

**21-ORD-55**

**IN THE TWENTY-FIRST JUDICIAL CIRCUIT  
COUNTY OF ST. LOUIS, STATE OF MISSOURI  
FAMILY COURT**

ANGELA FREINER, )  
Petitioner, )  
)  
)  
v. )  
)  
JAMES JUDY, )  
Respondent. )

Cause Number: 14SL-DR02617-01 and 02

Division Number: 31

FILED  
2/5/2021  
JOAN M. GILMER  
CIRCUIT CLERK  
ST. LOUIS COUNTY

**SHOW CAUSE ORDER – MOTION FOR CRIMINAL CONTEMPT**

On its own motion, stated herein, it is hereby ORDERED that you, Angela Freiner, be and appear before Division 31 of the Family Court of the County of St. Louis, State of Missouri, on the **10<sup>th</sup> day of February, 2021 at 1:00pm** and show cause, if there be any, why you should not be adjudged and held in **criminal contempt** of this Court and punished accordingly by reason of your failure to obey this Court’s Judgment and Orders entered in this case as follows:

- The Court’s Modification Judgment entered on August 28, 2020, as amended by the Order and Judgment dated December 23, 2020, granting Respondent James Judy custody of the minor child, Dalilah Judy, at all times during the school year and granting him the status of residential parent for purposes of the minor child’s schooling. Specifically, Petitioner has acknowledged to this Court on two occasions—January 29, 2021 and February 5, 2021, that the minor child remains with her in St. Louis after the winter break from school and that Petitioner has enrolled the minor

child in school in Afton, Missouri for this semester.

- The Court's Temporary Restraining Order entered on January 15, 2021, requiring, among other things, Petitioner to return the minor child to Respondent in Montana pursuant to the Court's Modification Judgment entered on August 28, 2020, as amended by the Order and Judgment dated December 23, 2020. Again, Petitioner has acknowledged to this Court on two occasions—January 29, 2021 and February 5, 2021, that the minor child remains with her in St. Louis after the winter break from school and that Petitioner has enrolled the minor child in school in Afton, Missouri for this semester.
- The Court's Consent Order on TRO entered on January 29, 2021. On January 29, 2021, the Court held a hearing on Respondent's Motion for TRO/preliminary injunction by video. Petitioner and Respondent appeared in person and by counsel, along with the GAL (all by video). Petitioner advised the Court that the minor child was still with her in St. Louis in violation of the TRO entered on January 15, 2021. At that time, Petitioner agreed to return the minor child to Respondent in Court on February 3, 2021 at 8:00am. The Court entered a consent ordering memorializing the agreement of the parties to this exchange and ordered Petitioner to appear with the child on February 3, 2021 at 8:00am the Courthouse. Petitioner failed to appear on February 3, 2021. Respondent came to St. Louis from Montana that day and timely appeared. In its Order of January 29, 2021,

the Court had continued the TRO and preliminary injunction hearing from January 29, 2021 to February 3, 2021. Therefore, the Court proceeded with the hearing in the absence of Petitioner. The Court entered a Preliminary Injunction Order dated February 3, 2021, granting temporary sole legal and physical custody to Respondent with no custody periods to Petitioner until further order of the Court.

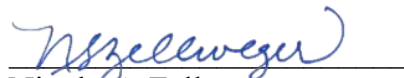
At Petitioner's request, the Court conducted a status conference on February 5, 2021 (no motion was then pending). Petitioner appeared in person. Respondent appeared in person and by counsel, K. Shaul. GAL appeared. All appeared by telephone. Petitioner acknowledged that she did not appear on February 3, 2021 as required by her agreement and by this Court's Order. The Court advised Petitioner that it intended to hold a contempt hearing on her conduct on February 10, 2021 and also advised Petitioner that failure to appear **and bring the child** would result in the Court compelling her appearance by law enforcement. The Court allowed Petitioner to select the time of the hearing. Petitioner, Respondent and the GAL all confirmed that they are available to conduct the contempt hearing on February 10, 2021 at 1:00pm. The Court verbally ordered that the parties all appear at the Courthouse at that day and time. When asked if she understood the need to appear for the hearing and bring the child, Petitioner told the Court, "yes."

Accordingly, by agreement of the parties and by order of this Court, the Court will conduct the criminal contempt hearing against Petitioner Angela Freiner on February 10, 2021 at 1:00pm. Petitioner Angela Freiner is ordered to bring the minor child, Dalilah

Judy, to the St. Louis County Courthouse on February 10, 2021, at 1:00pm (Division 31) to relinquish custody of the minor child to Respondent James Judy and to answer this Show Cause Order.

**YOU, ANGELA FREINER, ARE HEREBY ORDERED to appear and answer this Show Cause Order and produce the minor child, Dalilah Judy, 14 years of age, before Division 31 of the St. Louis County Courthouse on the 10th day of February, 2021 at 1:00pm, then and there to be dealt with according to the law. Failure to appear and bring the minor child on this date and time will subject you to significant consequences, including without limitation contempt of Court, a body attachment and warrant and commitment directing that the body of Angela Freiner be attached by the Sheriff of the County of St. Louis, State of Missouri, and that you be held in the custody of the Sheriff of the County of St. Louis, Missouri as and for (1) punishment for violation of this Order and contempt of Court and, separately, (2) until such time as you produce the minor child, Dalilah Judy, to this Court.**

**SO ORDERED**



Nicole S. Zellweger  
Family Court Judge  
February 5, 2021

Sent by Clerk to Petitioner by email at her request.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at [SLCADA@courts.mo.gov](mailto:SLCADA@courts.mo.gov), or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

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

ANGELA M. FREINER	)	
	)	
Petitioner,	)	
vs.	)	Cause Number: 14SL-DR02617-01
	)	
JAMES S. JUDY	)	Division: 31
	)	
Respondent.	)	
Special Process Server Requested:	)	

**RESPONDENT’S APPLICATION FOR SHOW CAUSE ORDER AND  
MOTION FOR JUDGMENT OF CONTEMPT**

COMES NOW Respondent, James S. Judy, hereinafter “Father” and for his Application for Show Cause Order and Motion for Judgment of Contempt 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 grant Respondent’s Motion for Contempt
5. In support thereof, Respondent states as follows:

- a. Mother refuses to return the minor child to Father in contumacious disregard of this court's modification judgment of August 28, 2020 awarding to Father residential custody of the parties' child.
  - b. Mother refuse to return the minor child to Father in contumacious disregard of this court's Temporary Restraining Order dated January 15, 2021.
  - c. Mother refuses to return the minor child to Father in contumacious disregard of this court's Preliminary Injunction Order dated February 3, 2021.
6. As set forth in Father's Motion for Temporary Restraining Order the relevant history is as follows:
- a. 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.
  - b. 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.
  - c. 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.

- Electronically Filed - St. Louis County - February 04, 2021 - 04:50 PM
- d. 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.
  - e. The minor child was not returned to Father's custody on January 2, 2021, and she remains in St. Louis to-date.
  - f. Father has tried to reach the minor child numerous times without success.
  - g. Father has tried to reach Mother who refuses to take his calls.
  - h. Father messaged Mother via Our Family Wizard requesting that she return their child to him pursuant to the court's judgment.
  - i. 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."
  - j. The parties' child has been absent from school since the semester began last week.
  - k. 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;
  - l. Mother refuses to do so.
  - m. Mother's behavior has been erratic.
  - n. Mother has a history of drug use.
7. Father fears for the safety and well-being of the parties' minor child.
  8. 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.

9. 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.
10. Father is without sufficient income or assets to pay his attorneys' fees and costs herein necessitated by the actions of Mother.
11. 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 Honorable Court for its Order directing Petitioner to appear before this Court to show cause why she should not be found in contempt of court and, for failure of good cause shown, citing Petitioner for contempt and compelling that she immediately comply with this Court's Judgment and, upon Petitioner's failure to do so and her willful refusal to abide by the terms of this Court's Judgment, Respondent prays this Court incarcerate Petitioner in an appropriate penal institution until she purges her contempt; that Petitioner be ordered to pay Respondent's reasonable attorneys' fees, suit monies and the costs of this proceeding; and for such other and further orders as to this Honorable Court may seem just and proper in the premises.



James S. Judy  
James S. Judy

STATE OF MISSOURI     )  
  ) SS  
COUNTY OF ST. LOUIS    )

James S. Judy, the Respondent herein, being duly sworn upon his oath, deposes and states that the facts contained in the foregoing Motion for Contempt 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 3rd day of February, 2021.

Lindsey Elizabeth Blase  
Notary Public

My commission expires: 6/26/24



Respectfully submitted by:  
LAW OFFICES OF KATHLEEN E. SHAUL, PC

Kathleen E. Shaul  
Kathleen E. Shaul, #46615  
Attorney for Respondent  
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## CERTIFICATE OF SERVICE

A copy of the above and foregoing has been sent this 4<sup>th</sup> day of February, 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 \_\_\_\_\_

I certify and attest that the above is a true copy of the original record of the Court in case number 14SL-DR02617-02 as it appears on file in my office.

Issued

FEBRUARY 8, 2021



**JOAN M. GILMER**, Circuit Clerk  
St. Louis County Circuit Court

By

**/s/Andrea L Bailey-Darr**

Deputy Clerk