

COPY

DISTRICT COURT, EL PASO COUNTY, COLORADO 20 E. Vermijo Street Colorado Springs, CO 80903 Phone Number: (719) 448-7599	
In Re to the Marriage:	
PETITIONER: DEBORAH A. THORUP	
RESPONDENT: DALE K. THORUP	▲ COURT USE ONLY ▲
Roger B. Larsen 524 S. Cascade Avenue, Suite #8 Colorado Springs, CO 80903 (719) 632-3455 (719)632-3295 (fax) Atty. Reg. #: 8362	Case Number: 01 DR 2408 Div.: V/6 Ctrm.:
OBJECTION TO NON-PARTY REQUESTS	

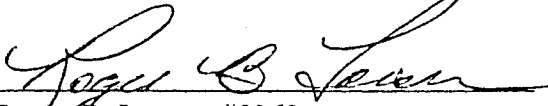
COMES NOW the Respondent, by and through his counsel of record, Roger B. Larsen, and respectfully requests that the Court deny the Motion for Restraining Order filed by a non-party. As grounds therefore, the Respondent states:

1. The non-party has no standing to request the restraining order in this action. See CRCP Rules 3-7. Ms. Duckworth is not a party to this case, has not sought intervention and has not followed the procedural or statutory requirements for commencement of an action to obtain a restraining order.
2. The proper procedure to follow is outlined in the jurisdiction of the County Courts and the CRCCP rules applicable to restraining orders. She must file an independent action and obtain proper service. She has done neither.
3. The factual allegations contained in the non-party motion are insufficient as a matter of law for the issuance of even a temporary restraining order. The Court has no testimony before it as to diagnosis for any of that alleged by her. There was no testimony concerning threats, especially threats towards the non-party. The non-party recites no facts as to threats or threatening action, but describes a conversation which she did not overhear and which is not identified by date, as intense and angry. From that alleged third party communication which did not threaten action, she now demands a restraining order.
4. The Respondent has incurred attorney fees in responding to this pleading which is made

without personal or subject matter jurisdiction and which is without substantial factual basis. As a result, the Respondent is entitled to reasonable attorney fees for responding to this pleading pursuant to §13-17-102 C.R.S.

WHEREFORE, the Respondent respectfully requests that the Court deny the request for a restraining order for failure to allege jurisdictional grounds for the issuance of said restraining order, the absence of personal and subject matter jurisdiction to enter such restraining order, and for such other relief as the Court deems just, including the award of attorney fees for the necessity of responding to this substantially frivolous and vexatious pleading without jurisdictional or factual basis.

Respectfully submitted this 23rd day of Oct, 2002.


Roger B. Larsen, #8362
Attorney for Respondent
524 S. Cascade Avenue, Suite 8
Colorado Springs, CO 80903
(719) 632-3455

CERTIFICATE OF MAILING

I hereby certify that on this 22 day of October 2002, I mailed a true and correct copy of the above and foregoing to:

Steven Werner
301 S Weber St.
Colorado Springs, Colorado 80962

Paul Faraci
1512 Larimer Street, Suite 600
Denver, Colorado 80202-1621

by placing the same, postage fully prepaid, in a U.S. Mail Depository.