANSLATION

I, Jeffrey Merkel under penalty of perjury of the laws of the United States pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am competent to translate from Hebrew into English by virtue of the following qualifications: over 10 years of legal translation.
2. The translations provided herewith of certain police and Rabbinical Court documents are complete, true and accurate to the best of my knowledge and belief. I received these documents from advocate Ravit Ben Sarouk-Vilozny.

I declare under penalty of perjury of the laws of the United States that the foregoing is true.

Executed on: March 24, 2021



Jeffrey Merkel