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IN THE CIRCUIT COURT OF STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

In the Matter of the Marriage of  
K A I N E A . H O R M A N ,  
Petitioner,  
and  
T E R R I L . M O U L T O N H O R M A N ,  
Respondent.

Case Number: 1006-66084  
PETITIONER'S HEARING  
MEMORANDUM RE: SCHEDULING  
ISSUES

COMES NOW Kaine A. Horman, Petitioner, by and through his attorneys, Laura E. Rackner and Gearing, Rackner & Engel, LLP, and respectfully submits this memorandum to the Court.

DISCUSSION

The sole issue before the Court is the scheduling of Petitioner's motion for suit money and Respondent's motion for abatement. Both motions should be heard consecutively on the same date.

The Court is legislatively mandated to "promote the just, speedy, and inexpensive determination of every proceeding and action as well as the efficient use of judicial time and resources." UTCR 1.010. Interim issues in divorce proceedings are customarily held for the

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IN REGISTER BY SA  
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1 same day and time to promote judicial efficiency and reduce expense. Scheduling these  
2 motion hearings on two separate dates would be an inefficient use of judicial time and  
3 resources. Further it would prejudice and unduly burden Petitioner as the suit money hearing  
4 would be unnecessarily delayed; he would incur extra fees and costs, as it requires more  
5 attorney time to appear and prepare for court twice than once; and he would miss additional  
6 work days for each court appearance. Despite Respondent's contentions, Petitioner's  
7 financial resources are limited and needed by him to support his family.

8 Respondent's arguments in her memorandum regarding the basis for Petitioner's claim  
9 for suit money are not relevant to this scheduling matter. However, they are unfounded and  
10 inaccurate. Full asset disclosure is a required and routine process in divorce. ORS  
11 107.105(1)(f). Payment of a \$350,000 fee by a party indicates that there is a significant asset  
12 and/or resource in the hands of one party, which necessitates further inquiry and justifies a  
13 suit money claim.

14 Petitioner has the right for his motion for suit money to be heard expeditiously and  
15 without delay. Respondent's right to have her request for an abatement heard is no greater  
16 than Petitioner's right to have a hearing on suit money. Respondent's request to abate the  
17 custody, parenting time, child support, and property resolution in this proceeding is  
18 extraordinary and unprecedented. Abating this case would be contrary to public policy and  
19 the best interests of the involved children. Petitioner's request for relief should not be delayed  
20 because Respondent is seeking such unprecedented relief.

21 Both hearings could be heard in one judicial day without the need for multiple court  
22 appearances. The suit money claim and the abatement request are limited issues, which can  
23 be substantively presented in a laconic manner. Both parties have had sufficient time to

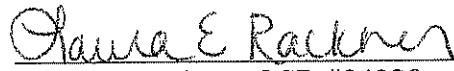
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1 prepare. Respondent's attorney appears to now be saying that the abatement issue requires  
2 extra time for preparation and therefore justifies delaying the suit money request. This does  
3 not make sense. The suit money proceeding is a routine, typically short-docketed proceeding,  
4 which does not involve complex legal issues. The parties will have had more than thirty days  
5 to prepare for the hearings, which according to Respondent's memorandum, falls within the  
6 typical range for such settings. Respondent's attorney's complaint regarding preparation time  
7 seems highly unusual considering that he is the one requesting that the abatement hearing be  
8 set expeditiously.

9 CONCLUSION

10 There is no reason to deviate from the normal procedures in this divorce case and  
11 prolong the resolution of interim matters by scheduling separate hearing dates. Petitioner  
12 respectfully requests that both motions be heard consecutively on the same date.

13 DATED this 25 day of August, 2010.

14   
15 Laura E. Rackner, OSB #84328  
16 Of Attorneys for Petitioner