

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

ANGELA M. FREINER	)	
	)	
<b>Petitioner,</b>	)	
vs.	)	<b>Cause Number: 14SL-DR02617-02</b>
	)	
JAMES S. JUDY	)	<b>Division: 31</b>
	)	
<b>Respondent.</b>	)	
<b>Special Process Server Requested:</b>	)	

**RESPONDENT’S MOTION FOR TEMPORARY RESTRAINING ORDER**

COMES NOW Respondent, James S. Judy, hereinafter “Father” and pursuant to Missouri Revised Statute Section 452.315 and Rule 92.02, states to the Court as follows:

1. This Court entered its Paternity Judgment (“Judgment”) wherein, *inter alia*, the parties were awarded the joint legal custody and joint physical custody of their minor child, Dalilah Judy, born July 2006.
2. On April 29, 2019, Father filed his motion seeking modification of the prior judgment.
3. On August 20, 2020 this court entered its Judgment of Modification granting Father’s motion and incorporating the Court’s Parenting Plan Part A outlining periods of visitation between the child and Petitioner, hereinafter “Mother.”
4. It is in the best interest of the minor child that the Court enter a Temporary Restraining Order granting to Respondent the sole physical and sole legal custody of the minor child until further order of the Court and order that Mother’s periods of visitation with the minor child be supervised as unsupervised visitation with the minor child will endanger the child’s physical, mental health and her emotional well-being.

5. In support thereof, Respondent states as follows:
- a. Mother refuses to return the minor child to Father following the Christmas holiday.
  - b. In an effort to foster a better relationship with Mother, Father entered into an agreement with Mother that the minor child would spend the Christmas holiday break with Mother in 2020 notwithstanding the court's designation of the holiday to Father in even-numbered years and notwithstanding the many times Father was denied his holiday and summer custody times over the years.
  - c. Father and Mother agreed their child would fly to St. Louis on December 18, 2020, and they agreed she would return to Father's custody on January 2, 2021 when Father and his family would celebrate Christmas together.
  - d. Upon arrival at the airport on December 18<sup>th</sup>, the airline personnel informed Father that the child's return flight was scheduled for January 3, 2021.
  - e. Father contacted Mother who untruthfully informed him that the airline made a mistake, and she would correct it assuring Father the child would return on January 2<sup>nd</sup>, as the parties agreed.
  - f. The minor child was not returned to Father's custody on January 2, 2021, and she remains in St. Louis to-date.
  - g. Father has tried to reach the minor child numerous times without success.
  - h. Father has tried to reach Mother who refuses to take his calls.

- i. Father messaged Mother via Our Family Wizard requesting that she return their child to him pursuant to the court's judgment.
  - j. Mother finally responded stating via Our Family Wizard "Screw the court system ... I'm not forcing my child on anything. I don't have a problem with her being here only you do."
  - k. The parties' child has been absent from school since the semester began last week.
  - l. Upon information and belief, a St. Louis County Police detective went to the home of Petitioner to question her about the child's welfare and encouraged her to abide by the court's judgment;
  - m. Mother refuses to do so.
  - n. Mother's behavior has been erratic.
  - o. Mother has a history of drug use.
6. Father fears for the safety and well-being of the parties' minor child.
  7. It is in the best interest of the minor child that Father be awarded the child's sole physical custody and that Mother's visitation be supervised.
  8. Mother's behavior has caused and will continue to cause immediate and irreparable injury to the minor child in the absence of immediate relief being granted as requested herein.
  9. Father is without sufficient income or assets to pay his attorneys' fees and costs herein necessitated by the actions of Mother.

10. Mother is able-bodied and is with sufficient assets and is earning, or capable of earning, a sufficient income enabling her to pay Father's attorneys' fees and the costs of this action.

WHEREFORE, Respondent prays this Court enter a Temporary Restraining Order ordering that Respondent be awarded sole physical custody of the minor child and order that Petitioner's periods of visitation with the minor child be supervised; issue such other orders as the Court deems appropriate to ensure the physical, mental and emotional security of the minor child; order that Petitioner pay Respondent's attorneys' fees and costs incurred herein; and for such other and further orders as to this Honorable Court may seem just and proper in the premises.

INTENTIONALLY LEFT BLANK

James S. Judy  
James S. Judy

STATE OF MONTANA )  
                                  ) SS  
COUNTY OF GALLATIN )

James S. Judy, the Respondent herein, being duly sworn upon his oath, deposes and states that the facts contained in the foregoing are true and correct according to his best knowledge, information and belief.

James S. Judy  
James S. Judy

Subscribed and sworn to before me this 5<sup>th</sup> day of January, 2021.

Lindsey Elizabeth Blase  
Notary Public

My commission expires: 6/26/24



Respectfully submitted by:

Kathleen E. Shaul  
The Law Offices of Kathleen E. Shaul, P.C.  
Kathleen E. Shaul, #46615  
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CERTIFICATE OF SERVICE

A copy of the above and foregoing has been sent this 11<sup>th</sup> day of January 2021 to: Angela M. Freiner, Petitioner, 8547 Pilot Ave, St. Louis, MO 63123 via USPS; and via electronic filing to: Venus Jackson, Esq., Venusesquire@sbcglobal.net .

/s/ L.Blase \_\_\_\_\_

SO ORDERED:

\_\_\_\_\_  
Honorable Nicole S. Zellweger, Division 31

Date and time: \_\_\_\_\_