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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED
APR 12 2016

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

IN RE THE MARRIAGE OF

SALLY HOWE SMITH
COURT CLERK

██████████

██████████ ██████████

Petitioner,

██████████

██████████

Respondent.

APPLICATION FOR EXPEDITED HEARING ON TEMPORARY ORDERS

COMES NOW the Petitioner, ██████████ ██████████ by and through his attorneys of record James R. Gotwals and Benjamin Aycock of James R. Gotwals & Associates, Inc., pursuant to 43 O.S. § 110, and for his Application for Expedited Hearing on Temporary Orders, alleges and states as follows:

1. That Respondent (without request from the Petitioner) voluntarily vacated the marital residence approximately three months ago, and Petitioner has occupied the residence at all times since then and up until April 7th, 2016. Respondent came and visited the marital residence at her own volition during that time period. Petitioner was served with an Emergency Protective Order, (Case No. ██████████), on the evening of April 7, 2016, at which time Respondent returned to the marital residence in the company of a Sheriff's deputy serving the EPO and a locksmith.

2. The Petitioner filed this action for dissolution of marriage on April 8, 2016, the day after he was removed from the residence.

3. That the parties own a business, Republic Roofing Company, Inc., and the Petitioner has primarily run the day to day operations throughout the marriage and presently.

4. That the office used to run the business is located in the marital residence, and that due to the sudden, unexpected nature of Petitioner's sudden removal from the marital residence, he was unable to take with him documents, files and other materials that are essential to his ability to continue to operate the business effectively, including but not limited to:

- a. Copies of final invoices for customers;
- b. Signed proposals and contracts on jobs that have been accepted (so he can begin work);
- c. Invoices on materials purchased for jobs that need to be paid; and
- d. Lien releases for customers.

5. In addition to the aforementioned business related items, Petitioner also needs to temporarily access the marital residence to retrieve his clothing and other personal effects, his medications, as well as some tools and machinery needed to complete roofing jobs that are already in progress.

6. That Respondent was served with the Petition for Dissolution of Marriage and Application for Temporary Order on April 11, 2016.

7. That since the EPO was served on the Petitioner, Respondent has had the locks changed at the marital residence where the business office is located, she has attempted to have the business telephone number forwarded to a different telephone number, she has gone to the post-office and restricted Petitioner's access to incoming business related mail, and has re-opened business related credit cards Petitioner had previously cancelled, (to preclude further dissipation of assets from Respondent's gambling).

8. That in addition to filing an EPO against Petitioner, Respondent has also filed EPO's against both of the parties' adult children. ([REDACTED] and [REDACTED]). Since the service of the EPO on Petitioner during the evening of April 7th, Respondent has been creating chaos for the parties' and their business.

9. That Petitioner's counsel has attempted to contact Respondent, but she although she said she was going to return the call, she has refused to communicate concerning the matter.

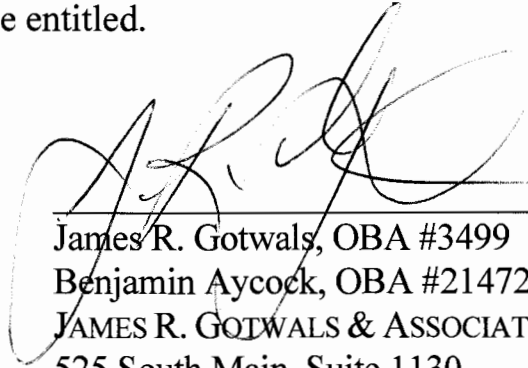
10. That Petitioner requests this Court set a hearing on the earliest possible date available so that damage to the business in the form of loss of income, dissipation of operating capital, breaches of contract, and/or third party lawsuits that may be filed against the parties or business, may be mitigated.

11. That Respondent should be ordered to restore any funds lost and compensate the estate for any damages resulting from her reckless actions

concerning the business, both prior to and subsequent to the filing of the Petition in this matter.

12. That pursuant to 43 O.S. § 110, Respondent should be ordered to pay Petitioner's attorneys fees and costs incurred in this matter.

WHEREFORE, premises considered, Petitioner prays for relief consistent with that requested herein, for his attorney's fees and costs, and for such other and further relief to which he may be entitled.



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Benjamin Aycock, OBA #21472
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ATTORNEYS FOR PETITIONER,
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VERIFICATION PURSUANT TO 12 O.S. §426

I state under penalty of perjury under the laws of Oklahoma that I am the Petitioner in the above-entitled action; that I have read the above and foregoing pleading; that I believe that the facts and matters therein set forth are true and correct.

Dated: April 12, 2016, in Tulsa, Oklahoma.




CERTIFICATE OF MAILING

The undersigned does hereby certify that on the 12th day of April, 2016, a true and correct copy of the *Application for Expedited Hearing on Temporary Orders* was mailed via first class mail, with proper postage attached thereon, to:



RESPONDENT, PRO SE


~~Benjamin Aycock~~