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RECEIVED
JUL 12 2010

JUDGE KEITH MEISENHEMER
MULTNOMAH COUNTY CIRCUIT COURT
503-988-3985

July 12, 2010

Hon. Keith Meisenheimer
Multnomah County Circuit Court
1021 SW Fourth Avenue
Portland, OR 97204

Via email and hand delivery
Keith.meisenheimer@ojd.state.or.us

Re: Horman and Horman
Multnomah Co. Case Nos. 1006-66084 & 1006-66086 (consolidated)

ENTERED
JUL 12 2010
IN REGISTER BY CB

Dear Judge Meisenheimer:


I'm corresponding with the court at this time on behalf of my client, Respondent in the above-referenced matters, with the knowledge and agreement of Ms. Rackner, who represents the Petitioner in the above-referenced consolidated matters.

I have advised Ms. Rackner that my client, the Respondent, will not be contesting any matters to be heard in the scheduled hearing set for July 22, 2010 at 1:30 pm.

Accordingly, Ms. Rackner and I are agreed that there is no further need for a hearing before the court, and that the court may strike the scheduled proceeding from its calendar.

With respect to the underlying PETITION FOR DISSOLUTION OF MARRIAGE, it remains Respondent's intention to seek separate representation by domestic relations counsel, who will address any future scheduling regarding the dissolution case.

Yours truly,


Stephen Houze

Cc: Laura Rackner

FILED
10 JUL 12 PM 12:04
MULTNOMAH COUNTY

FILED
10 JUL 12 PM 2:04

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

In the Matter of:)
K A I N E A N D R E W H O R M A N ,) Case No. 1006-66086
Petitioner,) ORDER TO SHOW
and) CAUSE RE: REMEDIAL CONTEMPT
T E R R I L Y N N M O U L T O N H O R M A N ,)
Respondent.)

ENTERED
JUL 12 2010
IN REGISTER BY CB

TO: TERRI LYNN MOULTON HORMAN

Based upon the Motion and the Supporting Affidavit and good cause appearing

YOU ARE HEREBY ORDERED to appear at the Multnomah County Courthouse,
located at 1021 SW Fourth Avenue, Portland, Oregon on a date and time to be specified by
the Court and show cause why, if any, the following orders should not be made by the Court:

1. Finding Respondent in contempt for the willful violation of the *Order to Restrict Access to File* signed by the Honorable Keith Meisenheimer on June 28, 2010; the *Order Vacating Order to Seal File as to OJIN, Ex-Parte Motion and Order to Restrict Access to File and Order* signed by the Honorable Keith Meisenheimer on June 29, 2010; and the *Order Amending Prior Order to Restrict Access to File* signed by the Honorable Keith Meisenheimer on July 8, 2010 in the following particulars:

- A. Respondent gave an unauthorized party(ies) access to the documents and/or information filed by Petitioner in the above-entitled matter during the time access to

1 the Court file was restricted pursuant to the Orders referenced above.

2 2. Ordering the imposition of the following *remedial* sanctions against Respondent for
3 the above violations:

4 A. Ordering Respondent to provide full disclosure of the name, date of birth,
5 address and phone number of any person(s) she has directly provided
6 documents and/or information;

7 B. Ordering Respondent to provide full disclosure of the name, date of birth,
8 address and phone number of any person(s) that the person(s) described in
9 Paragraph 2(A) above have provided with documents and/or information;

10 C. Ordering Respondent to comply with the terms of the judgment and imposition
11 of a fine of \$500.00 or one percent of Respondent's annual gross income,
12 whichever is greater, for each day the contempt continues;

13 D. Ordering Respondent to comply with the terms of the Orders and entering a
14 money award in an amount sufficient to compensate Petitioner for any loss,
15 injury, or costs suffered by Petitioner as the result of the contempt and
16 designed to ensure Respondent's compliance with existing court orders;

17 E. Entering an order designed to insure timely compliance with the order of the
18 Court including, but not limited to placing Respondent on probation, or any
19 other remedy that the Court determines would be an effective remedy for the
20 contempt;

21 F. Ordering the sanction of confinement for so long as the contempt continues, or
22 six months, whichever is the shorter period;

23 G. Ordering that Respondent pay Petitioner's legal fees and costs incurred in bringing
24 this motion.

1 3. The maximum compensatory money award sought is not determinable at this point in
2 time.

3 4. It is requested that the Court make special findings of law and fact pursuant to
4 ORCP 62.

5 Dated this 12 day of July, 2010.

6 
7 HON. KEITH MEISENHEIMER

8 Submitted by:

9 

10 Laura E. Rackner, OSB #84328
11 Attorney for Petitioner

12 **IF YOU HAVE ANY QUESTIONS YOU SHOULD SEE AN ATTORNEY
13 IMMEDIATELY.**

14 **If you need help in finding an attorney you may call the Oregon State Bar's Lawyer
15 Referral Service at (503) 584-3763 or toll free in Oregon at (800) 452-7636.**

ENTERED
JUL 12 2010
IN REGISTER BY CB

FILED
10 JUL 12 PM 2:04

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

In the Matter of:)
Kaine Andrew Horman,) Case No. 1006-66086
Petitioner,) MOTION FOR ORDER TO SHOW
and) CAUSE RE: REMEDIAL CONTEMPT
TERRI LYNN MOULTON HORMAN,)
Respondent.)

Petitioner, Kaine Andrew Horman, by and through his attorney, Laura E. Rackner of Gearing, Rackner & Engel, LLP, does hereby move the Court for an order requiring Respondent, Terri Lynn Moulton Horman, to appear and show cause why, if any, the following orders should not be made by the Court:

1. Finding Respondent in contempt for the willful violation of the *Order to Restrict Access to File* signed by the Honorable Keith Meisenheimer on June 28, 2010; the *Order Vacating Order to Seal File as to OJIN, Ex-Parte Motion and Order to Restrict Access to File and Order* signed by the Honorable Keith Meisenheimer on June 29, 2010; and the *Order Amending Prior Order to Restrict Access to File* signed by the Honorable Keith Meisenheimer on July 8, 2010 in the following particulars:

A. Respondent gave an unauthorized party(ies) access to the documents and/or information filed by Petitioner in the above-entitled matter during the time access to the Court file was restricted pursuant to the Orders referenced above.

1 2. Ordering the imposition of the following *remedial* sanctions against Respondent for
2 the above violations:

- 3 A. Ordering Respondent to provide full disclosure of the name, date of birth,
4 address and phone number of any person(s) she has directly provided
5 documents and/or information;
- 6 B. Ordering Respondent to provide full disclosure of the name, date of birth,
7 address and phone number of any person(s) that the person(s) described in
8 Paragraph 2(A) above have provided with documents and/or information;
- 9 C. Ordering Respondent to comply with the terms of the judgment and imposition
10 of a fine of \$500.00 or one percent of Respondent's annual gross income,
11 whichever is greater, for each day the contempt continues;
- 12 D. Ordering Respondent to comply with the terms of the Orders and entering a
13 money award in an amount sufficient to compensate Petitioner for any loss,
14 injury, or costs suffered by Petitioner as the result of the contempt and
15 designed to ensure Respondent's compliance with existing court orders;
- 16 E. Entering an order designed to insure timely compliance with the order of the
17 Court including, but not limited to placing Respondent on probation, or any
18 other remedy that the Court determines would be an effective remedy for the
19 contempt;
- 20 F. Ordering the sanction of confinement for so long as the contempt continues, or
21 six months, whichever is the shorter period;
- 22 G. Ordering that Respondent pay Petitioner's legal fees and costs incurred in
23 bringing this motion.
24


1 3. The maximum compensatory money award sought is not determinable at this point in
2 time.

3 4. It is requested that the Court make special findings of law and fact pursuant to
4 ORCP 62.

5 **IT IS SO MOVED.**

6 Dated this 12 day of July, 2010.

Gearing, Rackner & Engel, LLP

7
8 
9 Laura E. Rackner, OSB #84328
Attorney for Petitioner

10 Points and Authorities:

- 11 Order to Restrict Access to File
12 Order Vacating Order to Seal File as to OJIN, Ex-Parte Motion and Order to Restrict Access
13 to File and Order
14 Order Amending Prior Order to Restrict Access to File
15 ORS 33.015 et seq
16 UTCR 19
17 ORCP 68
18 Affidavit of Counsel, submitted herewith
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FILED

10 JUL 12 PM 2:04

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

In the Matter of:)
K A I N E A N D R E W H O R M A N ,)
Petitioner,)
and)
T E R R I L Y N N M O U L T O N H O R M A N ,)
Respondent.)
STATE OF OREGON)
County of Multnomah) ss.

Case No. 1006-66086

AFFIDAVIT OF COUNSEL RE:
MOTION FOR ORDER TO SHOW
CAUSE RE: REMEDIAL CONTEMPT

ENTERED
JUL 12 2010
IN REGISTER BY CB

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

- I am the attorney for the Petitioner in the above-captioned case. I make this affidavit in support of Petitioner's Motion and Order to Show Cause Re: Remedial Contempt.
- Petitioner submitted a Petition for Restraining Order to Prevent Abuse (Family Abuse Prevention Act) on June 28, 2010 (hereafter "the Petition"). The Restraining Order to Prevent Abuse was granted by the Honorable Keith Meisenheimer on June 28, 2010. Also on June 28, Petitioner submitted a motion for an order to restrict access to the file. Among the reasons Petitioner sought to restrict access to the file were concerns about the investigation into the disappearance of his son, Kyron, and concerns about Petitioner's personal safety and the safety of his children.

Page 1 – AFFIDAVIT OF COUNSEL RE:
MOTION AND ORDER TO SHOW CAUSE RE: CONTEMPT

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 3. The Honorable Keith Meisenheimer signed the Order to Restrict Access to File on
2 June 28, 2010. Pursuant to this Order, the only persons or entities allowed access to the Court
3 file are as follows: 1) Oregon Courts and Court Staff; 2) Any governmental agency; 3) The
4 parties (Kaine Andrew Horman and Terri Moulton Horman); 4) The attorney of record for
5 Respondent; and 5) The law firm of Gearing, Rackner & Engel, LLP or the attorney of record
6 for Petitioner.

7 4. On June 29, 2010, the Honorable Keith Meisenheimer signed the Order Vacating
8 Order to Seal File as to OJIN, Ex-Parte Motion and Order to Restrict Access to File and
9 Order. Otherwise, the June 28 Order to Restrict Access to File remained in full force and
10 effect. On July 8, 2010, the Honorable Keith Meisenheimer signed the Order Amending
11 Prior Order to Restrict Access to File. This Order provides that the June 28 Order restricting
12 access to the file was vacated, *except* that access to the information relating to the address of
13 Petitioner and the parties' minor child would remain restricted.

14 5. As set forth in more detail below, Petitioner has learned that Respondent gave an
15 unauthorized party(ies) access to the documents and/or information in the court file.
16 Petitioner is unaware of the extent of who else is aware of the contents of the court file.

17 6. Due to the ongoing investigation pertaining to the disappearance of Petitioner's son
18 Kyron, Respondent's attempt to hire someone to murder Petitioner, and the media and public
19 interest in this high profile matter, Petitioner believes that it is important for access to this
20 information to remain restricted in order to protect the safety and privacy of the minor
21 children and Petitioner. Respondent's dissemination of this information to an unauthorized
22 party(ies) is detrimental to Petitioner and the children's safety, and could affect the interests
23 and safety of other family members.

1 7. Petitioner has received documents and other information from law enforcement that
2 are relevant to the issues presented in, and surrounding, the restraining order. Petitioner
3 believes that this material demonstrates a willful violation of this Court's order to restrict
4 access to sensitive portions of the court file.

5 8. Petitioner's attorney is aware that the Family Abuse Prevention Act Restraining Order
6 signed by this Court was served on Respondent on Monday, June 28, 2010. Petitioner is
7 further aware that, pursuant to his request, this Court ordered that the documents have
8 restricted access from view by anyone except Respondent and her attorney.

9 9. Petitioner has learned from law enforcement that this Court's order that the material be
10 sealed from review by anyone other than Respondent and her attorney has been violated.

11 In the course of its investigation, law enforcement informed Petitioner's attorney that they
12 became aware of an individual by the name of Michael Cook. Petitioner is aware of Mr.
13 Cook because he went to high school with him. Petitioner believes that Respondent did not
14 know Mr. Cook until after his son Kyron's disappearance on June 4, 2010.

15 10. Law enforcement informed Petitioner that since June 4, 2010, Respondent and Mr.
16 Cook have had multiple contacts via phone calls, text messages and personal contacts.
17 Petitioner's attorney has also reviewed Mr. Cook's work cell phone records. In addition,
18 Petitioner is aware that Mr. Cook has been recently interviewed by law enforcement.

19 11. Petitioner is aware that pursuant to a search of Mr. Cook's cell phone, a number of
20 pages of Petitioner's restraining order were photographed by Mr. Cook's cell phone.
21 Petitioner is aware that Mr. Cook was interviewed and stated that he went to Respondent's
22 home on Monday, June 28, 2010, and that he arrived after Respondent had been served with
23 the Restraining Order. Mr. Cook told investigators that Respondent made the Restraining

1 Order available to Mr. Cook for review and, in fact, pointed out particular sections that were
2 noteworthy to Respondent. Mr. Cook also told investigators that he provided information
3 regarding the documents that he had seen to at least two other individuals. Further,
4 Respondent allowed Mr. Cook to take cell phone camera photographs of the sealed restraining
5 order. Of particular concern to Petitioner was the fact that a cell phone camera photograph
6 was taken of Petitioner's listed residence address. In fact, the search of Mr. Cook's cell phone
7 also revealed that a Google Maps search of the address was later performed by Mr. Cook.
8 Mr. Cook told law enforcement when interviewed that he got the address from the paperwork,
9 that he did an internet maps search for the address but never went to Petitioner's listed
10 residence.

11 12. Further, Petitioner has learned that Mr. Cook and Respondent appear to now be
12 involved in a relationship to include sexual activity. While Petitioner cannot state when the
13 relationship and sexual activity actually began, according to the information obtained, it
14 appears the sexual nature of the relationship began on or about June 30, 2010, four days after
15 Petitioner left the family home, and two days after the Court granted sole custody of
16 Petitioner and Respondent's child, Kiara, to Petitioner.

17 13. Law enforcement has informed Petitioner that the materials supporting this
18 relationship that have been obtained and clarified by interviews with Mr. Cook include
19 hundreds of text messages as well as several photographs of Respondent in various stages of
20 undress and graphic sexual activity. In a word, law enforcement has made Petitioner aware
21 that Mr. Cook and Respondent were "sexting" on and after June 30, 2010. While Respondent,
22 at times, references the fact that she misses both children, Kiara and Kyron, the significant
23 majority of the material deals with social and personal matters between Mr. Cook and

1 Respondent and belies that assertion. Respondent asked Mr. Cook to lie to her own attorney
2 and others about the fact that she had gone to Mr. Cook's home.

3 14. Law enforcement has informed Petitioner's attorney that Respondent's stated personal
4 relationship concerns and sexual overtures to Mr. Cook resemble those made to the man
5 Respondent previously attempted to hire to murder Petitioner.

6 15. Petitioner retains the actual cell phone related documents provided by law
7 enforcement and asks that they be examined by the Court *in camera*.

8 16. Further, law enforcement has informed Petitioner's attorney that an identified clerk at
9 a known local gym reported that on or about June 28, 2010, and prior to the service of the
10 legal documents, Respondent came to that location looking to "abduct" her daughter, Kiara,
11 from the gym daycare center while Petitioner worked out at the gym. Respondent asked the
12 clerk to contact her if Petitioner came to the gym with Kiara. Law enforcement has informed
13 Petitioner's attorney that the clerk informed the manager, and he then informed law
14 enforcement of the request by Respondent.

15 17. Petitioner is seeking the relief set forth in the accompanying motion.

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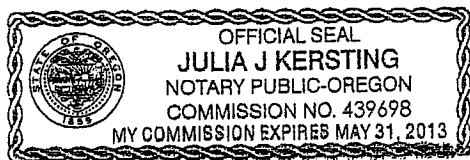
23 ///

1 18. Petitioner is incurring attorney fees to enforce an existing Order of the Court which
2 was designed to promote the safety and privacy of the minor children and the Petitioner.
3 Petitioner further requests that as a remedial contempt sanction, Respondent be required to
4 pay his attorney fees and costs incurred herein.

5 Dated this 12 day of July, 2010.

6 Laura E Rackner
7 Laura E. Rackner, OSB #84328
8 Attorney for Petitioner

9 SUBSCRIBED AND SWORN TO before me this 12th day of July, 2010, by
10 Laura E. Rackner.



24
Julia Kersting
NOTARY PUBLIC FOR OREGON
My Commission Expires 05/31/13