

FILED
12:15pm
JUL - 8 2010

Circuit Court
Multnomah County, Oregon

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

In the Matter of:)	
)	Case No. 1006-66086
KAINE ANDREW HORMAN,)	
)	PETITION FOR EXPEDITED
Petitioner,)	HEARING; ORDER
)	
and)	(EX PARTE)
)	
TERRI LYNN MOULTON HORMAN,)	
)	
Respondent.)	

ENTERED
JUL - 8 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 moves the Court for an expedited hearing on the Motion indicated below. The underlying Motion is presented herewith for the Court's consideration and filing with the clerk.

1. Name of the underlying motion for which an expedited hearing is requested:

Petitioner's Motion and Order to Show Cause to Amend FAPA Order and Petition.

2. Reason for necessity of expedited hearing: The Honorable Keith

Meisenheimer signed the Family Abuse Prevention Act Restraining Order to Prevent Abuse (hereafter "the Order") in the above-entitled matter on June 28, 2010. The Order provides that Petitioner has custody of the parties' minor child, Kiara (born 11/12/2008). The Order does not require Respondent to move from and not return to the family residence located at [REDACTED], Portland, Oregon 97231. Petitioner is requesting an

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1 amendment to the Order so that Respondent is required to move from and not return to the
2 family residence. Petitioner indicates the family residence is where Kiara has lived since she
3 was born. Petitioner believes it is important for Kiara to be back in the family residence in
4 order to provide her with stability and consistency. The family residence has also been the
5 home of Petitioner's non-joint child, Kyron. Petitioner believes it will be important for Kyron
6 to be back in the family residence once he is located in order to provide him with stability and
7 consistency. It is in the children's best interest if Petitioner is able to return to and live at this
8 residence. In order to protect the safety of Petitioner and the children, Respondent must be
9 required to move from and not return to the residence.

10 3. Trial Date: None.


11 4. The Honorable Keith Meisenheimer signed the Order in this matter.

12 5. Petitioner requests a hearing of 30 minutes to resolve this matter.

13 6. I have notified the opposing party regarding this request through her attorney,

14 Stephen A. Houze.

15 DATED this 8 day of July, 2008.

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

18 Points and Authorities

SLR 5.025

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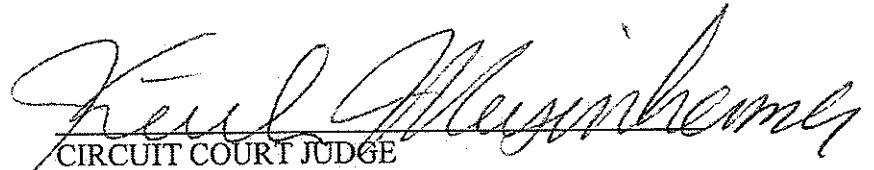
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ORDER

GRANTED. This matter shall be heard on 7/22/10 at 1:30 PM
 DENIED.

Other: _____

DATED this 8 day of July, 2010.


CIRCUIT COURT JUDGE

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Circuit Court
Multnomah County

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

In the Matter of:)

KAINE ANDREW HORMAN,)

Petitioner,)

and)

TERRI MOULTON HORMAN,)

Respondent.)

Case No. 1006-66086

ORDER TO SHOW
CAUSE TO AMEND FAPA
ORDER AND PETITION

TO: TERRI MOULTON HORMAN

BASED UPON the Motion and supporting Affidavit of Petitioner's Counsel,

YOU ARE ORDERED TO APPEAR in person at the Multnomah County Courthouse,
1021 SW Fourth Avenue, Portland, Oregon on July 22, 2010^{at 1:30 p.m.} to show cause,
if any, why the Court should not enter an Order granting the following relief:

1. Amending page four, paragraph seven of the Restraining Order to Prevent Abuse signed by the Honorable Keith Meisenheimer on June 28, 2010 to require Respondent to move from and not return to the real property and improvements located at [REDACTED] [REDACTED] Portland, Oregon 97231 except with a peace officer to remove essential personal effects of the Respondent;

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Page 1 - ORDER TO SHOW CAUSE TO AMEND FAPA

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2. Amending page two, paragraph two of the Petition for Restraining Order to Prevent Abuse to correct a clerical error. Within the past 180 days, Respondent has attempted to cause Petitioner bodily injury and placed Petitioner in fear of imminent bodily injury.

IT IS SO ORDERED:

Dated this 8 day of July, 2010.


CIRCUIT COURT JUDGE

Submitted by:


Laura E. Rackner, OSB #84328
Attorney for Petitioner

FILED
12:15pm
JUL - 8 2010

Circuit Court
Multnomah County, Oregon

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

In the Matter of the Marriage of:)

KAINE ANDREW HORMAN,)

Petitioner,)

and)

TERRI MOULTON HORMAN,)

Respondent.)

STATE OF OREGON)

County of Multnomah)

Case No. 1006-66086

AFFIDAVIT OF COUNSEL RE:
AMENDMENT OF FAPA ORDER
AND PETITION

ENTERED
JUL - 8 2010
IN REGISTER BY CB

I, Laura E. Rackner, do hereby swear and depose the following:

1. I am the attorney for the Petitioner, Kaine Andrew Horman, in the above-entitled matter. I make this affidavit in support of the *Motion and Order to Show Cause to Amend FAPA Order and Petition*.

2. Petitioner respectfully requests that page four, paragraph seven of the Family Abuse Prevention Act Restraining Order to Prevent Abuse ("the Order") signed by the Honorable Keith Meisenheimer on June 28, 2010 be amended so that Respondent is required to move from and not return to the real property and improvements located at [REDACTED] [REDACTED], Portland, Oregon. This property is the family residence and is titled in Petitioner's individual name. Pursuant to the Order, Petitioner has custody of the parties' minor child, Kiara. Petitioner indicates the family residence is where Kiara has lived since

1 she was born. Petitioner believes it is important for Kiara to be back in the family residence
2 in order to provide her with stability and consistency. The family residence has also been the
3 home of Petitioner's non-joint child, Kyron. Petitioner believes it will be important for Kyron
4 to be back in the family residence once he is located in order to provide him with stability and
5 consistency. It is in the children's best interest if Petitioner is able to return to and live at this
6 residence. In order to protect the safety of Petitioner and the children, Respondent must be
7 required to move from and not return to the residence.

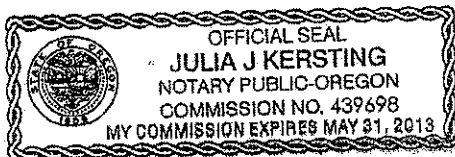
8 3. Petitioner respectfully requests that page two, paragraph two of the Petition for
9 Restraining Order to Prevent Abuse ("the Petition") be amended to reflect that in the past 180
10 days Respondent has attempted to cause Petitioner bodily injury and placed Petitioner in fear
11 of imminent bodily injury. This amendment is to correct a clerical error and is consistent with
12 the allegations set forth on page two, paragraph three of the Petition.

13 4. Respondent has not yet served responsive pleadings to the Petition and the
14 Order.

15 Dated this 8 day of July, 2010.

17 Laura E Rackner
18 Laura E. Rackner, OSB #84328
Attorney for Petitioner

19 SUBSCRIBED AND SWORN TO before me this 8th day of July, 2010 by
20 Laura E. Rackner.



24
Julia Kersting
NOTARY PUBLIC FOR OREGON
My Commission Expires: 05/31/13

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Circuit Court
Multnomah County, Oregon

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

In the Matter of:)

KAINE ANDREW HORMAN,)

Petitioner,)

and)

TERRI MOULTON HORMAN,)

Respondent.)

Case No. 1006-66086

MOTION FOR ORDER TO SHOW
CAUSE TO AMEND FAPA
ORDER AND PETITION

ENTERED
JUL - 8 2010
IN REGISTER BY CB

TO: TERRI MOULTON HORMAN

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

1. Amending page four, paragraph seven of the Restraining Order to Prevent Abuse signed by the Honorable Keith Meisenheimer on June 28, 2010 to require Respondent to move from and not return to the real property and improvements located at [REDACTED] [REDACTED], Portland, Oregon 97231 except with a peace officer to remove essential personal effects of the Respondent;

2. Amending page two, paragraph two of the Petition for Restraining Order to Prevent Abuse to correct a clerical error. Within the past 180 days, Respondent has attempted to cause Petitioner bodily injury and placed Petitioner in fear of imminent bodily injury.

Page 1 - MOTION FOR ORDER TO SHOW CAUSE


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This motion is based upon ORCP 23 and the attached affidavit of counsel.

IT IS SO MOVED:

Dated this 8 day of July, 2010.



Laura E. Rackner, OSB 84328
Attorney for Petitioner