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

 **FAMILY COURT DIVISION**

ANGELA M FREINER Petitioner, Cause No.: 14SL-DR02617-02

 Vs

 Division: 42

JAMES S JUDY,

Respondent.

**MOTION TO VACATE TEMPORARY RESTRAINING**

**ORDER AND PRELIMINARY INJUNCTION**

**NOW COMES** ANGELA M FREINER, pursuant to Missouri Supreme Court Rule 92.02 (a) for her Verified Application for Temporary Restraining Order And Preliminary Injunction and without Notice alleges as follows:

1. That the minor child, Dalilah Judy is in danger of irreparable harm in that on August 28, 2020, the Court entered a Judgment of Modification (Hereinafter the “Judgment”).

2. The Judgment changed the residence of the minor child from primarily living with Petitioner in St. Louis, where she has lived for her entire 14-year life, to having her life primarily with Respondent and his wife in Montana.

3. Respondent and I confirmed that on December 18, 2021, D. Love would fly home to spend her winter break in St. Louis. Dalilah would return to Montana on January 3, 2021, in time to go back to school.

4. The Courts 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.

5. On January 29, 2021, 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, and that the child would not go back to Respondent’s home in Montana. The child stated to the court that day:

a.t” I don’t know why you guys are trying to force me to go with him. Like I’m not happy there I don't like being there I’m depressed there I’m suicidal there so why are you forcing a kid to live there like it just doesn't make sense to me.”

b. “I don't like being there I don't like living there I tried I did try and like I that's the saddest I’ve ever been so it's not like I didn't make an attempt to you know make it work or I didn't like follow by what the court had to say because I did I did try but it's like whenever you're constantly being suppressed and you're so depressed that you don't even want to live anymore why force a child to go back into that situation.”

6. Without regard to the best interest of the child Judge Zellweger ignores her pleas and ordered us to be at the courthouse on February 3, 2021, at 8:00 am. Under duress, I consented to the order. The **Consent Order is attached hereto as Exhibit H**  On that day in court the judge stated:

1. “The court is going to enter an order that Ms. Freiner will produce the child on February 3rd which is a Wednesday at 8 a.m. On February 3rd, at that point in time, the only thing that we're going to be doing is an exchange of the child we're going to be doing in my courtroom.”

7. On February 3, 2021, The child was still unwilling to return to Montana with the Respondent and was refused to appear in court. In efforts to communicate with James on that day Petitioner sent two messages via text to Respondent that stated:

1. 9.19 am “D won’t get in the car. I don’t know what you want me to do.”
2. 9.25 am “Why would your daughter be refusing to go with you like this? She is a good kid that does what she is told. Why have you done.” The Respondent responded stating:
3. 9:55 am Parental kidnapping Might be next.
4. 9:56 am Please let’s not make this worse.

8. The Court waited until 10:30 am and then proceeded to a hearing on Respondent's request for a preliminary injunction. 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 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. The **text message between Petitioner and defendant is attached hereto as Exhibit I The Preliminary Injection is attached hereto as Exhibit J.**

9. Judge Nicole Zellweger unlawfully entered **PRELIMINARY INJUNCTION** on February 03, 2021, against me during or after an ex parte hearing where I was not present, and where I was not represented by counsel, in violation of the Mo. R. Civ. Pro. 92.02(c)(2) granting temporary sole legal and physical custody to Respondent with no custody periods to Petitioner until further order of the Court. **Preliminary Injunction**. Filing #14SL-DR02617-01 02-Filed 02/03/2021.

10. It appears from the specific facts shown by affidavit or verified pleading that immediate and irreparable injury, loss, or damage will result to the respondent before the adverse party can be heard in opposition;

11. Respondent failed to provide specific facts shown by **“**affidavit or pleading” of immediate and irreparable injury, loss, or damage.

12. The PRELIMINARY INJUNCTION was wrongly granted without written or oral notice to me, the adverse party, because of Rule 92.02(a)(2). requires specific facts shown by “affidavit or verified pleading” of immediate and irreparable injury, loss, or damage. **Copy of Mo Civ. Pro. Rule 92.02 Temporary Restraining Order-Notice-Preliminary Injunction-Bond-Form and Scope attached hereto as Exhibit K**

13. The pleadings were not verified, and the affidavits were bogus, each affidavit in violation of Executive Order 20-14, temporarily permitting remote notarizations until March 31, 2021, in order to provide a secure and safe method by which to execute legal documents and reduce the spread of COVID-19. **A copy of Executive order 20-14 is attached hereto as Exhibit L. Registered Electronic Notary Exhibit M**

1. According to the Registered Electronic Notary list found on the Secretary of Missouri webpage, Lindsey Blase is not registered for the electronic notary.

14. The Preliminary Injunction was wrongly granted without written or oral notice to me, The adverse party, because; Rule 92.02(a)(3) required notice except as provided in Rule 92.02(b) (b). No temporary restraining order shall be issued without reasonable notice at least twenty-four hours before the hearing on the motion to the party against whom relief is sought.

1. Kathleen Shaul did not certify in writing any efforts that were made to give notice and the reasons why notice should not be required.
2. Sanction: for Failure to Provide Required Notice. If the court finds that a party obtaining a temporary restraining order without notice did not have a reasonable basis to proceed without notice, the party shall be presumed to have acted in bad faith and to have violated Rule 55.03(c). The thirty-day provisions of Rule 55.03(d)(1)(A) shall not apply to proceedings under this Rule 92.02(b)(6).

15. The Temporary Injunction was wrongly granted without my appearance or written or oral notice to me, the adverse party, because Rule 92.02(b)(2), states; a) (2) no evidence other than the affidavit or verified pleading shall be used to support the application for a temporary injunction unless the adverse party appears at the hearing or has received reasonable notice of the hearing.

16. Kathleen Shaul used a “Complaint” to support the application for a temporary injunction and I was not present or given notice. On information and belief, a “Complaint” wrongly used to support a defective application for a temporary injunction under Rule 92.02(a) is void and does NOT require a trial.

17. The **Preliminary Injunction** was wrongly granted without my appearance or written or oral notice to me, the adverse party, because Rule 92.02(b) requires a bond;

a. Bond. No temporary injunction shall be entered unless a bond is given by the movant in an amount the court deems proper, conditioned for the payment of costs and damages sustained by the adverse party if the adverse party is wrongfully enjoined. A Missouri injunction bond must be issued by a security company licensed in the jurisdiction.

b. The Respondent has not filed a bond in the above-referenced action.

18. At Petitioner's request, the Court conducted a status conference on February 5, 2021, Petitioner acknowledged that she did not appear on February 3, 2021, as required by her agreement and by this Court's Order. Petitioner also gave the reason why she did not appear in court on February 3, 2021, which the court refused to accept. On that day Dalilah stated to the court:

1. “Isn't this supposed to be about the child's well-being isn't this supposed to be about my well-being I don't care about your court order if I’m literally going to kill myself there like no I’m not going to risk my life for your core order.”

 19. 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 on February 10, 2021, completely ignoring the child statements to the court.

20. Petitioner appeared in person with the child under duress. Once Petitioner arrived at the courthouse Security guards escorted Petitioner and the child to the courtroom where more police officers awaited Petitioner’s arrival. At the hearing, Dalilah pleads with Judge Zellweger not to be sent to her father because she didn’t understand why she was forcing her to go with a “child molester”. Judge Zellweger told her there was no evidence and Dalilah replied:

1. “I am your evidence. You can’t tell me what I experienced is not real because I am the one who experienced it.”
2. Judge Zellweger went on to tell Dalilah. ” We can do this the easy way or we can do this the hard way.” and “when I put your Mother in jail you will have no other parent to go home with other than dad.”

21.. The Court went on to state:

1. Petitioner offered no credible explanation for her willful and intentional failure to appear for Court on February 3, 2021. The Court reserves ruling on the other issues of contempt this date.
2. The Court finds Petitioner's failure to appear before the Court on February 3, 2021, was willfully and intentionally committed, contemptuous, insolent, and directly tended to interrupt proceedings of this Court and to impair the respect due to its authority;

22. Judge Zellweger did not allow Dalilah to testify on the allegations of child molestation. No investigation was conducted.

23. Judge Zellweger ordered the minor child to be committed to the Children’s Hospital psychiatric ward. Dalilah was not allowed to speak to anyone, except the guardian ad litem, Venus Jackson, who was appointed to represent the child’s best interest.

24. While at the Psychiatric Ward Dalilah disclosed molestation and abuse to the doctor and the hospital’s priest. Saint Louis Children’s Hospital hot lined these disclosers to the Department of Family Services. Upon information and belief, the GAL Venus Jackson contacted DFS and informed personnel there that Judge Zellweger had found that “there was no evidence of abuse”. The DFS promptly closed its investigation. It is also upon information and belief Venus Jackson was making medical decisions for the child and authorized the medication Clonidine. **Report on Clonidine** **Attached hereto is Exhibit N.**

1. Clonidine belongs to a group of medications called “alpha2-agonists”. It is approved to treat high blood pressure in adults. In children and adolescents, this medication may be used for many other conditions, including treatment of attention-deficit/hyperactivity disorder (AD/HD) and tic disorders (such as Tourette syndrome). Clonidine does have abuse potential. It is often abused in conjunction with other drugs, such as methadone, heroin, and prescription painkillers, according to Everyday Health. The central nervous system can also be adversely affected by the use of clonidine. Clonidine can bring about anxiety, hallucinations, depression, and sleep disorders. These effects can be severe and dangerous, and they should be treated by medical professionals in short order.

25. Dalilah was in the care of Dr. Micheal Wenzeger at the Children’s Hospital. After twenty-three days he released the minor child from the hospital to a third party, David Judy. He then flew her to an unknown location in Arizona.  **David Judy background check is included hereto as Exhibit O.**

1. The Petitioner did not wish for the minor child to go with David Judy.
2. The minor child has had a very limited relationship with David Judy and has spent a very small amount of time with him..
3. David Judy has a criminal background for drugs and assault with a deadly weapon among other charges.

26. According to Mo. Statue 632.330. After the initial 72 hours, additional detention and treatment may be requested. A hearing shall be held and that the hearing shall be conducted in as an informal manner.

27. I was never informed of this hearing. Leaving the minor child without proper representation. A copy of **Mo. Statue 632.330. Additional detention and treatment may be requested — contents of the petition. 632.330 is attached hereto as Exhibit P**

28. This case filed by Respondent through his attorney, Kathleen Shaul is without merit, criminal and civil deprivation of rights under color of law, and a criminal and civil conspiracy against rights.

29. Respondent placed frivolous filings in violation of Federal Rules of Evidence (FRE) under the Evidence Act (1906); FRCP Rules 11 & F.R.Crim.P. a) Rule 11 thus, framing mischief by law, causing said predicament in violation of 28 USC § 1927 and the holding in the case of Sosna v. Iowa.

30. That led to the deprivation of rights under color of law and the unlawful detainer/arrest & kidnapping of Angela Freiner, the Petitioner.

31. Now, Dalilah is unlawfully being held captive as an additional coercive civil sanction in violation of the 1st, 4th, 5th, 6th, 7th, 8th, 9th, 13th & 14th Amendments wherein, retaliation is prohibited.

32. It is believed that Dalilah is still at Trinity Teen Solution. Trinity Teen Solution has a class action lawsuit pending for child trafficking and labor. **A copy of the lawsuit is attached as Exhibit Q**

33. Petitioner has not been given proof of life from the Respondent, the previous gal Venus Jackson or the current gal, in this case, D Kimberly Whittle, this Court, or the Respondent’s counsel Kathleen Shaul. Petitioner has not heard from the child in 9 months. Letters were sent to Petitioner in July. Since then there has been no other communication from the minor child. Petitioner does not the letters were written on the child’s own accord. The child gave testimony at the last trial in August 2020 of the Respondent and his wife manipulating her into writing a letter to an unknown judge when Respondent kidnapped the child for the grandmother on July 14 2017. **The child’s letters are attached hereto as Exhibit R**

34. James has sent emails to the school and doctors to block Petitioner from any school or medical records. No updates about schooling have been conveyed to Petitioner by Respondent **Emails to the school are attached hereto as Exhibit S**

 35. That Respondent’s actions clearly indicate that he is withholding the minor child for his own benefit, not for any legitimate concerns regarding the child’s health and safety.

36. There is a risk of severe, immediate, and irreparable injury and damage to the minor child if Respondent continues to have sole legal and physical custody of the child.

37. Petitioner is requesting that this Court issue an Order that Dalilah Love Judy be returned to the State of Missouri, grant unto her the sole legal and sole physical custody of the minor child, with the modifications to the parenting plan provided by Petitioner until further order of the court.

38. Petitioner states:

I am law-abiding, college-educated, with no criminal record and I am the mother of Dalilah Love Judy and have full authorization under the law to make lawful demands for the EMERGENCY removal of Dalilah Judy from her current situation -- who is living in an unsafe environment. I require the return of Dalilah to Missouri to live and finish out her remaining time as an adolescent where she is happy, safe, and has a strong tie to the community and her school. **A copy of the Petitioner’s PSA report and a college degree is attached hereto as Exhibit T and Exhibit U.**

 WHEREFORE, Petitioner wishes this Court to vacate the Temporary Restraining Order entered on January 29, 2021, the Preliminary Injunction that was entered on February 3, 2021, and any other motions the Respondent has entered and issue a judgment on the Respondents Motion to Modify granting Petitioner sole legal and sole physical custody of the minor child; until further order of this Court; that Respondent pay costs and expenses incurred herein; and for whatever orders the Court finds just and proper under the circumstances.

I HEREBY DECLARE under penalty of perjury and the laws of the United States that the information contained herein is true and correct to the best of my knowledge, information, and belief.

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 ANGELA M FREINER

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was via email to all parties this 3rd day of November 2021 to Kathleen E. Shaul Law Offices, D Kimberley Whittle, and Judge Heggie of the St. Louis County Court Family Divison.

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