

250-6

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2008 JUL 26 PM 4:31

CLERK OF COURT
EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA, WASHINGTON

**SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA**

In re the Marriage of:

ORALYNN MANWELLER

No. 08 3 00671 1

Summons
(SM)

Petitioner,

and

MATHEW SHON MANWELLER

Respondent.

To the Respondent: MATHEW SHON MANWELLER

1. The petitioner has started an action in the above court requesting:
that your marriage be dissolved.

Additional requests, if any, are stated in the petition, a copy of which is attached to this summons.

2. You must respond to this summons and petition by serving a copy of your written response on the person signing this summons and by filing the original with the clerk of the court. If you do not serve your written response within 20 days (or 60 days if you are served outside of the State of Washington) after the date this summons was served on you, exclusive of the day of service, the court may enter an order of default against you, and the court may, without further notice to you, enter a decree and approve or provide for the relief requested in the petition. In the case of a dissolution of marriage, the court will not enter the final decree until at least 90 days after filing and service. If you serve a notice of appearance on the undersigned person, you are entitled to notice before an order of default or a decree may be entered.

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3. Your written response to the summons and petition must be on form WPF DR 01.0300, Response to Petition (Domestic Relations). This form may be obtained by contacting the clerk of the court at the address below, by contacting the Administrative Office of the Courts at (360) 705-5328, or from the Internet at the Washington State Courts Homepage:

<http://www.courts.wa.gov/forms>

4. If this action has not been filed with the court, you may demand that the petitioner file this action with the court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within 14 days after you serve the demand, the petitioner must file this action with the court, or the service on you of this summons and petition will be void.
5. If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.
6. One method of serving a copy of your response on the petitioner is to send it by certified mail with return receipt requested.

This summons is issued pursuant to Superior Court Civil Rule 4.1 of the state of Washington.

Dated: 7/22/08

30595


Sonia Rodriguez
Signature of Petitioner or Lawyer/WSBA No.

**File original of your response with
the clerk of the court at:**

Yakima County Superior Court
128 North 2nd Street
Yakima, WA 98901

Serve a copy of your response on:

Petitioner's Lawyer

Sonia Rodriguez
Morales Rodriguez P.S.
917 Pitcher Street
Yakima, WA 98901

FILED

2008 JUL 24 PM 4:31

WIM M. JAMES
EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA, WASHINGTON

SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA

In re the Marriage of:

ORALYNN MANWELLER

No. 08 3 00671 1

Petition for Dissolution
of Marriage
(PTDSS)

and

Petitioner,

MATHEW SHON MANWELLER

Respondent.

I. Basis

1.1 Identification of Petitioner

Name (first/last) OraLynn Manweller, Birth date 10-29-1981

Last known residence Yakima County, WA [county and state].

1.2 Identification of Respondent

Name (first/last) Mathew Manweller, Birth date 08-23-1969

Last known residence Kittitas County, WA [county and state].

1.3 Children of the Marriage Dependent Upon Either or Both Spouses

Does not apply.

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1.4 Allegation Regarding Marriage

This marriage is irretrievably broken.

1.5 Date and Place of Marriage

The parties were married on 06-23-2000 at Ada County, ID.

1.6 Separation

Husband and wife separated on 05-31-2008.

1.7 Jurisdiction

This court has jurisdiction over the marriage.

This court has jurisdiction over the respondent because:

The respondent is presently residing in Washington.

1.8 Property

There is community or separate property owned by the parties. The court should make a fair and equitable division of all the property.

The division of property should be determined by the court at a later date.

1.9 Debts and Liabilities

The parties have debts and liabilities. The court should make a fair and equitable division of all debts and liabilities.

The division of debts and liabilities should be determined by the court at a later date.

Each party should pay their debts incurred since separation.

1.10 Spousal Maintenance

Spousal maintenance should not be ordered.

1.11 Continuing Restraining Order

Does not apply.

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2 **1.12 Protection Order**

3 Does not apply.

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5 **1.13 Pregnancy**

6 The wife is not pregnant.

7 **1.14 Jurisdiction Over the Children**

8 Does not apply because there no dependent child.

9 **1.15 Child Support and Parenting Plan for Dependent Children**

10 The parties have no dependent children.

11 **1.16 Other**

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13 **II. Relief Requested**

14 The petitioner **Requests** the Court to enter a decree of dissolution and to grant the relief below.

15 Divide the property and liabilities.

16 Change name of wife to: Oralynn Reeve

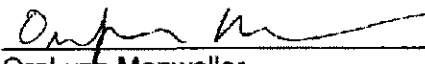
17
18 Dated: 7/22/08

30595

19 
20 Sonia M. Rodriguez
Signature of Petitioner or Lawyer/WSBA No.

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

22 Signed at Yakima [City] WA [State] on 7/21/08 [Date].

23 
24 OraLynn Manweller
25 Signature of Petitioner

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Joinder

I, the respondent, join in the petition. I understand that by joining in the petition, a decree or judgment and order may be entered in accordance with the relief requested in the petition, unless prior to the entry of the decree or judgment and order a response is filed and served.

I waive notice of entry of the decree.
 I demand notice of all further proceedings in this matter. Further notice should be sent to the following address [You may list an address that is not your residential address where you agree to accept legal documents]:

Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Dated: _____
Mathew Manweller
Signature of Respondent

FILED

2008 AUG -7 PM 12:15

KIM M. EATON
EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA, WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

Case Number: 08-3-00071-1

Petitioner:
In re the Marriage of:
ORALYNN MANWELLER

Service Documents:
SUMMONS; PETITION FOR DISSOLUTION OF
MARRIAGE

vs.
Defendant:
AND
MATHEW SHON MANWELLER

Received by ROYCE ENTERPRISES COMPANY to be served on MATHEW MANWELLER, 2405 N. LILAC WAY,
ELLENSBURG, WA. 98926.

I, Dennis W. Gentry, being duly sworn, depose and say that on the 5th day of August, 2008 at 9:45 am, I:

INDIVIDUAL: served the within-named person by delivering true copy of the SUMMONS; PETITION FOR
DISSOLUTION OF MARRIAGE

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in
good standing, in the judicial circuit in which the process was served.



Dennis W. Gentry
Process Server

ROYCE ENTERPRISES COMPANY
513 N. Front Street, Suite U
Yakima, WA 98901
(509) 452-5150

Our Job Serial Number: 2008001684

Service Fee: \$54.00

Subscribed and Sworn to before me on the 5th day of
August, 2008 by the affiant who is personally known to
me.


NOTARY PUBLIC

FILED

2008 AUG -8 PM 12:12

JOHN EATON
EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA, WASHINGTON

**SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA**

In re the Marriage of:

ORALYNN MANWELLER

No. 08-3-00671-1

Petitioner,

and

**Motion/Declaration for Ex Parte
Restraining Order and for Order to
Show Cause
(MTSC)**

MATHEW SHON MANWELLER

Respondent.

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 or enjoin:

the husband from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.

the husband from disturbing the peace of the other party.

Mathew Manweller from going onto the grounds of or entering the residence of Oralynn Manweller.

1 the husband from going onto the grounds of or entering the home, work place or school
2 of the other party.

3 the husband from knowingly coming within or knowingly remaining within 500 ft
4 distance) of the home, work place or school of the other party.

5 Mathew Manweller from molesting, assaulting, harassing, or stalking Oralynn Manweller.
6 (If the court orders this relief, the restrained person will be prohibited from possessing a
7 firearm or ammunition under federal law for the duration of the order. An exception
8 exists for law enforcement officers and military personnel when carrying
9 department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

10 the husband from assigning, transferring, borrowing, lapsing, surrendering or changing
11 entitlement of any insurance policies of either or both parties whether medical, health,
12 life or auto insurance.

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

15 **1.2 Other Ex Parte Relief**

16 Other:

17 **1.3 Surrender of Deadly Weapons**

18 Does not apply.

19 **1.4 Other Temporary Relief**

20 The husband should also be required to appear and show cause why the court should
21 not enter a temporary order which:

22 makes each party immediately responsible for their own future debts whether incurred
23 by credit card or loan, security interest or mortgage.

24 divides responsibility for the debts of the parties.

25 **1.5 Other**

Dated: 9/8/08

30595


Sonia Rodriguez,
Signature of Moving Party or Lawyer/WSBA No.

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II. Declaration

2.1 Injury to be Prevented

The ex parte restraining order requested in paragraph 1.1 and 1.2 above is to prevent the following injury (define the injury):

Emotional and physical abuse to the petitioner.

2.2 Reasons why the Injury may be Irreparable

This injury may be irreparable because:

Emotional and physical abuse is irreparable.

2.3 Clear and Convincing Reasons why Weapons Should be Surrendered

Does not apply.

2.4 Reasons for a Temporary Order

It is necessary that the court issue a temporary order with the relief requested in paragraph 1.4 above for the reason set forth below:


See Declaration of Oralynn Manweller

2.5 Service Member or Dependent of Service Member

The respondent is not a service member or dependent of a service member.

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

Signed at Yakima [City] WA [State] on 8-8-08 [Date].



Oralynn Manweller
Signature

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Do not attach financial records, personal health care records or confidential reports to this declaration. Such records should be served on the other party and filed with the court using one of these cover sheets:

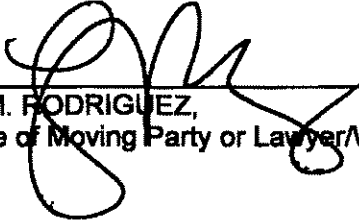
- 1) Sealed Financial Source Documents (WPF DRPSCU 09.0220) for financial records**
 - 2) Sealed Personal Health Care Records (WPF DRPSCU 09.0260) for health records**
 - 3) Sealed Confidential Report (WPF DRPSCU 09.270) for confidential reports**
- If filed separately using a cover sheet, the records will be sealed to protect your privacy (although they will be available to all parties in the case, their attorneys, court personnel and certain state agencies and boards.) See GR 22(C)(2).**

III. Efforts to Give Other Party Notice

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

Dated: 8/8/08

30595



 SONIA M. RODRIGUEZ,
 Signature of Moving Party or Lawyer/WSBA No.

FILED

2008 AUG -8 PM 12:12

KIM M. EATON
EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA, WASHINGTON

**SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA**

In re the Marriage of:

ORALYNN MANWELLER

No. 08-3-00671-1

Petitioner,

**Declaration of
Oralynn Manweller
(Optional Use)
(DCLR)**

and

MATHEW SHON MANWELLER

Respondent.

This declaration is made by Oralynn Manweller

I Declare:

1. I am the petitioner in this matter and make this declaration in support of my motion for an ex parte restraining order.
2. I moved out of our home on June 1, 2008 at approximately 1:00 am and when I was doing so Mathew threatened to hit me. He has most recently been threatening to come to my work and follow me around. When I told Mathew that I would have a protection order filed against him if he did that he said that that wouldn't stop him. He would do what he wants to do.
3. I did not initially file for a restraining order because I believed that once Mathew was served with the divorce documents he would stop harassing me. Things have only gotten worse. I am now getting inappropriate emails and text messages from Mathew

1 regularly that are threatening. I fear that Mathew will come to my work as he has said he
2 is going to do.

3 4. I am also requesting an order restraining Mathew from transferring or disposing
4 of any of our community property.

5 5. On June 17, 2008, Mathew withdrew \$6,000 from our joint savings account. This
6 took our balance from \$7,722.53 to \$1,722.53. This was shortly after I moved out of the
7 house on May 31, 2008. When I asked him why he withdrew the money, he said that
8 he was concerned that I wasn't going to pay my half of the mortgage and he would need
9 the money from the savings account to cover it. Since then, I have always covered my
10 half of the bills, but I received no response when I asked him to return the money.
11 Mathew later deposited \$3000.00 back into the joint checking account but still spent it
12 as he pleased.

13 6. On July 23, 2008, Mathew transferred \$1,000 from our savings account to our
14 checking account. This took the balance in the savings account from \$1,722.86 to
15 \$722.86. Then on July 25, 2008, Mathew wrote a check to "Cash" from our joint
16 checking account for \$900. I do not know exactly what Mathew is doing with the money
17 from our joint accounts but this needs to stop.

18 I declare under penalty of perjury under the laws of the state of Washington that
19 the foregoing is true and correct.

20 Signed at Yakima, WA on this 8th day of August, 2008.

21 
22 OraLynn Marweller, Petitioner

23 ***Do not attach financial records, personal health care records or confidential***
24 ***reports to this declaration. Such records should be served on the other party and***
25 ***filed with the court using one of these cover sheets:***

- 1) ***Sealed Financial Source Documents (WPF DRPSCU 09.0220) for financial records***
- 2) ***Sealed Personal Health Care Records (WPF DRPSCU 09.0260) for health records***
- 3) ***Sealed Confidential Report (WPF DRPSCU 09.270) for confidential reports***

If filed separately using a cover sheet, the records will be sealed to protect your

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privacy (although they will be available to all parties in the case, their attorneys, court personnel and certain state agencies and boards.) See GR 22(C)(2).

FILED

2008 AUG -8 PM 12:11

KIM K. CATON
EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA, WASHINGTON

JIS

SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA

In re the Marriage of:

ORALYNN MANWELLER

No. 08-3-00671-1

Ex Parte Restraining Order/
Order to Show Cause
(TPROTSC/ORTSC)

and

Petitioner,

MATHEW SHON MANWELLER

Clerk's Action Required

Respondent.

Law Enforcement Notification ¶ 4.1

Restraining Order Summary:

Restraining Order Summary is set forth below:

Name of person(s) restrained: Mathew Manweller
Name of person(s) protected: Oralynn Manweller
See paragraph 4.1.

Violation of a Restraining Order in paragraph 4.1 below with actual knowledge of its terms is a criminal offense under Chapter 26.50 RCW and will subject the violator to arrest. RCW 26.09.060.

faxed to YPD
WILEY CA

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I. Show Cause Order

It is Ordered that the husband shall appear and show cause if any, why the restraints below should not be continued in full force and effect pending final determination of this action and why the other relief, if any, requested in the motion should not be granted. A hearing has been set for the following date, time and place:

Date: August 20, 2008
Time: 1:30 p.m.
Place: Yakima Superior Court
Room/Department: Domestic

If you disagree with any part of the motion, you must respond to the motion in writing before the hearing and by the deadline for your county. At the hearing, the court will consider *Written* sworn affidavits or declarations. Oral testimony may *Not* be allowed. To respond you must: (1) file your documents with the court; (2) provide a copy of those documents to the judge or commissioner's staff; (3) serve the other party's attorney with copies of your documents (or have the other party served if that party does not have an attorney); and (4) complete your filing and service of documents within the time period required by the local court rules in effect in your county. If you need more information, you are advised to consult an attorney or a courthouse facilitator.

Failure to appear may result in a Temporary Order being entered by the court that grants the relief requested in the motion without further notice.

II. Basis

A motion for a temporary restraining order without written or oral notice to the husband or that party's lawyer has been made to this court.

III. Findings

The court adopts paragraphs 2.1, 2.2, and 2.4 of the Motion/Declaration for an Ex Parte Restraining Order and for an Order to Show Cause (Form WPF DR 04.0150), as its findings, except as follows:

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5 **IV. Order**

6 ***It is Ordered:***

7 **4.1 Restraining Order**

8 ***Violation of a Restraining Order in paragraph 4.1 with actual notice of its***
9 ***terms is a criminal offense under Chapter 26.50 RCW and will subject the***
10 ***violation to arrest. RCW 26.09.060.***

11 The husband is restrained and enjoined disturbing the peace of the other party.

12 The husband is restrained and enjoined from going onto the grounds of or
13 entering the home, working place or school of the other.

14 The husband is restrained and enjoined from knowingly coming within or
15 knowingly remaining within 500 ft (distance) of the home, work place, or school
16 of the other party.

17 **MATHEW MANWELLER** is restrained and enjoined from molesting, assaulting,
18 harassing, or stalking **ORALYNN MANWELLER**. (If the court orders this relief
19 after the hearing, the restrained person will be prohibited from possessing a
20 firearm or ammunition under federal law for the duration of the order. An
21 exception exists for law enforcement officers and military personnel when
22 carrying department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

23 ***Clerk's Action.*** The clerk of the court shall forward a copy of this order, on or
24 before the next judicial day, to **YAKIMA POLICE DEPARTMENT** [Name of
25 appropriate law enforcement agency] which shall enter this order into any
computer-based criminal intelligence system available in this state used by law
enforcement agencies to list outstanding warrants. (A law enforcement
information sheet must be completed by the party or the party's attorney
and provided with this order before this order will be entered into the law
enforcement computer system.)

Full Faith and Credit

Pursuant to 18 U.S.C. § 2265, a court in any of the 50 states, the District of
Columbia, Puerto Rico, any United States territory, and any tribal land within the
United States shall accord full faith and credit to the order.

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4.2 Other Restraining Orders

The husband is restrained and enjoined from transferring, or removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.

The husband is restrained and enjoined from removing any of the children from the State of Washington.

The husband is restrained and enjoined from assigning, transferring, borrowing, lapsing, surrendering or changing entitlement of any insurance policies of either or both parties whether medical, health, life or auto insurance.

4.3 Surrender of Deadly Weapons

Does not apply.


4.4 Expiration Date

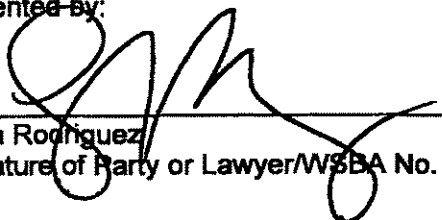
This order shall expire on the hearing date set forth above or 14 days from the date of issuance, whichever is sooner, unless otherwise extended by the court.

4.5 Waiver of Bond

Does not apply.

4.6 Other

Dated: 8/8/08 at 11:55 a.m./p.m. 
Judge/Commissioner

Presented by:  30595
Sonia Rodriguez
Signature of Party or Lawyer/WSBA No.

FILED

2008 AUG 15 PM 12:16

REGISTRATION
EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA, WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

Case Number: 08-3-00671-1

Petitioner:
ORALYNN MANWELLER

vs.

Respondent:
MATHEW SHON MANWELLER

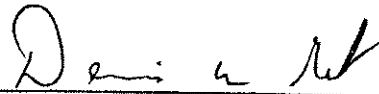
Service Documents:
DECLARATION OF ORALYNN MANWELLER
(OPTIONAL USE); MOTION/DECLARATION OF
EX PARTE RESTRAINING ORDER AND FOR
ORDER TO SHOW CAUSE; EX PARTE
RESTRAINING ORDER/ORDER TO SHOW
CAUSE-LAW ENFORCEMENT NOTIFICATION 4.1

Received by ROYCE ENTERPRISES COMPANY to be served on **MATHEW SHON MANWELLER, 2405 N. LILAC WAY, ELLENSBURG, WA. 98926.**

I, Dennis W. Gentry, being duly sworn, depose and say that on the **13th day of August, 2008 at 5:16 pm, I:**

INDIVIDUAL: served the within-named person by delivering true copy of the DECLARATION OF ORALYNN MANWELLER (OPTIONAL USE); MOTION/DECLARATION OF EX PARTE RESTRAINING ORDER AND FOR ORDER TO SHOW CAUSE; EX PARTE RESTRAINING ORDER/ORDER TO SHOW CAUSE-LAW ENFORCEMENT NOTIFICATION 4.1

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.



Dennis W. Gentry
Process Server

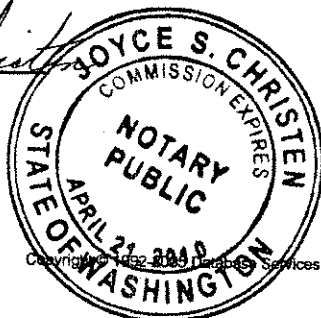
ROYCE ENTERPRISES COMPANY
513 N. Front Street, Suite U
Yakima, WA 98901
(509) 452-5150

Our Job Serial Number: 2008001815

Service Fee: \$54.00

Subscribed and Sworn to before me on the 14th day of August, 2008 by the affiant who is personally known to me.


NOTARY PUBLIC



FILED

2008 AUG 19 PM 1:05

KIM S. HATTON
EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA, WASHINGTON

**Superior Court of Washington
County of Yakima**

In re the Marriage of:

ORALYNN MANWELLER

Petitioner,

and

MATTHEW SHON MANWELLER

Respondent.

No. 08-3-00671-1

**Response to Petition
(Marriage)
(RSP)**

Check box if petition is attached for:
 Order for protection DV (PTORPRT)
 Order for protection UH (PTORAH)

To the Above-Named Petitioner:

I. Response

1.1 Admissions and Denials

The allegations of the petition in this matter are **Admitted** or **Denied** as follows (check only one for each paragraph):

Paragraph of the Petition

- | | | | | | | |
|-----|-------------------------------------|----------|--------------------------|--------|-------------------------------------|-------------------|
| 1.1 | <input checked="" type="checkbox"/> | Admitted | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Lacks Information |
| 1.2 | <input checked="" type="checkbox"/> | Admitted | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Lacks Information |
| 1.3 | <input checked="" type="checkbox"/> | Admitted | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Lacks Information |
| 1.4 | <input type="checkbox"/> | Admitted | <input type="checkbox"/> | Denied | <input checked="" type="checkbox"/> | Lacks Information |
| 1.5 | <input checked="" type="checkbox"/> | Admitted | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Lacks Information |
| 1.6 | <input checked="" type="checkbox"/> | Admitted | <input type="checkbox"/> | Denied | <input type="checkbox"/> | Lacks Information |

Response to Petition (RSP) - Page 1 of 3
WPF DR 01.0300 Mandatory (6/2008) - RCW 26.09.0300

Mark McClain, WSBA 30909
Attorney at Law
110 W. 6th Avenue, Suite 133
Ellensburg, WA 98926
(509) 988-4864
mcclain@kvalley.com

1.7	<input checked="" type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
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1.10	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input checked="" type="checkbox"/>	Lacks Information
1.11	<input checked="" type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.12	<input checked="" type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.13	<input checked="" type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.14	<input checked="" type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.15	<input checked="" type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input type="checkbox"/>	Lacks Information
1.16	<input type="checkbox"/>	Admitted	<input type="checkbox"/>	Denied	<input checked="" type="checkbox"/>	Lacks Information

Each allegation of the petition that is denied, is denied for the following reasons (List separately):

1.2 Notice of Further Proceedings

Notice of all further proceedings in this matter should be sent to the address below.

Law Office of Mark McClain
 110 W. 6th, Suite 110
 Ellensburg, WA 98926

1.3 Other

II. Request for Relief

- Does not apply.
- The respondent requests the court to grant the relief requested below.
- Enter a decree.
- Provide reasonable maintenance for the husband wife.
- Approve my parenting plan for the dependent children.
- Determine support for the dependent children pursuant to the Washington State Child Support Schedule.
- Approve the separation agreement.
- Dispose of property and liabilities.
- Change name of wife to (first, middle, last): Oralynn Reeve.
- Change name of husband to (first, middle, last): _____.

Protection Order:

- There is a protection order between the parties filed in case number Unknown, court Yakima County Superior, which expires on (date) Unknown. (ex-parte order, hearing pending)
- The court should grant the domestic violence antiharassment petition for order for protection:
 attached to this response.
 filed separately under this case number case number _____.

If you need immediate protection, contact the clerk/court for RCW 26.50 Domestic Violence forms or RCW 10.14 Antiharassment forms.


- Enter a continuing restraining order.
 Order payment of day care expenses for the children.
 Award the tax exemptions for the dependent children as follows:
 Order payment of attorney fees, other professional fees and costs.
 Other:

Equitably divide the community property and liabilities.

Award the husband his personal property.

Dismiss the ex-parte restraining order filed under what appeared to be a separate cause number, unless such order has already be dismissed at the pending hearing.

Dated: 8-17-08


 _____ 30909
 Signature of Respondent or Lawyer/WSBA No.

Notice to party: You may list an address that is not your residential address where you agree to accept legal documents. Any time this address changes while this action is pending, you must notify the opposing parties in writing and file an updated Confidential Information Form (WPF DRPSCU 09.0200) with the court clerk.

Mark McClain

 Print or Type Name

110 W. 6th, Suite 133, Ellensburg, WA 98926

 (Address)

FILED

2008 AUG 20 PM 3: 19

EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA WASHINGTON

**SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA**

In re the Marriage of:

ORALYNN MANWELLER,

Petitioner,

and

MATTHEW SHON MANWELLER,

Respondent.

Case No. 08-3-00671-1

**NOTICE OF APPEARANCE
DEMAND FOR DISCOVERY**

TO: CLERK OF THE COURT

AND TO: SONIA RODRIGUEZ, ATTORNEY FOR PETITIONER ORALYNN MANWELLER

COMES NOW, Mark D. McClain, on behalf of the above-entitled Respondent, and without waiving any right to venue, service or jurisdiction hereby enters his notice of appearance in the above-entitled matter and directs any correspondence to Mark McClain, Attorney at Law, 110 W. 6th, Suite 133, Ellensburg, WA 98926.

Dated this 18th day of August, 2008.



Mark McClain
Attorney for Respondent
WSBA #30909

Notice of Appearance

Mark McClain
Attorney at Law
110 W. 6th, Suite 133
Ellensburg, WA 98926
Phone (509) 899-4864

FILED

JHS

2008 AUG 20 PM 5:14

KIM T. HATCH
EX OFFICIO CLERK
SUPERIOR COURT
WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR YAKIMA COUNTY

Oralynn Manweller

NO. 08-3-00671-1

vs.

Matthew Manweller

ORDER continuing
ex parte Restraining
order # 9/10/08 9:30am

THIS MATTER HAVING COME ON for hearing before the undersigned judge/commissioner of the above-entitled court, it is hereby ORDERED THAT:

the ex parte restraining order
entered on August 8, 2008 is
to remain in effect and is
continued to September 10, 2008 at 9:30 am
(more than 2 weeks by agreement)
for Respondents response.

DONE IN OPEN COURT this 20th day of August, 2008.

JUDGE/COURT COMMISSIONER

Presented by:
(Copy received)

Attorney for

30595
Petitioner

Approved as to form:
(Copy received)

Attorney for

30595
Respondent

faxed to UPD
CA w/LEI

C

CERTIFICATE OF TRANSMITTAL: On this day the undersigned sent to the Attorney of record for the Petitioner/Respondent and to all parties involved, a copy of this document, VIA AMS, regular mail postage prepaid, or fax. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 2nd day of September, 2008 at Yakima, WA

Lupita Boadilla
Lupita Boadilla, Legal Assistant

FILED

2008 SEP -2 PM 4: 07

KIM H. EATON
EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA WASHINGTON

SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA

In re the Marriage of:

ORALYNN MANWELLER

No. 08-3-00671-1

Petitioner,

Supplemental Declaration of
Oralynn Manweller

and

MATHEW SHON MANWELLER

Respondent.

I Declare:

This supplemental declaration is in support of my Motion for Ex-Parte Restraining Order. Matt's behavior has become increasingly harassing, threatening and frightening. I realize he may be upset about our separation and that I am trying to move on with my life, but he is really scaring me. The following is a more detailed version of events since our separation which caused me to request a restraining order against my husband.

June 1, 2008 – We had been sleeping in separate bedrooms. That night, Matt asked if he could sleep in my bed. I hesitated to answer. He said "Ok, that's my answer." and went to sit at the computer. I went to bed. At about 1:00 am, he came into my room, woke me up and informed me that he was going to move out because he deserved better. I said, "ok." He left angry, cursing. He came back right away and said, "No, fuck that. You get out. You're the bitch. Move to Yakima. It's what you deserve." I said, "Yes, I will move out." He got angry, grabbed a pillow and almost hit me with it. He demanded to know what he did that was so wrong. He said all he had ever done is try to make me happy. He began pounding the bedroom door with his fist, calling me names. I got out of bed and said I was leaving. He came toward me with his fists clenched. I backed away. He said, "You better be afraid. I'm going to beat you." Then he

1 stopped himself and started apologizing. I got dressed and said I was leaving and would be
2 back tomorrow for my things. Then I left.

3 June 17, 2008 – Matt came to my work and put some personal items in my car, without my
4 knowledge. When he saw some divorce paperwork in my car, he called me on my work phone,
5 upset and wanted to talk to me. I went to the parking lot to talk to him. A friend of mine, Monica
6 McKie, came along to support me. Matt asked if I wanted a divorce, I said yes, he begged me
7 to reconsider. Finally I walked away and went inside. Monica spoke to him and he agreed to
8 contact me only by mail.

9 June 19, 2008 – Matt stopped by my work uninvited and without notice and dropped off a basket
10 of my things at the front desk. Later that day, in an email exchange, Matt said that he wanted to
11 drop off a letter as I requested even though my original request was to send letters by mail. In
12 our email exchange, I asked him to stop coming by my work and to stop coming to Yakima to try
13 to find out where I live. I told him that the front desk would not let him by again. I also asked
14 him why he removed \$6000 from our joint account.

15 June 26, 2008 – I returned from a trip to Connecticut to visit my sister. I arrived at the airport in
16 Seattle. I had made arrangements to get back to Yakima. Matt showed up again, uninvited and
17 just to harass me. He said he was there to take me home even though I didn't ask him to. I
18 didn't even tell him about this trip. The only way he would've known about it is by getting into
19 my email account (without my permission) and looking at my itinerary.

20 July 8, 2008: Matt emailed me asking if I had asked my attorney about a "community divorce." I
21 emailed back. He then emailed me "you need to call me immediately!" I indicated to him that I
22 would not be calling him and to only communicate with me by email. After this e-mail traffic,
23 several text messages were exchanged. One of which he wrote "U might want 2 b careful."

24 August 5, 2008 – After Matt received the divorce papers, he e-mailed me with the following:

25 -----Original Message-----

From: Mathew Manweller [mailto:matt@mattmanweller.com]
Sent: Tuesday, August 05, 2008 9:49 AM
To: Manweller, Orallynn (GE Infra, Aviation)
Subject: Re: Congratulations

Well, I got served today Orallynn Reeve. You must feel so proud huh? I can't
believe you Orallynn. I just can't believe you.

I am so angry right now I can't even describe it.

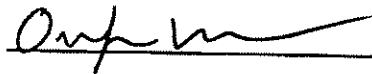
26 Around 1:30 pm, I received a phone call from Matt on my work phone. He wanted to know who
27 I was dating. I told him it was none of his business. He said that I could either tell him who it
28 was or he would come to my work and follow me around until he figured it out. I told him that if
29 he did that I would file a restraining order against him. He said that wouldn't stop him. I told him
30 that I was just giving him a warning. He said I could warn him all I want, but he would do what
31 he wanted to do. I told him the conversation was over and hung up the phone. After I emailed
32 him that I would not be replying to further emails or texts and to talk to my attorney, he then
33 indicated to me by email "Oh...you will. I have things you need."

1
2
3 August 6, 2008 – I took the remaining funds from our savings account out in cash (~\$700 from
4 the \$7,700 that was there on June 1, 2008). I wanted to preserve these funds since Matt was
5 withdrawing large sums of money on a whim. I received a voicemail from Matt saying that he
6 had turned me in to the police for theft and changed all of the bank account information so that I
7 couldn't do that again. I returned his call the following morning, asking him to calm down. He
8 replied with a text message that included the words, "Try to keep your legs together for a day."

9
10 Recently, I discovered that Matt's attorney has been contacting several co-workers
11 asking them to give declarations against me. If they don't agree to, Matt's attorney
12 indicated that he would subpoena them. None of my coworkers have information that
13 would support Matt's position with regard to the restraining order so I am unsure why
14 they are being contacted. This is definitely interfering with my work. I would just like to
15 feel secure and safe without worrying about being harassed or threatened. I want to go
16 on with my life in peace.

17
18 I declare under penalty of perjury under the laws of the state of Washington that
19 the foregoing is true and correct.

20
21 Signed at Yakima, WA on this 28th day of August, 2008.

22
23
24
25


OraLynn Manweller, Petitioner

FILED

2008 SEP -8 PM 1:29

EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA WASHINGTON

**SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA**

In re the Marriage of:

ORALYNN MANWELLER,

Petitioner,

and

MATHEW SHON MANWELLER,

Respondent.

Case No. 08-3-00671-1

CERTIFICATE OF TRANSMITTAL

I, Mark McClain, hereby certify under penalty of perjury and under the laws of the state of Washington that the following documents have been sent via regular United States Postal Service, postage paid, on the below-indicated date to the following parties regarding the above-entitled case:

TO: Clerk of the Court, 128 N. Second Street, Room 323, Yakima, WA 98901

Original and judicial working copy of Respondent's Response to Petition for Order of Protection, Motion to Strike Supplemental Declaration of Oralynn Manweller.


CERTIFICATE OF TRANSMITTAL

Mark McClain
Attorney at Law
110 W. 6th, Suite 133
Ellensburg, WA 98926
Phone (509) 899-4864

1
2 TO: Petitioner's Attorney, Sonia Rodriguez, 917 Pitcher St, Yakima, WA 98901-3063

3
4 Copy of Respondent's Response to Petition for Order of Protection, Motion to Strike
5 Supplemental Declaration of Oralynn Manweller and Respondent's First Interrogatories.
6

7
8 Dated this 5th day of Sept., 2008.

9
10 
11 Mark McClain
12 Attorney for Respondent
13 WSBA #30909
14
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22
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24
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27

28 **CERTIFICATE OF TRANSMITTAL**

FILED

2008 SEP -8 PM 1:29

EX OFFICIO CLERK
SUPERIOR COURT
YAKIMA WASHINGTON

**SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA**

In re the Marriage of:

ORALYNN MANWELLER,

Petitioner,

and

MATHEW SHON MANWELLER,

Respondent.

Case No. 08-3-00671-1

**RESPONDENT'S MOTION TO STRIKE
SUPPLEMENTAL DECLARATION OF
ORALYNN MANWELLER**

COMES NOW, the Respondent in the above-entitled matter and hereby requested this Court dismiss the petitioner's request or in the alternative strike the supplemental declaration of Ms. Manweller for the following reasons:

FACTS

Petitioner requested a domestic violence restraining order on August 8th (Exhibit 1) On August 20, 2008 Respondent, Mr. Manweller, appeared to challenge the allegations. The matter was continued to September 10, 2008 at 9:30 am. (Exhibit 2). On September 2, 2008 Petitioner placed in the mail a supplemental declaration. After 5:00 pm on September 3, 2008 Respondent's attorney received the supplemental declaration. (Exhibit 3). The supplemental declaration makes no allegations regarding the Respondent which were not initially contained in the original motion.

**RESPONDENT'S MOTION TO STRIKE SUPPLEMENTAL
DECLARATION OF ORALYNN MANWELLER**
PAGE 1 OF 3

Mark McClain
Attorney at Law
110 W. 6th, Suite 133
Ellensburg, WA 98926
Phone (509) 899-4864

1
2 The additions to Petitioner's supplemental declaration concerns Respondent's Attorney's
3 investigation into the allegations. Four people who have been contacted do work for General Electric
4 in Yakima and have personal knowledge of the events involving these allegations and are necessary to
5 refute these allegations. Unfortunately all have indicated they are unwilling to voluntarily come
6 forward to provide truthful information and have indicated a subpoena would be necessary.

7 Communication between the Petitioner's attorney to the Respondent's Attorney regarding the
8 supplemental briefing are attached as exhibit 4.

9
10 1. PETITIONER HAS FAILED TO COMPLY WITH TIME REQUIREMENTS

11
12 CR 6 (d) provides motions and affidavits shall not be served later than 5 days before the time
13 for the hearing unless "a different time period is fixed by these rules or by order of the court." LSPR
14 90.04W (A)(1)(a) affixes that time period at 14 days before the hearing. Specifically, "the moving
15 party, no later than 14 days prior to the hearing date, shall file" and serve on all parties the motion,
16 notice "and all supporting documentation." (LSPR 90.04W, emphasis added). CR 5 (d)(2) provides as
17 a sanction for such a failure may be dismissal of the action or to strike the pleading and grant a
18 judgment for costs and terms including reasonable attorney's fees. Given that this may be considered a
19 supplemental pleading, as the motion for an ex parte restraining order cites the affidavit as justification
20 to issue, any supplemental pleadings require leave of the Court. CR 15(d).

21 The supplemental declaration was sent by regular mail on September 2, 2008 despite being
22 signed by the Petitioner on August 28, 2008. There has been no motion to shorten time or request of
23 this court for leave to provide supplemental pleadings or other such request which would authorize the
24 inclusion of the additional declaration.

25 Further, nothing in the supplemental affidavit, aside from some sort of concern regarding
26 Respondent's Attorney's investigating of the allegations, occurred after the court issued the initial ex
27 parte order.

28
29 **RESPONDENT'S MOTION TO STRIKE SUPPLEMENTAL
DECLARATION OF ORALYNN MANWELLER**

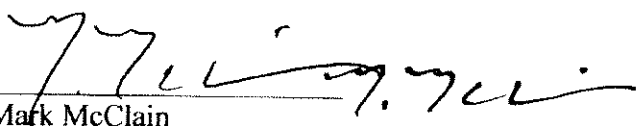
PAGE 2 OF 3

Mark McClain
Attorney at Law
110 W. 6th, Suite 133
Ellensburg, WA 98926
Phone (509) 899-4864

1 Finally, exhibit 4 is provided to amplify Respondent's position that the restraining order was
2 filed as a means to strike at the Respondent, rather than out of any legitimate fear.

3 As a result of the foregoing, Respondent respectfully requests dismissal of the ex parte
4 restraining order or, in the alternative, striking the supplemental declaration of Petitioner and providing
5 any other relief which is just under these facts.

6
7
8
9 Dated this 4th day of September, 2008.

10
11 
12 Mark McClain
13 Attorney for Respondent
14 WSBA #30909

FILED

AUG - 8 2008

KIM M. EATON, YAKIMA COUNTY CLERK

SUPERIOR COURT OF WASHINGTON
COUNTY OF YAKIMA

In re the Marriage of:

ORALYNN MANWELLER

No. 08-3-00671-1

and

Petitioner,

Motion/Declaration for Ex Parte
Restraining Order and for Order to
Show Cause
(MTSC)

MATHEW SHON MANWELLER

Respondent.

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 or enjoin:

the husband from transferring, removing, encumbering, concealing or in any way disposing of any property except in the usual course of business or for the necessities of life and requiring each party to notify the other of any extraordinary expenditures made after the order is issued.

the husband from disturbing the peace of the other party.

Mathew Manweller from going onto the grounds of or entering the residence of Oralynn Manweller.

Mtn/Decl for Ex Parte Restraining Ord (MTSC) - Page 1 of 4
WPF DR 04.0150 (6/2006) - CR 65(b); RCW 26.09.060

MORALES RODRIGUEZ P.S.
917 PITCHER STREET
YAKIMA, WA 98901
Telephone (509) 248-7272
Fax (509) 248-7778



COPY

Exhibit 1

1 the husband from going onto the grounds of or entering the home, work place or school
2 of the other party.

3 the husband from knowingly coming within or knowingly remaining within 500 ft
4 distance) of the home, work place or school of the other party.

5 Mathew Manweller from molesting, assaulting, harassing, or stalking Oralynn Manweller.
6 (If the court orders this relief, the restrained person will be prohibited from possessing a
7 firearm or ammunition under federal law for the duration of the order. An exception
8 exists for law enforcement officers and military personnel when carrying
9 department/government-issued firearms. 18 U.S.C. § 925(a)(1).)

10 the husband from assigning, transferring, borrowing, lapsing, surrendering or changing
11 entitlement of any insurance policies of either or both parties whether medical, health,
12 life or auto insurance.

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

15 **1.2 Other Ex Parte Relief**

16 Other:

17 **1.3 Surrender of Deadly Weapons**

18 Does not apply.

19 **1.4 Other Temporary Relief**

20 The husband should also be required to appear and show cause why the court should
21 not enter a temporary order which:

22 makes each party immediately responsible for their own future debts whether incurred
23 by credit card or loan, security interest or mortgage.

24 divides responsibility for the debts of the parties.

25 **1.5 Other**

Dated: _____

Sonia Rodriguez,
Signature of Moving Party or Lawyer/WSBA No.

30595

1
2 **II. Declaration**

3 **2.1 Injury to be Prevented**

4 The ex parte restraining order requested in paragraph 1.1 and 1.2 above is to prevent
5 the following injury (define the injury):

6 Emotional and physical abuse to the petitioner.

7 **2.2 Reasons why the Injury may be Irreparable**

8 This injury may be irreparable because:

9 Emotional and physical abuse is irreparable.

10 **2.3 Clear and Convincing Reasons why Weapons Should be Surrendered**

11 Does not apply.

12 **2.4 Reasons for a Temporary Order**

13 It is necessary that the court issue a temporary order with the relief requested in
14 paragraph 1.4 above for the reason set forth below:


15 See Declaration of OraLynn Manweller

16 **2.5 Service Member or Dependent of Service Member**

17 The respondent is not a service member or dependent of a service member.

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

20 Signed at Yakima, [City] WA [State] on 8-8-08 [Date].

21 
22 OraLynn Manweller
23 Signature

1
2 Do not attach financial records, personal health care records or confidential
3 reports to this declaration. Such records should be served on the other party and
4 filed with the court using one of these cover sheets:

5 1) Sealed Financial Source Documents (WPF DRPSCU 09.0220) for financial
6 records

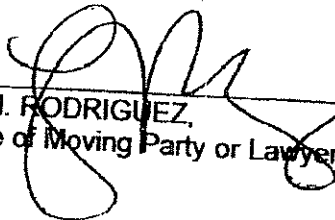
7 2) Sealed Personal Health Care Records (WPF DRPSCU 09.0260) for health
8 records

9 3) Sealed Confidential Report (WPF DRPSCU 09.270) for confidential reports
10 If filed separately using a cover sheet, the records will be sealed to protect your
11 privacy (although they will be available to all parties in the case, their attorneys,
12 court personnel and certain state agencies and boards.) See GR 22(C)(2).

13
14 **III. Efforts to Give Other Party Notice**

15 The following efforts have been made to give the other party or other party's lawyer notice and
16 the following reasons exist why notice should not be required: Emergent circumstances.

17 Dated: 8/8/08

18 
19 _____
20 SONIA M. RODRIGUEZ, 30595
21 Signature of Moving Party or Lawyer/WSBA No.