

FILED  
10 JUL 26 AM 9:06  
CLERK OF DISTRICT COURT  
MULTNOMAH COUNTY

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

In the Matter of the Marriage of:  
Kaine Andrew Horman,  
Petitioner,  
and  
Terri Lynn Moulton Horman,  
Respondent.

Case # 1006-66084  
PETITIONER'S MOTION FOR ORDER  
TO SHOW CAUSE RE: SUIT MONEY  
[EX PARTE]

In the Matter of:  
Kaine Andrew Horman,  
Petitioner,  
and  
Terri Lynn Moulton Horman,  
Respondent.

Case #1006-66086

ENTERED  
JUL 26 2010  
IN REGISTER BY CB

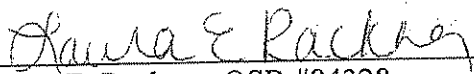
COMES NOW Petitioner, Kaine Andrew Horman, by and through his attorney, Laura E. Rackner of Gearing, Rackner & Engel LLP, and hereby moves the Court for an Order requiring Respondent appear at a date and time set by the Court to show cause, if any, why the Court should not enter a Temporary Order and Limited Judgment granting the following

1 relief during the pendency of these proceedings:

2 1. SUIT MONEY: Awarding Petitioner suit money pursuant to ORS § 107.095,  
3 and requiring Respondent to disclose the source of any funds paid to her attorney(s) as set  
4 forth in more detail in the accompanying Affidavit of Counsel;

5 2. ATTORNEY FEES: If this matter is contested, awarding Petitioner his  
6 reasonable attorney fees and court costs pursuant to ORCP 68.

7 DATED this 26 day of July, 2010.

8   
9 \_\_\_\_\_  
10 Laura E. Rackner, OSB #84328  
11 Of Attorneys for Petitioner

12 POINTS AND AUTHORITIES:

- 13 1. ORS §107.095  
14 2. Affidavit of Counsel, submitted herewith

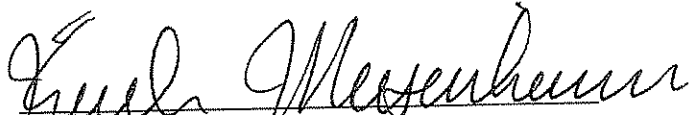


1 Courthouse, 1021 SW Fourth Avenue, Portland, Oregon at \_\_\_\_\_ a.m. / p.m. on  
2 \_\_\_\_\_, 2010, and at trial assignment at 9:00 a.m. on \_\_\_\_\_, 2010  
3 to show cause why the Court should not enter a Temporary Order and Limited Judgment  
4 granting the following relief as requested by Petitioner during the pendency of these  
5 proceedings:


6 1. SUIT MONEY: Awarding Petitioner suit money pursuant to ORS § 107.095,  
7 and requiring Respondent to disclose the source of any funds paid to her attorney(s) as set  
8 forth in more detail in the accompanying Affidavit of Counsel;

9 2. ATTORNEY FEES: If this matter is contested, awarding Petitioner his  
10 reasonable attorney fees and court costs pursuant to ORCP 68.

11 DATED this 26 day of July, 2010.

12   
13 Honorable Keith Meisenheimer

14 Submitted by:

15   
16 Laura E. Rackner, OSB #84328  
17 Of Attorneys for Petitioner  
18  
19  
20  
21

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In the Matter of the Marriage of:

KAINE ANDREW HORMAN,  
Petitioner,

and

TERRI LYNN MOULTON HORMAN,  
Respondent.

Case # 1006-66084

AFFIDAVIT OF COUNSEL IN SUPPORT  
OF MOTION FOR ORDER TO SHOW  
CAUSE RE: SUIT MONEY

In the Matter of:

KAINE ANDREW HORMAN,  
Petitioner,

and

TERRI LYNN MOULTON HORMAN,  
Respondent.

Case #1006-66086

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State of Oregon )  
County of Multnomah ) ss.

I, Laura E. Rackner, after first being duly sworn, hereby state as follows:

1. I am the attorney for the Petitioner in the above-entitled matter. I make this  
Affidavit in support of Petitioner's Motion and Order to Show Cause re: Suit Money.

1           2.       Respondent has indicated in a written communication to a third party that she  
2       tendered payment of \$350,000 to her attorney Stephen Houze for legal representation. Mr.  
3       Houze is one of Respondent's attorneys of record in this proceeding. If Respondent has  
4       provided funds to her attorney(s), Respondent should be required to immediately disclose the  
5       source and amount of such funds. If Respondent has borrowed these funds and contends this  
6       is a marital liability, the funds should be considered a marital asset. These funds would then  
7       be subject to the disposition authority of the Court. Respondent should be required by the  
8       Court to immediately assert her position as to whether she maintains that the funds she has  
9       provided to her attorney(s) were borrowed and if so, whether she considers them to be a  
10      marital liability. Further, if it is Respondent's position that her attorney fees are a marital  
11      liability, then Respondent should be required to immediately provide one-half of these funds  
12      to Petitioner to pay his attorney fees and costs.

13           3.       These proceedings involve complex legal and safety issues that require  
14      Petitioner's attorneys to expend a significant amount of time providing legal services to  
15      Petitioner in order to protect his interests and the interests of his children. Petitioner does not  
16      have sufficient income or resources to pay for these legal services and meet his other financial  
17      obligations for the children and himself. Funds (including advances for costs and expenses)  
18      held in an attorney's trust account are the property of the client. See Oregon Rules of  
19      *Professional Conduct*, Rule 1.15-1. If Respondent has provided funds to her attorneys for  
20      her legal representation and considers them to be marital liability, these funds are marital  
21      property and Respondent should be required to pay one-half of these funds to Petitioner to use  
22      for his attorney fees and costs.

23      ///

