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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

James Richard Newlin,

Plaintiff,

vs.

Lakeside Pediatric & Adolescent  
Medicine, PLLC et al.,

Defendants.

Case No. 2:24-cv-539-AKB

**STATEMENT OF MATERIAL  
FACTS IN SUPPORT OF  
MOTION FOR PARTIAL  
SUMMARY JUDGMENT**

I, James Newlin (Plaintiff), submit this Statement of Material Facts in  
Support of my Motion for Summary for Partial Summary Judgment per Dist. Idaho  
Loc. Civ. R. 7.1(b)(1). The following facts are not in dispute:

## **I. VEGAN STATEMENTS**

1. On February 7, 2023, K.E.N. (DOB X/X/2021) (“KEN”) was diagnosed by Patricia Woods, FNP at Prairie Family Medicine with “Failure to Thrive in Childhood” for being malnourished. (Refer to Exhibit 1) Maria told Prairie Family Medicine, Lakeside Pediatric & Adolescent Medicine, PLLC (“Lakeside Pediatrics”) (Refer to Complaint Exhibit 5), the Idaho Department of Health and Welfare (“IDHW”) (Refer to Complaint Exhibit 4), and Dr. Christopher Laviola that I forced KEN to be on a vegan diet, in order to blame me for KEN’s malnourishment and “failure to thrive” diagnosis.

2. I have never made KEN vegan or vegetarian, nor have I ever been vegan or vegetarian.

3. On 2/7/2024, Maria filed “Respondent’s Response to Petitioner’s First Set of Discovery Requests to Respondent” in Newlin v. Newlin in Kootenai County Magistrate Court (case. No. CV28-23-2348) (“Divorce Case”) (Refer to Complaint Exhibit 3):

**“INTERROGATORY NO. 13:** VEGAN DIET. Do you believe that James Newlin ever forced you or your children to be on a vegan diet? If so, what facts or evidence are you basing that belief on.

**ANSWER:** No.”

4. Maria texted my mother Giovanna Robertson on or about February 7, 2023: “...I lied to the doctor and said we are basically vegan.” (Refer to Exhibit 2)

5. **STATEMENT 1**: On 11/18/2022 Maria took KEN to Prairie Family Medicine alone. The medical records from that date recorded the following: “Father is opposed to adding dairy or meat to her diet” and “Limited diet primarily of beans, vegetables, and breast milk.” On that date KEN was diagnosed with “Inappropriate diet and eating habits.” This report also noted: “Poor growth-showed mom growth chart. Mother concerned that this was due to dietary restrictions imposed by husband.” The medical report from Prairie Family Medicine on 2/7/2023 notes the following diagnoses: (1) Active Problems & Conditions: R62.0 - Delayed Milestones Languages Speech, R62.51 - Failure to Thrive in Childhood, Z72.4 - Inappropriate Diet and Eating Habits. In addition the following was recorded: “Mother had initially stated at 11/18/22 visit, that the patient’s Father was opposed to any meats or dairy in her diet when she was in clinic at 21 months.” (Refer to Exhibit 1)

6. **STATEMENT 2**: On 2/17/2023 Maria and I took KEN for an appointment at Prairie Family Medicine. Maria continued to insist that I made KEN vegan. The report noted, “Has been vegan per father’s request...” The report listed active problems & conditions as “Failure to Thrive in Childhood” and “Inappropriate Diet and Eating Habits” and “Delayed Milestones Language Speech.” (Refer to Exhibit 1)

7. **STATEMENT 3**: On 2/23/2023 Maria took KEN to a medical appointment at Lakeside Pediatrics with provider Jean M. Prince. The medical record states (Refer to Complaint Exhibit 5):

“Food has been more controlled by dad. Mom told doctor they were vegetarian or vegan. Beans, rice, and veggies. Dad talks negatively about butter, milk and eggs and complained about the price of meat. But now dad complains that he never says that.”

8. **STATEMENT 4**: Following KEN’s diagnosis of “failure to thrive” on 2/7/2023, I contacted the IDHW. A report was completed by Nikki Stocking on 2/27/2023 with information provided by Karyn Crone. In this report they recorded the following from Maria (Refer to Complaint Exhibit 4):

“Maria is...claiming that the father put the child on a vegan diet. The father denied this...[Maria] insists it was the father who demanded a strict vegan diet and does not allow meats or cheese in the house.”

9. **STATEMENT 5**: On 3/21/2023, Maria and I had a counseling appointment with Dr. Christopher Laviola, Psy.D. at Prism Psychology. At this appointment, Maria again accused me of making KEN vegan and I denied the accusation.

## **II. MEDICAL EXAM, HEARING TEST, TONSILS & ADENOIDS**

10. I have never denied or declined medical treatment for KEN, whatsoever. In stark contrast, Maria has declined numerous treatments for KEN (Refer to the Amended Complaint ¶ 7).

11. KEN has never needed her tonsils or adenoids removed.

12. **MARIA'S HEARING TEST REFUSAL #1**: Maria signed a "Newborn Screening Test Refusal Form" and "Newborn Hearing Screening Refusal" on 2/18/2021 following KEN's birth. The "Kootenai Health Repeat Newborn Hearing Test" listed the diagnosis: "Z01.110 Encounter for hearing examination following failed hearing screen." (Refer to Complaint Exhibit 1)

13. **MARIA'S HEARING TEST REFUSAL #2**: On 3/2/2021 I received a voicemail message from the Kootenai Neurodiagnostics Center to schedule the newborn hearing screening for KEN. I forwarded the message to Maria to take KEN, but Maria never followed up, and—unbeknownst to me—KEN never received the recommended newborn hearing screen. (Refer to Exhibit 3)

14. KEN began seeing Alyssa Jacobson, M.S., CCC-SLP ("Alyssa") with the IDHW Infant Toddler Program for speech therapy beginning in early 2023. At that time, it was determined that KEN was below the 4th percentile in speech.

15. On 4/3/2023, Alyssa conducted a hearing screen on KEN. Under "Hearing Screening Results" Otoacoustic Emission (OAE) was noted as "Refer" for Right Ear and Left Ear, and Tympanometry was noted as "Refer" for left ear. KEN was referred to an Audiologist to determine if she had hearing loss (Refer to Exhibit 4). We were told on that day that KEN needed to have a complete diagnostic audiology test ("hearing test") at a pediatric ear, nose, and throat ("ENT") specialist.

16. **MARIA'S HEARING TEST REFUSAL #3**: I had been living in Boston, MA since March 2023, and Maria was living with KEN in Coeur d'Alene. We agreed that it would be Maria's responsibility to take KEN to a pediatric ENT to receive the hearing test since I was not in Coeur d'Alene. When I returned to Coeur d'Alene in September 2023, KEN had not received the hearing test. Maria had taken KEN to appointments at various ENT offices, but none of them had performed the hearing test as recommended by the IDHW.

17. Maria and I went to mediation for our Divorce Case in September 2023. Maria alone demanded we include the following language in a "Temporary Order" filed on 9/21/2023 ("9/21/2023 Temporary Order"): "The child's pediatrician is a provider at Lakeside Pediatrics in Coeur d'Alene, Idaho and neither party shall seek medical care of any kind for her from any provider other than Lakeside Pediatrics. Neither party shall vaccinate the child without written and verbal agreement in advance." (Refer to Complaint Exhibit 6). Between 9/21/2023 and 11/2/2023 (42 days), KEN was unable to get a hearing test because Maria had demanded that language be included in the 9/21/2023 Temporary Order.

18. **MY HEARING TEST ATTEMPT #1**: Maria asked me to take KEN for the hearing test at St. Joseph's Ear, Nose, Throat & Allergy Clinic ("St. Joseph's") in September 2023. After I scheduled the appointment for 10/17/2023, Maria unilaterally cancelled the appointment without notice to me. Maria then attempted to schedule a hearing test on 10/8/2023, *in violation of the 9/21/2023 Temporary*

*Order that she had wanted.* I had scheduled the hearing test for 10/17/2023, as it would be after a scheduled temporary orders hearing on 10/16/2023. Maria and I had the following text exchange (Refer to Exhibit 5):

**James:** "I will handle that appt"

**Maria:** "I understand. I am coming to the appt. Also I will watch her that day. Problem solved.

**James:** "The appointment is rescheduled to 10/17 at 10:30 in Post Falls. You told me to handle it so I rescheduled for what works better for me. Let me know if you'll be there.

**Maria:** "Great, thanks!"

19. The 9/21/2023 Temporary Order was provided to Lakeside Pediatrics and St. Joseph's ENT.

20. I scheduled a hearing in our Divorce Case on 10/16/2023 regarding a motion for temporary orders. Part of the intent at that hearing was to remove the language Maria had included in the 9/21/2023 Temporary Order.

21. **MY HEARING TEST ATTEMPT #2**: After Maria cancelled the appointment with St. Joseph's, they refused to see KEN as a patient due to the scheduling conflict between Maria and I. I then called to get a referral from Lakeside Pediatrics to take KEN for a hearing test at another provider. I sent Maria the following text messages on October 7, 2023 (Refer to Exhibit 6):

**James:** "I got a call from her [KEN's] pediatrician [Lakeside Pediatrics] yesterday, they won't give me a referral because you wanted that language in our agreement [refer to ¶ 17] that says [KEN] can only go to lakeside

ped. How do you want to handle this? I want to go to this hearing appointment...”

22. On 10/30/2023 the IDHW filed a report with the Kootenai County Magistrate Court as part of a court ordered investigation in our Divorce Case into neglect and abuse by Maria. This report recorded the following statements from Lakeside Pediatrics:

- a. **STATEMENT 6**: “Kayla said James will not allow an actual medical exam of KEN”;
- b. **STATEMENT 7**: “[Kayla] said KEN is in need of a hearing test and to have her tonsils and adenoids removed, but James is not allowing this medical care to take place.” (Refer to Complaint Exhibit 7)

23. A “Third Temporary Order” was filed on 11/2/2023 (“11/2/2023 Temporary Order”) by Maria’s attorney. This order modified the language from the previous temporary order (refer to ¶ 17). This order stated, “The child’s pediatrician is a provider at Lakeside Pediatrics in Coeur d’Alene, Idaho and neither party shall seek medical care of any kind for her from any provider other than Lakeside Pediatric and any providers used by Lakeside Pediatric for orders or referrals for the child’s care.” (Refer to Exhibit 7)

24. **MY HEARING TEST ATTEMPT #3**: On December 20, 2023 I scheduled an appointment for KEN to have the hearing test at Spokane Valley Ear, Nose & Throat and Facial Plastics (“Spokane Valley ENT”) on January 29, 2024. I texted



them, "My daughter is 2 years old and needs a full booth audiology hearing test. Is this a test you can do and how soon could we get in? I can ask for a referral from her pediatrician if you need this." Maria refused to agree to allow me to take KEN to this appointment. (Refer to Complaint Exhibit 8)

25. **MY HEARING TEST ATTEMPT #4**: On January 4, 2024 I filed, "Declaration in Support of Motion for Child's Medical Appointment" ("1/4/2024 Motion") in our Divorce Case asking the Court to allow me to get KEN's hearing test completed since Maria had repeatedly declined to have it done. This motion stated (Refer to Exhibit 8):

"...I respectfully request authority to take KEN to this January 29, 2024 appointment and that Maria not be allowed to cancel or reschedule this appointment."

26. **MARIA'S HEARING TEST REFUSAL #4**: Maria opposed the 1/4/2024 Motion. My motion was denied, and I therefore wasn't allowed to take KEN for a hearing test on 1/29/2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 6, 2024.

  
James Newlin