

NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE

2008 OCT -2 PM 4:18

DISTRICT COURT DIVISION

WAKE COUNTY

08 CVD 12310

WAKE COUNTY, C.S.C.

GARRY D. RENTZ AND DONNA A. )

RENTZ AND KRISTA LISTER, )

Plaintiffs, )

v. )

BRADLEY COOPER, )

Defendant. )

**AFFIDAVIT OF  
HUZUR ALTAY, Ph.D.,C. Psych.**

Huzur Altay, being duly sworn, deposes and says:

1. I am over eighteen years of age and competent to testify to the matters set forth in this Affidavit.

2. I am a Clinical Psychologist in Toronto, Ontario, Canada who specializes in assessment and treatment of children and adolescents, i.e., approx 85% of my referral source is from pediatricians. (See the attached Curriculum Vitae attached hereto as Exhibit "A.")

3. 4. My clinical services were sought by Garry (68 years) and Donna Rentz (63 years) and Krista Lister (35 years) in July 2008, to provide counseling for Bella and Katie Cooper and to assist the family in caring for the children as they adjust to their new situation subsequent to the trauma of recent events.

5. Garry and Donna Rentz, residing in Edmonton, Alberta, are the maternal grandparents of Bella and Katie Cooper ages four and two years respectively. Krista is the maternal aunt and the identical twin sister of their mother Nancy Cooper who was murdered in July 2008 in North Carolina where the Cooper family resided. Jim Lister (39 years) is Krista's husband; the couple have no children and reside in Oakville, Ontario, Canada.

6. Although the family members were in the midst of grief over the recent murder of Nancy Cooper they were very impressive in that they provided information with respect to the recent events only as far as what they deemed relevant for me to understand the children's situation, i.e., they were never side-tracked with their own grief and kept a steady focus on their collective concerns and questions with respect to the children.

7. Garry and Donna Rentz and Krista provided me with a copy of the Consent Order which awarded them temporary custody of both children, whom they had brought to Oakville, Ontario, Canada to live with Krista and Jim Lister. The Rentz family lives in Edmonton but fly back and forth frequently to help Krista and Jim with the care

of the children. Temporary Custody of the children will be determined by the Wake County District Court in Raleigh, North Carolina during the week of October 13, 2008.

8. Garry and Donna Rentz indicated that the children would reside with Krista and Jim Lister. However, the Rentz family plan to be available in every way possible to help with the raising of these children. So far they have demonstrated this to be true. Although they live in Edmonton (a four to five hour plane ride from Toronto), they make themselves available within 24 to 48 hours of notice.

9. Having established the appropriate boundaries, i.e., doing whatever I deemed appropriate to help the children's emotional adjustment, I agreed to assess the situation and to give feedback including conclusions and recommendations.

10. Over the course of about six weeks, from August 15 through September 25, 2008, I saw each and every member of the family. (My observations total approximately 13 to 14 hours.) I saw them individually, as couples, as an immediate family, and an extended family. I also did a home visit to observe the children in the Lister home. I have also spoken with Bella's preschool teacher, Ms. Karen Taylor and I have viewed video discs of the girls' behaviour before and after the webcam phone visits with their father who resides in North Carolina.

11. During this assessment time, I agreed to provide parent counseling on a regular basis and address their concerns and questions as they might arise. I also agreed to continue to observe the children to see if there are any symptoms of distress for as long as it may necessary. We all agreed to be available to each other as frequently as needed.

12. The following are statements which are based on my numerous interactions with the children and the adults in this family:

- a. Initially, Krista and Jim were concerned about the girls with respect to symptoms of anxiety.
- b. Katie would cling to Krista and Jim for up to two hours at bedtime.
- c. Bella would have many tantrums and her emotional intensity would go from "0 to 100" in a few seconds, sometimes for no apparent reason.
- d. Bella would not let Krista out of her sight even to go to the washroom. With the exception of the maternal grandparents, Bella refused to be in the care of anyone other than Krista Lister.
- e. The children would refuse to sit at the table sometimes and refused to eat.
- f. Despite their best efforts to make it easy for the children to have the court ordered phone webcam visits with their father (4 times a week for a duration of 15

minutes), the girls tried to refuse the calls and would tantrum before and after these visits. I did observe video recordings of a few of these sessions.

g. After only a few weeks of parent coaching as well as many intuitive strategies which were implemented by Krista and Jim as well as the grandparents, there were significant improvements in all areas of functioning with the exception of the disconcerting behaviour demonstrated by the girls before and after the phone visits with their father.

h. Krista and Jim appear to do a very competent job in the preparation of the children for these calls and have been consistent in their efforts to facilitate these visits. The children, however, were and continue to be very distressed and anxious before and after such visits. I am in no position to make any inferences from these behaviours with respect to their relationship with their father. I can, however, state that their distress does not appear to be the result of any "wrong-doing" by the Listers and this visitation by webcam is not a positive experience for these children.

13. The maternal grandparents and Krista and Jim are remarkable in terms of their abilities to intuit the needs of Bella and Katie and are able to help them with their grief and adjustment to their new environment. Examples are:

a. Krista and Jim's bedtime routines for the girls, which were playful, calm, and structured, resulted in the girls successfully going to sleep within a two week period. I simply recommended a few suggestions to "fine tune" their excellent strategies.

b. The grandparents who are affectionate, calm, warm, and gentle in their demeanor reported a "shift" in the girls' willingness to be more physically affectionate with them, i.e., that at each visit, there was no longer a "warm-up period". I observed this for myself; however, it should be noted that the girls' comfort level was extremely high during my first observation of the children in the presence of their grandparents.

c. Krista and Jim proved to be meticulous, methodical and compassionate in their efforts to make a home for the children. Examples are:

i. Krista drove Bella by the preschool everyday for weeks before the first day of school to familiarize her with it. Bella became familiar and excited enough to want to go inside. Krista arranged for her to meet the teachers and the principal before school started.

ii. Krista and Jim frequently consulted me on virtually every move and their instincts were correct every time.

iii. Krista who is a designer by profession and is no longer working in order to look after the girls, decorated the children's room and knew how reassuring it would be to put them in a shared space and allowed them to participate in choosing everything for their new bedroom.

iv. Krista created a "family wall" in the girls' bedroom, by allowing them to select pictures of family and friends including their mom and dad and friends in North Carolina so that they would always see those whom they miss.

v. Donna, the children's grandmother was invited by Bella (four years) to see her "secret mommy mailbox" where she had collected many memoirs of her mother, and continues to add letters and drawings, and keeps them in the locked box. Donna encouraged Bella in this most therapeutic endeavor by respecting her privacy, thanking her for sharing it with her, and to kneel and pray with her when asked to do so. Some individuals cannot continue their grief and therefore cannot participate in these kinds of symbolic gestures but Donna seems to have no problem with any of this. In fact, she has demonstrated remarkably healthy ways of grieving for her daughter similar to the ways demonstrated by her granddaughter Bella, i.e., Donna showed me a scrapbook of her daughter Nancy which is full of pictures and memorabilia starting with the first day of preschool. She has one for each of her four children and shares this book with the girls. Bella is mesmerized by this and it clearly helped her to see a picture of mommy and what she wore the first day of school prior to her own first day. According to her teacher Ms. Taylor she did indeed have a "great first day".

vi. Krista works on a "scrap book for mommy" with Bella after Katie goes to bed.

vii. Krista and Jim have willingly placed their beloved dog Teva with another caregiver since Bella has had allergic reactions to dogs in the past.

14. Jim Lister has never had children and now comes home nightly to a chaotic household readily admitted to feeling "overwhelmed and worried" initially, but now claims to be used to the routine which no longer feels chaotic. He demonstrates a very deep and natural affection, respect, and love for the children. Both girls demonstrate a very genuine attachment and love in return. Bella who was reticent to be in anyone's care other than Krista's now seeks time alone with Jim.

15. Garry Rentz, the grandfather, presents as the "rock of the family" not in any sense of being domineering but rather, is extremely rational, even-tempered, and takes on the task of being the facilitator, and the organizer in all of the arrangements with respect to the needs of all family members. He is extremely good at being supportive of everyone's individual needs and feelings yet at the same time, facilitates the family to act as a collective group with the sole function of helping the children first and then the rest of the family adjust to their loss and to go on with their lives.

16. With respect to my observations of Bella and Katie in the past six weeks, I have noticed the following changes and improvements:

- a. Initially, their play in my office was quite chaotic and Bella in particular was reticent to acknowledge my presence.
- b. With each visit, Bella and Katie's play has become much more organized, i.e., they now demonstrate excellent focus and attention span for their respective ages.
- c. Katie was friendly with me from the beginning but Bella was reticent to trust me. After one hour she decided to take charge of the situation and came up to me and introduced herself, and told me her age and then protectively put an arm around Katie and said "this is my sister Katie, she is two, Katie would you like a piggy back?".
- d. Most recently, she was waiting for me at the door when I arrived for a home visit. She took me by the hand to show me her room, and now is comfortable in engaging me in play and conversation.
- e. The children's' behaviours have failed to raise any "red flags" in terms of acute distress or anxiety which is common after a traumatic loss or an event, i.e., there were no reports of enuresis (bedwetting), night terrors, withdrawal from caregivers, periods, of "tuning out" of reality, restricted range of affect or emotions, inability to recall an important aspect of losing their mother or recent events, or lack of spontaneity, etc.
- f. Each week or so the children continued to demonstrate a greater comfort level in their new community and their new home environment. Examples to substantiate these observations are:
  - i. During a home visit, Bella and Katie showed me their room and their play room which was full of age appropriate toys, movies, and art supplies specifically set up to allow them access to draw and paint at any given time. I had suggested that drawing could be a very good outlet for children who are young and have lived through difficult events. Krista and Jim had obviously intuited this on their own.
  - ii. Bella had consistently referred to the Lister residence as her home during my interactions. The preschool teacher, Ms. Karen Taylor, has also substantiated this observation.
  - iii. Bella and Katie have been enrolled in gymnastics and ballet and seem to be enthusiastic about both extracurricular activities. Krista sat in the first two sessions for both girls but now waits outside the door. While Krista does not leave the premises, Bella no longer has difficulty in separating from Krista to participate in these classes.
  - iv. Katie has a new best friend, a little girl from next door with whom she loves to play. Krista has observed the two girls hugging each other with excitement and does her best to let them spend as much time together as

possible while Bella is in preschool for two and a half hours a day, five days a week.

v. Bella, after much preparation by Krista, Jim, and her grandparents, succeeded in having a "great first day at preschool". After two weeks of attendance, I spoke with her teacher Ms Karen Taylor who stated that Bella is doing very well socially and academically thus far. She stated that if she did not know about Bella's recent loss she would "never know", meaning there is nothing in her behaviour to indicate distress and anxiety. Ms. Taylor is impressed with the fact that Bella is very "matter of fact" and "age appropriate" in her response to peers who ask about her mother. She tells everyone "my mommy was lost, then found, but was so sick, the doctors couldn't fix her, so now she is with the angels". Furthermore Ms. Taylor said Bella gets on well with all authority figures and peers thus far and has recently overheard her asking another girl from class if she would "come to my house to play".

17. My conclusions thus far are:

- a. Despite the tragic and sudden loss of their mother and a sudden change in their environment, Bella and Katie demonstrate good physical and emotional health. All initial symptoms of distress have dissipated quickly and the children seem to be enjoying a healthy and happy routine.
- b. Although all the adults' grief is palpable, they all seem to be grieving in very healthy and reparative ways. No one is avoiding the fact that Nancy Cooper is gone and no one is afraid to talk about her. Despite the tragedy, the home environment and the interactions between the girls and their family is best described as warm and joyful. There is still much laughter and enjoyment of one another's company.
- c. The girls are also a great comfort for one another and show a healthy sibling relationship especially when in a new situation, i.e., when they met me in my office for the first time; Bella was very protective of Katie, was vigilant regarding her whereabouts, and they gave each other spontaneous hugs and kisses.
- d. I believe the family has not done anything to malign the children's father, Brad Cooper, and have done their best to facilitate the children's access to him. There are pictures of their father in their bedroom and Krista and Jim agree to include "daddy" in Bella's nightly prayers. They were obviously relieved that the children's recent visit with their father went much better than expected. This was determined by the degree of the children's distress before and after their 2 to 3 hour visit in North Carolina.
- e. Krista and Jim's willingness to make all necessary sacrifices (i.e., Krista's career, the family dog), without any resentment and their obvious willingness to embrace all parental duties has resulted in a remarkably good adjustment for these children.

f. Another major contributing factor is the grandparents' willingness to provide unconditional support. Examples:

i. Although they live in Alberta (four to five hour plane ride away from Toronto) they have been more flexible and available for sessions with me than clients/patients who reside in the city.

ii. They arrive to help Jim and Krista in any situation which they perceive to be stressful, e.g.: for the recent visitation in North Carolina the grandparents accompanied Jim, Krista and the girls to a session with me and then to North Carolina.

iii. They stayed with Jim and Krista during Bella's first week at preschool.

iv. Although Krista's other two siblings, Chad and Jill Dean and Jeff and Shannon Rentz, live in Edmonton, they too are available for support if needed.

v. The only thing of concern that has not changed thus far is the fact that the webcam phone visitations remain strained. I believe that 15 minutes is a long time for children of their age to engage in such a circumscribed and restricted manner of interaction. Perhaps brief daily phone calls from their father may prove to be a less stressful and more effective way of maintaining their attachment and their relationship. An assessment of the interaction and relationship between the children and their father would be useful for future suggestions for contact.

vi. To the best of my knowledge, the family has abided by all instructions set by the Court and has no plans to prevent contact between the children and their father. They acknowledge the necessity of facilitating this relationship. Of their own accord, the grandparents have already mentioned to me that they will continue to seek my advice on how to best facilitate the possibility of an ongoing relationship between the children and their paternal grandparents for so long as necessary.

18. In summary, this is a remarkable family who indeed thinks and behaves in whatever way is required to serve the best interests of these children. I have not had any reason to question their collective integrity and commitment to do whatever is necessary to provide Bella and Katie with a happy, healthy life which will be devoid of their mother but they certainly endeavor to keep Nancy Cooper very much alive for her children to access and to relate to and continue to be influenced by her inherent character and her many strengths.

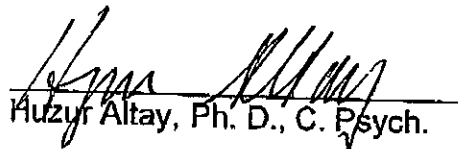
19. I strongly believe that to change the children's environment and caregivers at this point in time, while they are recovering from the loss of their mother, would have deleterious effects on their emotional and psychological well being.

20. At this point, I can say that these children have survived their recent tragedy yet I certainly cannot say whether they can survive further losses unscathed. They are very strongly and securely attached to Krista and Jim and their maternal grandparents. They live in a house that they refer to as their home and have started to make secure attachments to their environment and community. They have also developed considerable trust and rapport with me. Given their ages, I fully expect that there will be ongoing concerns and questions the girls will have as they become older. Their current caregivers are prepared to help them with difficulties as they arrive and will continue to seek and provide the necessary help for these children as long as it is needed.

21. Should these children be allowed to stay in their current situation and remain under my clinical care, long term, I would certainly recommend that Mr. Brad Cooper feel free to speak with me regarding his concerns and questions regarding the children's development. I always encourage input from all caregivers and family members. To the best of my knowledge Mr. Cooper has not attempted to contact me during the time of assessment thus far with the family, however he left a message on the afternoon of September 25, 2008, indicating his wish to speak with me regarding his children Bella and Katie Cooper and my assistant, Macrina Boddy, returned his call on the morning of the 26<sup>th</sup> of September and set up a phone appointment between Mr. Cooper and Dr. Altay.

22. Further affiant saith not.

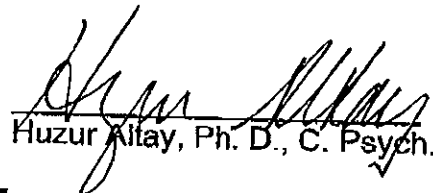
This the 31 day of September, 2008.

 (Seal)  
Huzur Altay, Ph. D., C. Psych.

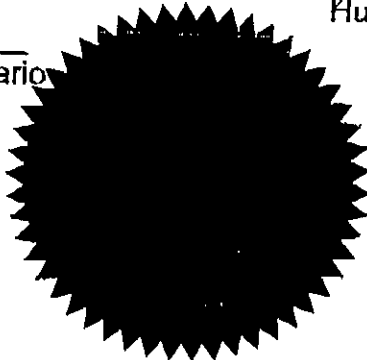
AND, I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

DECLARED before me at  
TORONTO in the  
Province of Ontario, this  
Sept. 30, 2008.

  
Notary Public, Province of Ontario

  
Huzur Altay, Ph. D., C. Psych.

**George Demetriou**  
Barrister & Solicitor  
Notary Public and Commissioner of Oaths  
in and for the Province of Ontario.  
My commission is of unlimited duration.  
No legal advice given.





**HUZUR T. ALTAY, Ph.D., C. Psych.  
Registered Psychologist**

**DEGREES**

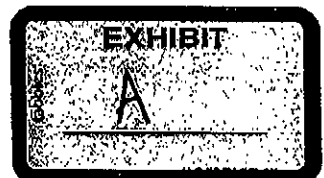
- 1991 **Ph.D. in Clinical Psychology**  
York University, Toronto, Ontario
- 1987 **Master of Education**  
University of Toronto, Toronto, Ontario
- 1984 **Specialized Honours B.A. in Psychology**  
York University, Toronto, Ontario

**EMPLOYMENT HISTORY**

- 1996 - Present **Private Practice, Toronto, Ontario**  
Consulting and psychotherapy to children, adolescents and adults with a focus on treatment of anxiety disorders, depression and psychosomatic medicine.
- 2000 - Present **Consultant, National Ballet School of Canada**  
Assessment and treatment for ballet day students as well as those living in residence.
- 1992 - 1995 **Private Practice, Toronto and Mississauga**  
Psychological assessment and treatment of children, adolescents, and adults.
- 1993 - 1995 **Consultant, Counselling Associates**  
Mississauga, Ontario  
Psychological consultant to a multidisciplinary professional team (a psychiatrist, a psychologist, a lawyer, family mediators, marital and child therapists) who provide assessment, treatment and mediation services to the legal community, i.e., custody assessments.

**TRAINING**

- 1991 - 1992 **Postdoctoral Fellow**  
C.M. Hincks Institute, Toronto, Ontario.  
Psychological assessment and treatment of infants, children, adolescents and families.  
Consultations to special programs in public schools.



Huzur Altay

Page 2

1988 ~ 1989

**Psychology Intern**  
C.M. Hincks Treatment Center, Toronto, Ontario

Psychological assessment and treatment of children, adolescents and families.

1986 ~ 1987

**Psychology Intern**  
Clark Institute of Psychiatry, Toronto, Ontario

Individual and group psychotherapy.

Psychological and neuropsychological assessments of inpatients on the Psychosomatic Medicine Unit, (1986-87) and the Schizophrenia and Affective Disorders Unit (1985-86).

Diagnostic interviews with outpatients.

Presentation of case seminars.

PUBLICATIONS

Altay, H., Toner, B., Brooker, H., Abbey, S., Salit, I., and Garfinkel, P., (1989). The Neuropsychological Dimensions of Postinfectious Neuromyastenia: A Preliminary Report, International Journal of Psychiatry in Medicine, 20, 141-149.

PROFESSIONAL AFFILIATIONS

- Registered Psychologist, December 1992
- Member of the College of Psychologists, registration #2478
- Member of the Canadian Psychological Association
- Member of the American Psychological Association
- Member of the Canadian Register of Health Service Providers in Psychology

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**CERTIFICATE OF SERVICE**

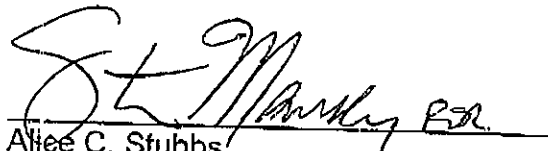
I hereby certify that the foregoing **Affidavit of Huzur Altay, Ph.D., C. Psych.** was this day served upon the following attorneys of record for Defendant by hand delivery:

Ms. Debbie Sandlin  
Sandlin and Davidian, PA  
5617 Departure Drive  
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*Attorney for Defendant*

Ms. Lynn A Prather  
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16 West Martin Street  
10<sup>th</sup> Floor  
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*Attorney for Defendant*

This the 2<sup>nd</sup> day of October, 2008.

THARRINGTON SMITH, LLP



Ailee C. Stubbs  
Attorney for Plaintiffs