

JUL 28 1995

DEPARTMENT OF
JUDICIAL ADMINISTRATION

SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

In re the Marriage of:

JODY T. Deering,
Petitioner,
and
DAVID J. Deering,
Respondent.

NO. 93-3-0594-3

MOTION/DECLARATION FOR
EX PARTE RESTRAINING
ORDER AND FOR ORDER
TO SHOW CAUSE
(MTAF)

I. MOTION

Based upon the declaration below, the undersigned moves the court for a temporary order and order to show cause.

1.1 EX PARTE RESTRAINING ORDER.

A temporary restraining order should be granted without written or oral notice to the other party or the other party's lawyer because immediate and irreparable injury, loss, or damage will result before other party or the other party's lawyer can be heard in opposition. This order should restrain:

☒ ☒ The petitioner ☐ The respondent ☐ Both parties from molesting or disturbing the peace of the other party or of any child.

☒ The petitioner, Jody Deering, from entering the residence at 8543 124th Ave NE, Kirkland WA.

☒ ☐ The petitioner ☐ The respondent ☒ Both parties from entering the home of the other party.

☒ ☐ The petitioner ☐ The respondent ☒ Both parties from removing any of the children from the State of Washington.

MOT./DEC. FOR EX PARTE RESTRAINING ORDER
WPF DR 04.0150 (7/93)
CR 65(b); RCW 26.09.060
Page 1

Helmut Kah, Attorney at Law
14670 N.E. 8th, Suite 210
Bellevue, Washington 98007
Telephone: (206) 562-1788
Facsimile: (206) 562-7042

CLIENT'S COPY

2
4
6 [X] other:

8 The parties' children, Kimiko, Noriko and Mariko
10 Deering should be under the exclusive custody, care
and control of the father until further hearing
herein.

12 The other party should be required to appear and show
14 cause why these restraints should not be continued in
full force and effect pending final determination of this
16 action.

18 1.2 SURRENDER OF DEADLY WEAPONS.

20 [X] Does not apply.

22 [] (IF THIS BOX IS CHECKED CLEAR AND CONVINCING REASONS
FOR THIS REQUEST MUST BE PRESENTED IN PARAGRAPH 2.3
24 BELOW.) The court should require the [] petitioner
[] respondent to surrender any deadly weapon in his
26 or her immediate possession or control or subject to
his or her immediate possession or control to the
28 sheriff of the county having jurisdiction of this
proceeding, to his or her lawyer or to a person
designated by the court.

30 1.3 OTHER TEMPORARY RELIEF.

32 [] Does not apply.

34 [X] The [] petitioner [] respondent should also be
36 required to appear and show cause why the court
should not enter a temporary order which:

38 [] orders temporary maintenance.

40 [X] orders child support as determined pursuant to
42 the Washington State Support Schedule.

44 [X] approves a parenting plan which is proposed by
the [] petitioner [X] respondent.

46 [X] requires the [] petitioner [] respondent to
48 pay temporary attorney's fees, other
professional fees and costs in the amount of
50 \$2,500 to respondent's attorney.

MOT./DEC. FOR EX PARTE RESTRAINING ORDER
WPF DR 04.0150 (7/93)
CR 65(b); RCW 26.09.060
Page 2

Helmut Kah, Attorney at Law
14670 N.E. 8th, Suite 210
Bellevue, Washington 98007
Telephone: (206) 562-1788
Facsimile: (206) 562-7042

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

[X] appoints a guardian ad litem/investigator/lawyer on behalf of the minor children.

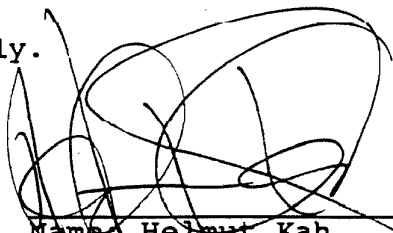
[X] other:

Finds the respondent in contempt of court for violation of the parenting plan and exposing the children to dangerous and harmful circumstances and persons, specifically Vince Lovejoy, in direct and intentional violation of paragraph 3.13 of the parenting plan entered herein on February 23, 1995.

1.4 OTHER:

Does not apply.

Dated: 7/28/95



Name: Helmut Kah
W.S.B.A. #18541
Attorney for Respondent

II. DECLARATION

2.1 INJURY TO BE PREVENTED.

The ex parte restraining order requested in paragraph 1.1 above is to prevent the following injury (define the injury):

Mental, emotional, and potential physical harm to the parties' minor children.

2.2 REASONS WHY THE INJURY MAY BE IRREPARABLE.

This injury may be irreparable because:

The children are ages 11, 9, and 3. They are in their formative years. Any harm caused can have lifetime repercussions and may never be fully healed.

2

4

6

2.3 CLEAR AND CONVINCING REASONS WHY WEAPONS SHOULD BE
SURRENDERED.

8

[X] Does not apply.

10

12

[] The [] petitioner [] respondent should be required
to surrender any deadly weapon as requested in
paragraph 1.2 above because of the following clear
and convincing reasons:

14

2.4 REASONS FOR A TEMPORARY ORDER.

16

[] Does not apply.

18

20

[X] It is necessary that the court issue a temporary
order with the relief requested in paragraph 1.3
above for the reason set forth below:

22

24

26

28

30

32

The Parenting Plan, based on agreement of thye
parties and on the Parenting Plan Evaluation
prepared by the University of Washington Medical
Cener, Outpatient Psychiatry Dept. which is dated
12/13/94, provides that "the mother shall insure
that there will be no further contact between Vince
(Lovejoy) and the children" and that "residential
placement of the children with the mother remains
contingent on her maintaining and enforcing the
protection order."

34

36

38

40

The mother has repeatedly and continually exposed
the children to contact with Vince Lovejoy since the
decree and parenting plan were entered. The
Kirkland Swat Team raided the mother's home on the
weekend of July 14 to 16 because of a conflict
between the mother and Vince, who resides there.

42

44

46

48

50

The children are presently in the father's custody
for two weeks of summer residential time which is
scheduled to end this afternoon (Friday, July 28,
1995). The children should not be returned to the
mother until this matter can be fully investigated
and a report provided to the court. The children's
emotional and physical health and safety are at
stake.

MOT./DEC. FOR EX PARTE RESTRAINING ORDER

WPF DR 04.0150 (7/93)

CR 65(b); RCW 26.09.060

Page 4

Helmut Kah, Attorney at Law

14670 N.E. 8th, Suite 210

Bellevue, Washington 98007

Telephone: (206) 562-1788


Facsimile: (206) 562-7042

2
4
6 See Declaration of David Deering, Declaration of
8 Records Custodian (Kirkland Police Department), and
Motion to Change Residential Placement filed
herewith.

10 I declare under penalty of perjury under the laws of the State
12 of Washington that the foregoing is true and correct.

14 Signed at Bellevue, WA, on July 28, 1995.

(City and State) (Date)

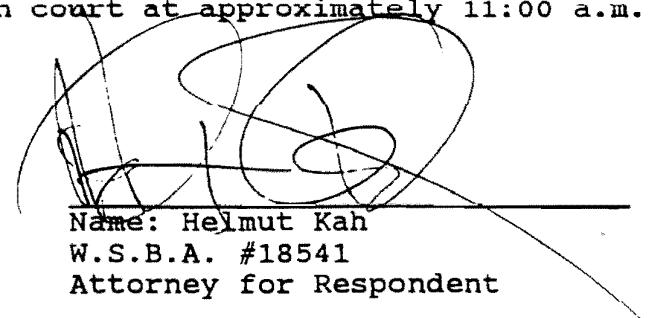
16
18
20 
22 Name: David J. Deering
Declarant/Respondent

24 III. EFFORTS TO GIVE THE OTHER PARTY NOTICE

26 The following efforts have been made to give the other party or
28 other party's lawyer notice and the following reasons exist why
notice should not be required:

30 The respondent attempted to serve a note for motion
32 calendar and related documents on the petitioner last
night. See Declaration of Service filed herewith. Her
34 brother-in-law phoned my office and left a voice mail
message this morning indicating that he had read and was
36 aware of the contents of the papers served last night.
According to the process server the petitioner was
38 present at the premises where the papers were served. The
respondent attempted to phone petitioner both last night
and this morning in my presence without success. I left
40 a message on her brother-in-law's voice mail stating that
I will appear in court at approximately 11:00 a.m. this
42 morning.

44
46 Dated: 
48


Name: Helmut Kah
W.S.B.A. #18541
Attorney for Respondent

50
MOT./DEC. FOR EX PARTE RESTRAINING ORDER

WPF DR 04.0150 (7/93)

CR 65(b); RCW 26.09.060

Page 5

Interoffice #: Deering, David
Client File: C:\SCPLUS\DEERING\DEERING.SCP 07/28/95 10:31 a.m.
Form: C:\SCPLUS\DEERING\motion.DOC 07/28/95 10:30 a.m.

Forma-Plex 8.1

Helmut Kah, Attorney at Law

14670 N.E. 8th, Suite 210
Bellevue, Washington 98007
Telephone: (206) 562-1788
Facsimile: (206) 562-7042