

Date : 10/26/2020 10:45:18 AM
From : "Shahar Sverdlov"
To : "Omer Mucznik" , "Marlene Mazel" , "Vered Shpilman"
Subject : New Complaint - Kapach v. Intel
Attachment : [649733_image001.jpg](#);

מצ"ב הטייטה מוכנה לשליחה.
שחר

Dear Reeves and Stephen,

I hope this email finds you well.

We thought it might be helpful to provide you with some factual background on the Kapach case. Please find below the facts which were relayed to us by the Law Enforcement and Collection System Authority (hereinafter: "the Authority") and the Office of the Court Administration.

The case in Israel, which was handled by the Authority - the body responsible for the enforcement of court orders and the payments of outstanding debts, related to an alimony dispute which has been ongoing since November 2004.

On March 4, 2020, Ms. Kapach (according to the complaint, Mr and Mrs Kapach are no longer married) requested to close the alimony case which was pending before the Authority (which has the power of an administrative tribunal). Ms. Kapach stated that she is requesting to close the case "due to an agreement", which as we understand it, probably reflects that she reached an agreement with Mr. Kapach. So this case was and remains closed. In addition, the court administration further checked if there are open proceedings against Kapach, and apart from one open proceeding which does not appear to be related to the matter, there are no other pending proceedings.

Throughout the course of the alimony enforcement case, Mr. Kapach submitted dozens of motions, including unsuccessful motions to disqualify and replace the Registrar of the Law Enforcement and Collection System Authority in Tel Aviv, Dikla Klein-Yona, who is the Registrar that was hearing his case. His motions for disqualification of the Registrar (who acts like a magistrate) Dikla Klein-Yona, were dismissed by the tribunal on the grounds that Mrs. Klein-Yona had no personal interest in the case, and that the motions he filed contained insults, were dismissed since the requests were worded using inappropriate language.

It should also be noted that the Registrar informed Mr. Kapach, prior to his appeal of the decision on the alimony dispute, and on the decision to disqualify her, that he is entitled to submit a request to pay the amount decided that he owes for back alimony in installments. However, to date he has failed to submit any such request.

Additional pleadings were relayed to us by the Court Administration, such as appeals to the Tel-Aviv Family Court on the decisions of the Law Enforcement and Collection System Authority Tribunal (as referenced above). In addition, Mr. Kapach submitted requests for an exemption from paying the guarantee fee required for the appeal (the condition for filing an appeal is depositing funds the courts an attach if the party loses the appeal). Since the family court denied his request to be exempt from the payment of this fee, and as Mr. Kapach did not pay the filing fee, the appeal was denied. Furthermore, the Hon. Judge Yehoram Shaked classified Kapach's motions as requests that do not justify a decision as the language which he used in drafting his claims was inappropriate. Another decision by Hon. Shaked stated that Mr. Kapach failed to pay the fee's required, however he continues to appeal the various

decisions made in his case, without adequate consideration of the court's procedures and requirements.

In his requests, Mr. Kapach used wholly inappropriate language, hurling swear words and insults against the justice system in general and against particular individuals such as the Registrar. In particular, in some of his written motions, Mr. Kapach made repeated comparisons between the conduct of the Registrar and the Nazi regime during the Second World War. For example in the motion to dismiss the Registrar, dated November 5th 2019, he stated "You [Ms. Yona-Klein] do not deserve to be called a human being and your hatred of males, like Pharaoh's decree on males 3000 years ago, will eventually lead you to the "defendants throne" in The Hague; and this has become the mission of my life". Another motion dated November 11, was named "Comparative test between the Authority rulings to the Nazi regime's laws, where he explains how the Authority's actions are similar to action taken against Jews in Germany thought the late 19th century.

Furthermore, we reviewed the MTD and asked the Authority, to look into the garnishment issue. They provided the following information:

Throughout the course of the Israeli Alimony dispute, Mr. Kapach's ex-wife filed for various garnishments, including a wage garnishment against the company, Intel, equal to the debt at the time the request was filed.

As explained to us by the Authority, as soon as there is a debt in an alimony case, and a lien/garnishment is requested, the request is automatically accepted.

Mr. Kapch filed a request to the Registrar with various arguments, upon which he was asked to clarify his arguments. Due to the inappropriate language of the request, it was dismissed, and the lien stayed in force. We will note that often there are circumstances under which the Authority is the one to request the lien be placed, and that this occurs when the Authority manages the case using the secretaries through one of its tracks (alimony, accelerated track, etc.), although this is not the situation in our case, as Ms. Kapach chose not to make use of the Authority's services, and managed the case by herself.

The Authority mentioned that there is no correspondence with Intel on the subject of liens, nor with any other party that was requested to place a lien, usually.

In our case, Intel did not file any request, but rather, sent two payments overall – in December 2019 and in January 2020, which did not cover the extent of the debt. In general, as explained by the Authority, third parties receive information on the full debt in the case and later, "supplies" the wage salary in accordance with the relevant law in the case (regular or alimony, with or without wage protection), to the extent of the amount of the debt listed.

With respect to the claim raised by Mr. Kapach, that a lien was requested for the full wage, we will clarify that Israel's Wage Protection Law simply does not apply to wage garnishments in alimony cases exclusively, due to the importance of the debt and the supremacy given to this by the legislator with respect to the winning party and the minors, due to the existence of the debt.

The Authority mentioned that according to articles 45 through to 48 of the Israeli Execution Law, Intel was obliged to transfer Mr. Kapach's salary. Otherwise, it could have been ordered by the Registrar to pay the amount itself.

All the above information is backed with transcripts and information provided by the Authority in Hebrew, if you wish we would be happy to translate them for you.

Please let us know if it would be useful to translate some of the decisions or motions referenced, which are in Hebrew. It seems it may be less relevant at the MTD stage, but it may be helpful in the proceeding, to the extent he adopts the same strategy in the US or to show the campaign continues to seek to harm judicial officials in Israel in a hope to gain an advantage in the Israeli litigation.

Also, please note that the decisions are under seal, and therefore cannot be shared publicly – this summary is provided in order to provide you with some factual background.

Best regards,
Marlene

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