

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

ANGELA FREINER,
Petitioner,

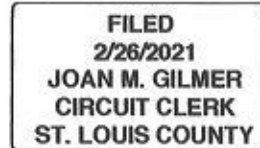
v.

JAMES JUDY,
Respondent.

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Cause No. 14SL-DR02617-02

Division 31



ORDER

The Court, on its own motion, called a hearing this date in person at the Courthouse (due to the urgency of the issues for hearing) related to issues that had come to the Court's attention, as set forth more fully below. Petitioner appeared in person and by Venus Harry and Keith Fuller. Respondent appeared by video and by counsel, Kathleen Shaul. GAL, Venus Jackson, appeared in person. The Court finds as follows:

1. Briefly, the basis for the Court calling the hearing was as follows:
 - a. At an in-person hearing on February 10, 2021, Respondent adduced evidence that there are recordings of Court proceedings in this case on the internet, including on a Facebook account with the name Angela Freiner.
 - b. At that February 10, 2021 hearing, a phone that Ms. Freiner had in front of her on the table was found to be recording that very hearing.
 - c. Thereafter, the Court received emails from a third party who included links to what the sender described as selected audio recordings of the Court proceedings in this case. The links were to You Tube. The third

party also emailed the Court a PDF of the Court's Hearing on Court's Intent to Enter Order (the motion that was set this date).

2. This case is a paternity case and, as such, all proceedings (hearings, conferences, etc.) and pleadings are confidential. Pursuant to Missouri Revised Statute § 210.846:

Notwithstanding any other law concerning public hearings and records, any hearing or trial held under sections 210.817 to 210.852 shall be held in closed court without admittance of any person other than those necessary to the action or proceeding. All papers and records, other than the interlocutory or final judgment, pertaining to the action or proceeding, whether part of the permanent record of the court, are subject to inspection only by the prosecuting or circuit attorney or attorney under contract with the family support division or upon the consent of the court and all interested persons, or in exceptional cases only upon order of the court for good cause shown.

3. Additionally, pursuant to Local Court Rule 9.5, no one is allowed to photograph or record any Court proceedings without permission or as authorized by Court Operating Rule 16. Indeed, the Court advised the parties of this Rule on a regular basis. According to the evidence previously presented to the Court at the February 10, 2021 hearing, some of the recordings that are posted on Facebook under Ms. Freiner's name (and, perhaps, elsewhere) include the Court's admonition to the parties that they may not record Court proceedings.

4. Due to the Court's concern about what appeared to be clear violations of Missouri law regarding confidentiality of paternity proceedings (including hearings and pleadings) and the Court Rules on recording Court proceedings, the Court called a hearing on the subject.

5. At the hearing, Petitioner confirmed that Ms. Harry's Motion to Withdraw

could be granted and that Mr. Fuller would proceed to represent her at the hearing and thereafter. He advised the Court that he entered his appearance on casenet. The Court has today signed Ms. Harry's Motion to Withdraw (filed February 16, 2021).

6. At the hearing, the parties consented in person and through their counsel on the record to the Court entering the following order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the parties and counsel are:

- a. prohibited from recording any Court proceedings in this case or any case,
- b. prohibited from posting any previously-recorded Court proceedings on the internet or otherwise;
- c. prohibited from disseminating any previously-recorded Court proceedings;
- d. prohibited from discussing the details of the case with non-parties;
- e. prohibited from granting access to any non-party to the minor child for the purpose of discussing any issue relating to this pending litigation;
- f. required to remove or delete any and all recordings of Court proceedings previously posted on the internet no later than March 1, 2021;
- g. required to remove or delete any and all pleadings or other content about this proceeding posted on the internet no later than March 1, 2021;
- h. required to obtain all recordings of Court proceedings disseminated to non-parties no later than March 1, 2021;
- i. required to turn over to the Court all original and copies of all Court proceedings that were recorded by the parties or are in the possession of the

parties (recorded by others) no later than March 3, 2021.

Additionally, pursuant to Missouri Supreme Court Rule 36.01(b), a willful violation of this Court Order could cause the Court to hold the offender in indirect criminal contempt. If the Court holds a party in indirect criminal contempt after adducing evidence at an evidentiary hearing, the Court could fine the offending party and/or send the party to jail for up to six months in the custody of the Department of Justice Services for each violation.

The Court will hold a conference for counsel only on March 5, 2021 at 7:40am by Webex.com meeting number 146 247 2709 to confirm strict compliance with this Order.

IT IS SO ORDERED:



Nicole B. Lonweger
Family Court Judge

February 26, 2021



St Louis Children's Hospital 7300
ONE CHILDRENS PLACE
SAINT LOUIS, MO 63110-1002
314-454-6000
314-454-5620

February 25, 2021

Guardian of Dalilah Judy
8547 Pilot
Saint Louis MO 63123

To the Missouri Family Court,

This letter is to serve as an attestation regarding the concerns/needs for Dalilah Judy (7/13/2006). Dalilah and her family have been involved with the courts in the navigation of a complex, high-conflict legal dispute regarding parental rights. Dalilah was notably admitted Saint Louis Children's Hospital following her last court hearing due to suicidal ideation.

It is the strongest opinion of this writer that Dalilah is in desperate need of increased intervention. Due to circumstances currently set by legal and psychiatric concerns, she appears unsafe/unable to return to either parent's home. This has lead to a prolonged psychiatric hospitalization and inability for her to return to school/daily life.

Elevation to the Juvenile Office or other venue where court appointed psychiatric care, therapy, and respite/alternative placement would be of significant utility and positive to Dalilah's overall stability and support.

This office is open to any further inquiry,

Sincerely,

Wenzinger, Michael L., MD

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

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

Cause No. 14SL-DR02617-01 and -02
Division No. 31

FILED
FEB 03 2021
JOAN M. GILMER
CIRCUIT CLERK, ST. LOUIS COUNTY

PRELIMINARY INJUNCTION ORDER

Before the Court is Respondent’s Motion for Temporary Restraining Order (filed January 11, 2021), the Court’s Temporary Restraining Order (dated January 15, 2021), and the Court’s Consent Order on Temporary Restraining Order (dated on January 29, 2021). The Court conducted a hearing on February 3, 2021. Petitioner failed to appear. Respondent appeared in person and by counsel, K. Shaul, at the Courthouse. Being fully advised in the premises, the Court finds as follows:

1. The Court entered a Modification Judgment (and Parenting Plan Part A) on August 28, 2020. The Parenting Plan relates to the parties’ minor child, Dalilah Judy (hereinafter the “minor child”).
2. Since the entry of the Modification Judgment, the Court finds that the Petitioner has violated the Modification Judgment in a number of ways.
3. As a result, Respondent filed a Motion for Temporary Restraining Order on January 11, 2021. The Court entered a Temporary Restraining Order on January 15, 2021, based on the following facts:
 - 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, 2020, the airline personnel informed Father that the child's return flight was scheduled for January 3, 2021.
 - 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, 2020, 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 in early January, 2021.
4. On January 29, 2021, the Court held a hearing by video (through the Zoom application) on Respondent's Motion for Temporary Restraining Order and Preliminary Injunction. Petitioner appeared in person and by counsel. Respondent appeared in person and by counsel. The GAL appeared. The Court learned for the first time at that hearing that Petitioner acted in violation of the Temporary Restraining Order by continuing to exercise custody of the minor child and by refusing to return the minor child to Respondent. Petitioner agreed at the hearing—and the Court *ordered* Petitioner—to return the minor child to Respondent on February 3, 2021 at 8:00am at the Courthouse. The Court continued the Temporary Restraining Order for good cause shown to February 3, 2021.
5. On February 3, 2021 at 8:00am, Respondent appeared in person at the Courthouse, having traveled from Montana for the custody exchange. Petitioner and the minor child failed to appear. The Court waited until 10:30am and then proceeded to a hearing on Respondent's request for a preliminary injunction.

Respondent James Judy testified to the above facts. Respondent further testified to his attempts to regain custody of the minor child pursuant to the Court's various Orders, to no avail. The Court finds Respondent to be credible. The Court has significant concerns about the health and safety of the minor child while in Petitioner's custody based on, among other things, the Petitioner's blatant violation of the Court's Orders. Based on the above facts, the Court hereby enters a preliminary injunction in favor of Respondent James Judy and against Petitioner Angela Freiner.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

- (a) Respondent James Judy shall have temporary sole physical and sole legal custody of the minor child until further order of this Court.
- (b) Petitioner Angela Freiner is ordered to immediately return the minor child to Respondent's custody so that she may return to school.
- (c) Petitioner Angela Freiner shall have no custody periods with the minor child until further order of this Court.
- (d) The bond posted at the TRO shall remain in place for this Order.

IT IS SO ORDERED



Nicole S. Zellweger
Family Court Judge
February 3, 2021