

FILED

12:15pm  
JUL - 8 2010

Circuit Court  
Multnomah County, Oregon

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

In the Matter of:

KAINE ANDREW HORMAN,

Petitioner,

and

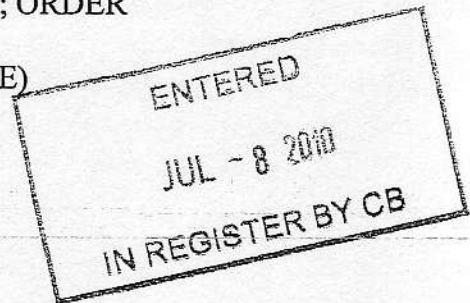
TERRI LYNN MOULTON HORMAN,

Respondent.

Case No. 1006-66086

PETITION FOR EXPEDITED  
HEARING; ORDER

(EX PARTE)



COMES NOW, Petitioner, Kaine Andrew Horman, by and through his attorney Laura E. Rackner of Gearing, Rackner, & Engel LLP and moves the Court for an expedited hearing on the Motion indicated below. The underlying Motion is presented herewith for the Court's consideration and filing with the clerk.

1. Name of the underlying motion for which an expedited hearing is requested:  
*Petitioner's Motion and Order to Show Cause to Amend FAPA Order and Petition.*

2. Reason for necessity of expedited hearing: The Honorable Keith Meisenheimer signed the Family Abuse Prevention Act Restraining Order to Prevent Abuse (hereafter "the Order") in the above-entitled matter on June 28, 2010. The Order provides that Petitioner has custody of the parties' minor child, Kiara (born 11/12/2008). The Order does not require Respondent to move from and not return to the family residence located at 15725 NW Sheltered Nook Road, Portland, Oregon 97231. Petitioner is requesting an

1 amendment to the Order so that Respondent is required to move from and not return to the  
2 family residence. Petitioner indicates the family residence is where Kiara has lived since she  
3 was born. Petitioner believes it is important for Kiara to be back in the family residence in  
4 order to provide her with stability and consistency. The family residence has also been the  
5 home of Petitioner's non-joint child, Kyron. Petitioner believes it will be important for Kyron  
6 to be back in the family residence once he is located in order to provide him with stability and  
7 consistency. It is in the children's best interest if Petitioner is able to return to and live at this  
8 residence. In order to protect the safety of Petitioner and the children, Respondent must be  
9 required to move from and not return to the residence.


10 3. Trial Date: None.

11 4. The Honorable Keith Meisenheimer signed the Order in this matter.

12 5. Petitioner requests a hearing of 30 minutes to resolve this matter.

13 6. I have notified the opposing party regarding this request through her attorney,  
14 Stephen A. Houze.

15 DATED this 8 day of July, 2008.

16   
17 Laura E. Rackner, OSB #84328  
Of Attorneys for Petitioner

18 Points and Authorities  
SLR 5.025

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

1  
2  
3 **ORDER**

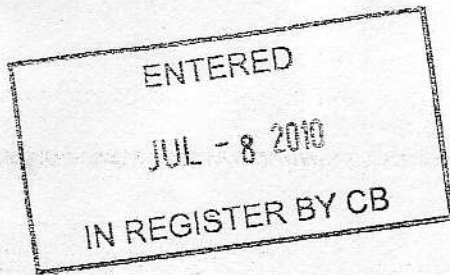
4 ☒ GRANTED. This matter shall be heard on 7/22/10 at 1:30 PM.  
5 ☐ DENIED.

6 Other: \_\_\_\_\_

7 DATED this 8 day of July, 2010.

8  
9   
10 CIRCUIT COURT JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24





FILED  
12:15pm  
JUL - 8 2010

Circuit Court  
Multnomah County

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

In the Matter of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI MOULTON HORMAN,

Respondent.

Case No. 1006-66086

ORDER TO SHOW  
CAUSE TO AMEND FAPA  
ORDER AND PETITION

**TO: TERRI MOULTON HORMAN**

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

YOU ARE ORDERED TO APPEAR in person at the Multnomah County Courthouse,  
1021 SW Fourth Avenue, Portland, Oregon on July 22, 2010 <sup>at 1:30 p.m.</sup> to show cause,  
if any, why the Court should not enter an Order granting the following relief:

1. Amending page four, paragraph seven of the Restraining Order to Prevent  
Abuse signed by the Honorable Keith Meisenheimer on June 28, 2010 to require Respondent  
to move from and not return to the real property and improvements located at 15725 NW  
Sheltered Nook Road, Portland, Oregon 97231 except with a peace officer to remove essential  
personal effects of the Respondent;

///

///

///

Page 1 - ORDER TO SHOW CAUSE TO AMEND FAPA

GEARING, RACKNER & ENGEL LLP.  
ATTORNEYS AT LAW  
811 SW NAITO PARKWAY, SUITE 600  
PORTLAND, OR 97204  
TELEPHONE: (503) 222-9116  
FAX: (503) 222-9118

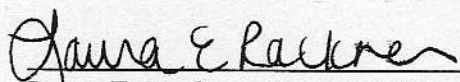
1           2.       Amending page two, paragraph two of the Petition for Restraining Order to  
2 Prevent Abuse to correct a clerical error. Within the past 180 days, Respondent has attempted  
3 to cause Petitioner bodily injury and placed Petitioner in fear of imminent bodily injury.

4       **IT IS SO ORDERED:**

5       Dated this 8 day of July, 2010.

6  
7  
8  
  
CIRCUIT COURT JUDGE

8       **Submitted by:**

9  
10         
11       Laura E. Rackner, OSB #84328  
12       Attorney for Petitioner  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

FILED

12:15pm  
JUL - 8 2010

Circuit Court  
Multnomah County, Oregon

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

In the Matter of the Marriage of: )

KAINE ANDREW HORMAN, )

Petitioner, )

and )

TERRI MOULTON HORMAN, )

Respondent. )

STATE OF OREGON )

County of Multnomah )

) ss.

Case No. 1006-66086

AFFIDAVIT OF COUNSEL RE:  
AMENDMENT OF FAPA ORDER  
AND PETITION

ENTERED

JUL - 8 2010

IN REGISTER BY CB

I, Laura E. Rackner, do hereby swear and depose the following:

1. I am the attorney for the Petitioner, Kaine Andrew Horman, in the above-entitled matter. I make this affidavit in support of the *Motion and Order to Show Cause to Amend FAPA Order and Petition*.

2. Petitioner respectfully requests that page four, paragraph seven of the Family Abuse Prevention Act Restraining Order to Prevent Abuse ("the Order") signed by the Honorable Keith Meisenheimer on June 28, 2010 be amended so that Respondent is required to move from and not return to the real property and improvements located at 15725 NW Sheltered Nook Road, Portland, Oregon. This property is the family residence and is titled in Petitioner's individual name. Pursuant to the Order, Petitioner has custody of the parties' minor child, Kiara. Petitioner indicates the family residence is where Kiara has lived since



1 she was born. Petitioner believes it is important for Kiara to be back in the family residence  
2 in order to provide her with stability and consistency. The family residence has also been the  
3 home of Petitioner's non-joint child, Kyron. Petitioner believes it will be important for Kyron  
4 to be back in the family residence once he is located in order to provide him with stability and  
5 consistency. It is in the children's best interest if Petitioner is able to return to and live at this  
6 residence. In order to protect the safety of Petitioner and the children, Respondent must be  
7 required to move from and not return to the residence.

8 3. Petitioner respectfully requests that page two, paragraph two of the Petition for  
9 Restraining Order to Prevent Abuse ("the Petition") be amended to reflect that in the past 180  
10 days Respondent has attempted to cause Petitioner bodily injury and placed Petitioner in fear  
11 of imminent bodily injury. This amendment is to correct a clerical error and is consistent with  
12 the allegations set forth on page two, paragraph three of the Petition.

13 4. Respondent has not yet served responsive pleadings to the Petition and the  
14 Order.

15 Dated this 8 day of July, 2010.

17 Laura E Rackner  
18 Laura E. Rackner, OSB #84328  
Attorney for Petitioner

19 SUBSCRIBED AND SWORN TO before me this 8<sup>th</sup> day of July, 2010 by  
20 Laura E. Rackner.



24  
21  
22  
23

Julia Kersting  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 05/31/13

FILED

12:15pm  
JUL - 8 2010

Circuit Court  
Multnomah County, Oregon

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

In the Matter of:

KAINE ANDREW HORMAN,

Petitioner,

and

TERRI MOULTON HORMAN,

Respondent.

Case No. 1006-66086

MOTION FOR ORDER TO SHOW  
CAUSE TO AMEND FAPA  
ORDER AND PETITION

ENTERED

JUL - 8 2010

IN REGISTER BY CB

TO: TERRI MOULTON HORMAN

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

1. Amending page four, paragraph seven of the Restraining Order to Prevent Abuse signed by the Honorable Keith Meisenheimer on June 28, 2010 to require Respondent to move from and not return to the real property and improvements located at 15725 NW Sheltered Nook Road, Portland, Oregon 97231 except with a peace officer to remove essential personal effects of the Respondent;

2. Amending page two, paragraph two of the Petition for Restraining Order to Prevent Abuse to correct a clerical error. Within the past 180 days, Respondent has attempted to cause Petitioner bodily injury and placed Petitioner in fear of imminent bodily injury.

Page 1 - MOTION FOR ORDER TO SHOW CAUSE

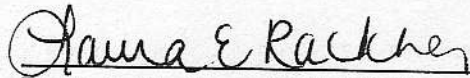
GEARING, RACKNER & ENGEL LLP.  
ATTORNEYS AT LAW  
811 SW NAITO PARKWAY, SUITE 600  
PORTLAND, OR 97204  
TELEPHONE: (503) 222-9116  
FAX: (503) 222-9118



1 This motion is based upon ORCP 23 and the attached affidavit of counsel.

2 IT IS SO MOVED:

3 Dated this 8 day of July, 2010.

4 

5 Laura E. Rackner, OSB 84328

6 Attorney for Petitioner