

IN THE FOURTH CIRCUIT COURT FOR KNOX COUNTY, TENNESSEE

TERRANCE J. LOHER

PLAINTIFF

vs.

No. 106892

TINA MARIE LOHER

DEFENDANT

JOY R. JONES
FOURTH CIRCUIT COURT
CLERK
2009 APR 23 PM 3:56
FILED

PETITION FOR SHOW CAUSE AND CONTEMPT

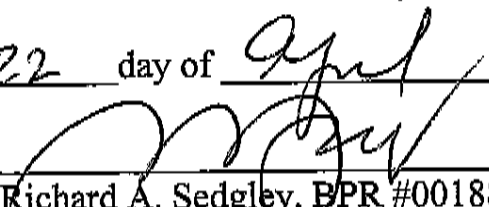
Comes now Plaintiff, Terrance J. Loher, by and through counsel, and in support of his Petition for Show Cause and Contempt would show to the Court as follows:

1. That by Agreed Order entered in this cause Terrance J. Loher was granted standard co-parenting time with the parties' minor children to occur every other weekend with an exchange to take place in Rutledge, Tennessee.
2. That on Friday, March 27, 2009, when he was on his way to co-parenting the Defendant's babysitter advised that she would not be bringing the children to the exchange point. Thereafter, on April 10, 2009, Plaintiff's wife was at the exchange point in Rutledge and no one appeared and there was no notice that the children would not be delivered. Plaintiff avers that without the Court's intervention this contempt will continue unabated.
3. That on a subsequent occasion Plaintiff attempted to contact Defendant's babysitter at the phone numbers he had available and received a disconnected signal from the carrier and attempting to contact Defendant he received no answer.
4. That he has been continuously been denied telephone contact with his children and now has not had co-parenting time in excess of one month.
5. Plaintiff has become aware the current baby sitter exposes the children to direct and second hand smoke and requests the Court Order that practice cease.

WHEREFORE, PLAINTIFF PRAYS:

1. That upon filing this Petition a copy of same be served upon counsel for the Defendant, Tina Marie Loher, requiring Defendant to Answer.
2. That a hearing be set in this cause requiring the Defendant to show cause why she should not be held in contempt of this Court's Orders.
3. That the Court find the Defendant in willful contempt of its Orders and compel her to conform her conduct to said Orders. Alternatively, that the Court find that the Defendant is in contempt of these Court Orders and sanction her and punish her appropriately.
4. That if the Court Order the Defendant to reimburse Plaintiff's expenses incurred in prosecuting this matter, including reasonable attorney fees and that the Court restore the lost co-parenting time by Ordering additional co-parenting time in favor of Plaintiff in the future, and that all future exchanges of the children take place at a suitable place in Knoxville, Tennessee.
5. That Defendant be Ordered not to allow the children to be exposed to direct or second hand smoke.
6. That the Court fix times for the Plaintiff to have telephone contact with his children.
7. That the cost of this cause be taxed to the Defendant.
8. That the Plaintiff be granted such other, further and general relief as he may show himself entitled.

Respectfully submitted, this 22 day of April, 2009.


Richard A. Sedgley, EPR #001881
2923 Sutherland Avenue
Knoxville, Tennessee 37919
Tel. (865) 549-5070
Attorney for Terrance J. Loher

CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this pleading has been forwarded to attorney Lori Fleishman, via facsimile (865) 522-6743

This the 22 day of April, 2007.


RICHARD A. SEDGLEY

Dismissal as to Son or All Parts of an Order of Protection

FILED

111

MARTHA PHILLIPS, CLERK

PETITIONER/PLAINTIFF

BY

TINA MAREE LOHER
First Middle Last
-vs-

Docket # 101454

RESPONDENT/DEFENDANT

JANUS LOHER-HALTON
First Middle Last

THE COURT HEREBY FINDS:

- That the Petitioner has failed to prove the case by a preponderance of evidence.
- That the petitioner has failed to prove contempt of court beyond a reasonable doubt.
- That the Petitioner has moved to dismiss the Petition, and the victim advocate reports to the court as follows:

Petitioner requests OP dismissed. P feels that she is safe and does not need this OP.

Advocate's Initials (i.e.) Advocate's Agency (i.e.)

- That the Petitioner has failed to appear, and the victim advocate reports to the court as follows:

Advocate's Initials { } Advocate's Agency { }

THE COURT HEREBY FINDS:

That the Petition for Order of Protection any ex parte order issued motion dated SEP 20 2005 show cause petition(s) is/are dismissed.

There is still a valid Order of Protection: yes no. (If yes, it expires on _____.)

The costs and litigation tax of this cause are taxed to the PLAINTIFF, for which execution shall issue if necessary.

Sam Miller
TRCP 53 SPECIAL MASTER

There having been no TRCP 53 Special Master, or no exceptions to this report of the TRCP 53 Master, Enter this 13 day of October, 2005.

[Signature]
JUDGE

Tina Maree Loher
Petitioner/Plaintiff

Janus Loher-Halton
Respondent/Defendant

[Signature]
Counsel for Plaintiff
[Signature]
Counsel for Defendant

CERTIFICATE OF SERVICE

A copy of this order has been provided to the petitioner and defendant and/or their counsel, and to the Knox County Sheriff's Dept. and Knoxville Police Department.

Martha Phillips
Clerk

Petition for Order of Protection

Case No. 101454
 Court Fourth Circuit Court
 County 20 PH 12 Knox

PETITIONER/PLAINTIFF

MARTHA WILLIAMS
 FOURTH CIRCUIT COURT
 CLERK

Tina Marie Loher
 First Middle Last

 Date of Birth of Petitioner Social Security Number

RESPONDENT

RESPONDENT IDENTIFIERS

Tina's Loher-Hiltm
 First Middle Last
 Relationship to Petitioner ex-mother-in-law
 Respondent's Address & Phone No. 804 olde Pioneer
Trail, unit 163 Knoxville, TN 37923
 Respondent's Employer _____

SEX	RACE	DOB	HT	WT
F	W		5'5	200lbs
EYES	HAIR	SOCIAL SECURITY #		
Blue	Grey			

Distinguishing Features Shoulder length - thin grey
hair straight

CAUTION: Weapon(s) Involved: _____
 Location/Description _____
 Respondent owns/possesses firearm(s): _____
 Location/Description _____
Relationship Identifiers (Mark all that apply):
 Current or Former Spouses Share a child Live Together or Have Lived Together Other ex-mother-in-law

Petitioner, Tina M. Loher, pursuant to Tenn. Code Ann. §36-3-601 et seq., states:

- Petitioner and respondent are (please circle where applicable):
 (A) Adults or minors who are current or former spouses;
 (B) Adults or minors who live together or who have lived together;
 (C) Adults or minors who are dating or who have dated or who have or had a sexual relationship [as used herein, "dating" and "dated" do not include fraternization between two individuals in a business or social context];
 (D) Adults or minors related by blood or adoption;
 (E) Adults or minors who are related or were formerly related by marriage; or
 (F) Adult or minor children of a person in a relationship that is described in subdivisions (A)-(E); or
 (G) Respondent has stalked Petitioner; or (H) Respondent has sexually assaulted Petitioner.
- I now have (or have had) other court cases with this respondent: { } yes { } no
 Knox Juvenile, why: child support paternity custody abuse other _____
 Knox General Sessions: was respondent arrested? yes no. KPD KCSD date of arrest: _____
 Other court(s): _____
- Have you ever filed for, or had an order of protection against you? { } yes { } no Party(ies), date(s), county(ies), and state(s): I had order of protection against former husband, Terrence Loher (son of Respondent) in State of Illinois, Rock Island County in 2002
- I have presented the matters in this complaint to the Attorney General of Knox County and/or to a Judicial Commissioner:
 yes no The case was heard/is set for hearing as a criminal matter on the _____ day _____, 20_____.

5A. Respondent has abused and/or threatened to abuse petitioner.

Write below what happened, including the when and the where. You must: I. Use name of other person ("Tom") and pronouns "I" or "me" to refer to yourself. ("Tom hit me.") Do not say "petitioner" or "respondent." Do not say "Tom hit Nancy." II. Say it plainly. ("Judy cut my hand." Not: "My hand was cut by Judy.") III. Do not use summing-up terms like "abuse," "violence," "threats." Say what happened. Say the words used, not what you think the behavior or the words add up to.

IF MORE SPACE IS NEEDED ASK FOR ADDITIONAL PAGE (DO NOT WRITE ON THE BACK OF THIS PAGE)

on 6/25/05 I dropped my 2 kids off at Jan's house as she babysat the kids while I worked double shifts on the weekend. Jan grabbed me by my upper arms because she was upset that I wasn't talking to her and was planning on seeking other child care arrangements in the future. She also put her arm up on the door on the wall by the entryway and for a couple of minutes physically blocked me from leaving her house. The entire dispute began as Jan was increasingly defending my ex-husband (her son's actions) i.e. stating I shouldn't be upset with him for what he did, even though he committed adultery, and me to get thru school and conveniently filed for divorce 6 months before graduation.

5B. There are/were pets in the household: yes no These pets have have not been threatened with harm, or injured by, the Respondent. Names of pets, and what happened: _____

6A. The parties have _____ minor child(ren) together. (Write name and date of birth of each child below.)

Name	Date of Birth	Name	Date of Birth
_____	_____	_____	_____
_____	_____	_____	_____

6B. The children in (6A) were born during the marriage: yes no The children in (6A) have been legitimated by court order: yes no. The court(s): _____, the date(s): _____

6C. There are other children who came about the respondent (names/birthdates): _____

6D. How has the domestic violence described in this petition affected the children listed? My 3yo son + 1.5 yo daughter witnessed this altercation and ^{cried} ^{in fear} when I picked my kids up my 3yo was shaking, mumbling, ^{and} grabbed my hand and then she grabbed my hand like Jan had done to show me how her grandmother had grabbed me + ^{shook} ^{me}

6E. (Check ONE of the following if custody of minor child(ren) is involved:) The health, safety, or liberty of the petitioner and/or the parties' minor child(ren) would be jeopardized by disclosure of identifying information. The child(ren)'s present address is _____

6F. The child(ren) has/have lived at the following address(es) for the past five years: _____

and the names and addresses of the persons with whom the parties' minor child(ren) has/have lived during the last five years are: _____

6G. (Check ONE of the following if custody of minor child(ren) is involved:) Petitioner is not aware of any prior or pending actions concerning the custody of the parties' minor child(ren) in this or any other State. Petitioner is aware of the following prior or pending actions concerning the custody of the parties' minor child(ren) in this or any other State: _____

6H. (Check ONE of the following if custody of minor child(ren) is involved:) Petitioner does not know of any person not a party to this proceeding who has physical custody of the parties' minor child(ren) or claims rights of custody or visitation with the parties' minor child(ren). Petitioner knows of the following person(s) who have physical custody of the parties' minor child(ren) or claim rights of custody or visitation with the parties' minor child(ren): _____

7. Petitioner's minor child(ren) is/are in immediate and present danger of abuse by respondent? yes no.

8. Petitioner needs support for the parties' minor child(ren)? yes no

Narrative Conti ned: Case Thom. Soke vs. Jeris Lohm-Hiltner

Most recently Terry filed to have child support case moved from IL where we were divorced to TN so he would be required to pay less child support. Terry admitted this to me saying yes that's why he did it and wouldn't I do the same thing. He then went on to say "I have to do what's best for me" when I talked to Jan about this she again defends his actions even though I'm working overtime and behind in my ~~debt~~ bills because he's not reimbursing me medical bills or paying child support on time. Jan said "he's paying you over 50% of his income and can't even afford to get his own place." This is not true, yes he lives with his mom but he doesn't pay me over 50% of his income. Even though she knows how much I'm working overtime and struggling financially she supports his ~~an~~ attempt to pay at the best amount of child support as possible. Before moving to TN he would go weeks without contacting the children and her response to this "well, he's busy with graduating." He just graduated Chattanooga School June 2005. The physical act of aggression witnessed by my children along with the continued comments that support his actions no matter how morally wrong they are and how much it hurts me and my children makes it difficult, stressful for me mentally to have any kind of contact with Jan. Although I've asked Terry several times not to bring her to my home anymore he refuses to respect my wishes stating "I can bring anybody here that I want" on 9/17/05 I asked Jan not to come back to my home. For please stated please grant me orders of protection so I'm not forced to deal with this emotionally stressful situation with Jan who acts as a "cheerleader" for her son, Terry. I have no family here and am trying to create a long stable home environment for my children who are so young but have experience w/ a lot of bad already in their young lives.

- 9. Petitioner is in immediate and present danger of abuse by respondent.
- 10. Petitioner needs support for the petitioner.
- 11. Respondent refuses to leave the parties' residence.

*If you checked paragraph 11, please
Check one of the options*

- Respondent is the sole owner or lessee of the parties' residence.
- Respondent is not the sole owner or lessee of the parties' residence.

WHEREFORE, PETITIONER PRAYS:

1. That an ex parte Order of Protection, as provided for in Tenn. Code Ann. §36-3-605, be immediately issued, directing the respondent to refrain from committing or threatening to commit domestic abuse, stalking, or sexual assault against the petitioner or the petitioner's minor child(ren); and (check if desired):

prohibiting the respondent from coming about the petitioner for any purpose;
 prohibiting the respondent from telephoning, contacting or otherwise communicating with the petitioner, directly or indirectly;

and that the copies of said order be served upon the respondent and filed with the local law enforcement agency;

2. That a hearing in this cause be set within fifteen days after service of this petition to the respondent, pursuant to Tenn. Code Ann. §36-3-605, and that notice of said hearing be served upon respondent with the Ex Parte Order of Protection;

3. That upon a hearing of this cause, petitioner be granted an extended Order of Protection for one year;

(For paragraphs 4 through 10, check only the paragraphs that apply.)

4. That upon the hearing of this cause, petitioner be awarded temporary custody of the parties' minor child(ren);

5. That upon the hearing of this cause, respondent be ordered to pay reasonable support for petitioner;

6. That upon the hearing of this cause, respondent be ordered to pay reasonable support for parties' child(ren);

7. That upon the hearing of this cause, exclusive possession of the parties' residence be awarded to petitioner or that respondent be ordered to provide alternative housing for petitioner;

8. That respondent be directed to attend available counseling programs that address violence and control issues or substance abuse problems;

9. That respondent be prohibited from owning, possessing, transporting, or using a firearm or ammunition.

10. For any other relief that might be necessary to protect the safety of the petitioner's and/or parties' minor child(ren):

11. That respondent pay the costs, attorney fees, and litigation tax of this cause.

12. For general relief.

THIS IS THE FIRST APPLICATION FOR EXTRAORDINARY PROCESS IN THIS CAUSE.

STATE OF TENNESSEE
COUNTY OF KNOX

Petitioner, Tina M. Lohr, being first duly sworn, makes oath that he/she has read the foregoing petition, knows the contents thereof, and that the contents thereof are true and correct to the best of his/her knowledge, information and belief.

Tina M. Lohr
PETITIONER

Sworn to and subscribed before me this
20th day of Sept, 2005

By: Rosemary Kite
Notary/Court Clerk

My commission expires: _____

FIAT FOR SHOW CAUSE ORDER
{For use when no Ex Parte Order is issued}

To the Clerk:
Issue a show cause order for the respondent to appear on _____ and show cause why an Order of Protection should not issue.

JUDGE

Date

Return of Service

Served on respondent by [check one] _____ by personal service on a resident of Tennessee OR _____ by mail on a non-resident of Tennessee in the manner as set forth in the Tennessee Code Annotated forth in Tennessee Code Annotated §§20-2-215 and 20-2-216, on _____, 2005 at _____ a.m./p.m.

{Signature of person serving Order on respondent}

DOES THE DEFENDANT HAVE ANY OUTSTANDING ATTACHMENTS/WARRANTS OR LEGAL PROCESS THAT YOU ARE AWARE OF, THAT STILL NEED(S) TO BE SERVED ON THE DEFENDANT?
DESCRIBE IN FULL BELOW:

YES _____

NO _____

DEFENDANT'S FULL NAME: Sarah Lohr-Hilton

DEFENDANT'S ADDRESS: 804 Old Pioneer Trail, Unit 163
Knoxville, TN 37923

COUNTY Knox

DEFENDANT'S HOME PHONE: (865) 694-6367

WHEN USUALLY HOME: after 5pm

PLACE OF EMPLOYMENT: _____

ADDRESS OF EMPLOYMENT: _____

COUNTY _____

EMPLOYER'S PHONE NUMBER: () _____

HOURS AND DAYS HE/SHE USUALLY WORKS: M-F 8-5

MODEL, MAKE, AND COLOR OF AUTOMOBILE THAT HE/SHE USUALLY DRIVES: Burgundy Ford Taurus
? 2002

DIRECTIONS TO DEFENDANT'S RESIDENCE: She lives in a Residential Community called
"The Columns" off Peter's Rd in West Knoxville.

DIRECTIONS TO DEFENDANT'S EMPLOYMENT: _____

PHYSICAL DESCRIPTION:

WEIGHT: 5'5

SS# _____

HEIGHT: 210

EYE COLOR: BW

HAIR COLOR: Gray

OTHER HELPFUL INFORMATION: _____