

10 JUL 26 AM 9:06

MULTNOMAH COUNTY

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

In the Matter of the Marriage of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI LYNN MOULTON HORMAN,

Respondent.

Case # 1006-66084

ORDER TO SHOW CAUSE RE: SUIT
MONEY

[EX PARTE]

In the Matter of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI LYNN MOULTON HORMAN,

Respondent.

Case #1006-66086

ENTERED
JUL 26 2010
IN REGISTER BY CB

TO: TERRI LYNN MOULTON HORMAN

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

YOU ARE ORDERED TO APPEAR in person at the Multnomah County

Page 1 - ORDER TO SHOW CAUSE RE: SUIT MONEY

GEARING, RACKNER & ENGEL LLP
121 SW MORRISON STREET, STE. 750
PORTLAND, OR 97204
TELEPHONE: (503) 222-9116
FAX: (503) 222-9118

1 Courthouse, 1021 SW Fourth Avenue, Portland, Oregon at _____ a.m. / p.m. on
2 _____, 2010, and at trial assignment at 9:00 a.m. on _____, 2010
3 to show cause why the Court should not enter a Temporary Order and Limited Judgment
4 granting the following relief as requested by Petitioner during the pendency of these
5 proceedings:


6 1. SUIT MONEY: Awarding Petitioner suit money pursuant to ORS § 107.095,
7 and requiring Respondent to disclose the source of any funds paid to her attorney(s) as set
8 forth in more detail in the accompanying Affidavit of Counsel;

9 2. ATTORNEY FEES: If this matter is contested, awarding Petitioner his
10 reasonable attorney fees and court costs pursuant to ORCP 68.

11 DATED this 26 day of July, 2010.

12 
13 Honorable Keith Meisenheimer

14 Submitted by:

15 
16 Laura E. Rackner, OSB #84328
17 Of Attorneys for Petitioner
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FILED
10 JUL 26 AM 9:06
CLERK OF DISTRICT COURT

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

In the Matter of the Marriage of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI LYNN MOULTON HORMAN,

Respondent.

Case #1006-66084

PETITIONER'S MOTION FOR ORDER
TO SHOW CAUSE RE: SUIT MONEY

[EX PARTE]

In the Matter of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI LYNN MOULTON HORMAN,

Respondent.

Case #1006-66086

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

1 relief during the pendency of these proceedings:

2 1. SUIT MONEY: Awarding Petitioner suit money pursuant to ORS § 107.095,
3 and requiring Respondent to disclose the source of any funds paid to her attorney(s) as set
4 forth in more detail in the accompanying Affidavit of Counsel;

5 2. ATTORNEY FEES: If this matter is contested, awarding Petitioner his
6 reasonable attorney fees and court costs pursuant to ORCP 68.

7 DATED this 26 day of July, 2010.

8 
9 Laura E. Rackner, OSB #84328
10 Of Attorneys for Petitioner

11 POINTS AND AUTHORITIES:

- 12 1. ORS §107.095
13 2. Affidavit of Counsel, submitted herewith
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19 JUL 25 AM 9:06
CLERK OF COURT
JULY 25 2010

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

In the Matter of the Marriage of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI LYNN MOULTON HORMAN,

Respondent.

Case # 1006-66084

AFFIDAVIT OF COUNSEL IN SUPPORT
OF MOTION FOR ORDER TO SHOW
CAUSE RE: SUIT MONEY

In the Matter of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI LYNN MOULTON HORMAN,

Respondent.

Case #1006-66086

ENTERED
JUL 26 2010
IN REGISTER BY CB

State of Oregon)
) ss.
County of Multnomah)

I, Laura E. Rackner, after first being duly sworn, hereby state as follows:

1. I am the attorney for the Petitioner in the above-entitled matter. I make this
Affidavit in support of Petitioner's Motion and Order to Show Cause re: Suit Money.

1 2. Respondent has indicated in a written communication to a third party that she
2 tendered payment of \$350,000 to her attorney Stephen Houze for legal representation. Mr.
3 Houze is one of Respondent's attorneys of record in this proceeding. If Respondent has
4 provided funds to her attorney(s), Respondent should be required to immediately disclose the
5 source and amount of such funds. If Respondent has borrowed these funds and contends this
6 is a marital liability, the funds should be considered a marital asset. These funds would then
7 be subject to the disposition authority of the Court. Respondent should be required by the
8 Court to immediately assert her position as to whether she maintains that the funds she has
9 provided to her attorney(s) were borrowed and if so, whether she considers them to be a
10 marital liability. Further, if it is Respondent's position that her attorney fees are a marital
11 liability, then Respondent should be required to immediately provide one-half of these funds
12 to Petitioner to pay his attorney fees and costs.

13 3. These proceedings involve complex legal and safety issues that require
14 Petitioner's attorneys to expend a significant amount of time providing legal services to
15 Petitioner in order to protect his interests and the interests of his children. Petitioner does not
16 have sufficient income or resources to pay for these legal services and meet his other financial
17 obligations for the children and himself. Funds (including advances for costs and expenses)
18 held in an attorney's trust account are the property of the client. See Oregon Rules of
19 Professional Conduct, Rule 1.15-1. If Respondent has provided funds to her attorneys for
20 her legal representation and considers them to be marital liability, these funds are martial
21 property and Respondent should be required to pay one-half of these funds to Petitioner to use
22 for his attorney fees and costs.

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24 Page 2 – AFFIDAVIT OF COUNSEL RE: SUIT MONEY

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1 4. If this matter is contested Petitioner requests that Respondent be required to
2 pay his reasonable attorney fees and costs incurred in bringing this motion.

3 DATED this 26 day of July, 2010.

4 Laura E Rackner

5 Laura E. Rackner, OSB #84328

6 Attorney for Petitioner

7 SUBSCRIBED and sworn to before me by Laura E. Rackner on this 26th day of July,
8 2010.

9 Julia Kersting

10 Notary Public for Oregon

11 My commission expires: 05/31/13

