

<input type="checkbox"/> County Court <input checked="" type="checkbox"/> District Court El Paso _____ County, Colorado Court Address: 20 East Vermijo Ave, PO Box 2980, CSC 80901 Telephone Number: (719) 448-7599		FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO NOV 19 2002 LEE V. COLE, JR. CLERK OF COURT ▲ COURT USE ONLY ▲
Plaintiff(s)/Petitioner(s) DEBORAH A. THORUP nka DEBORAH LOHSE v. Defendant(s)/Respondent(s) DALE K. THORUP		
Attorney or Party Without Attorney (Name and Address): Dale Kim Thorup 3053 Seven Arrows Ct. Canon City, Colorado 81212 Phone Number: (719) 275-1156 E-mail: FAX Number: Atty. Reg. #		Case Number: 01 DR 2408 Division 6 Courtroom
MOTION TO SUBPOENA PETITIONER'S TELEPHONE RECORDS FOR DECEMBER 10, 2001		

DALE KIM THORUP, Respondent appears pro se and respectfully requests at this time that the Court subpoena the following telephone records of Petitioner, Deborah Thorup nka Deborah Lohse for December 10, 2001 (Home Ph: (720) 529-1350; Cel Ph: (303) 570-9309). As grounds therefore, Respondent states the following:

1. Petitioner and her Attorney, Herman A. Lohse III make reference, in their *ex parte* motion of December 18, 2001, to a "Civil Restraining Order in Denver County Court, Case No. 1-W-2542, Courtroom 124D" and "criminal charges for telephone harassment." Petitioner and her Attorney, Herman A. Lohse III further state that "the Respondent has maintained an escalating pattern of behavior which is endangering the child's physical health and/or significantly impairing her emotional development."
2. Respondent maintains that the allegations made by the Petitioner and her Attorney in their *ex parte* motion of December 18, 2001 are fraudulent. Respondent voluntarily appeared in Denver County Court on December 14, 2001 as a walk-in and asserted a defense to Petitioner's allegations and the resultant **temporary restraining order** issued on December 10, 2001. Respondent was assured by Judge Brian Campbell that the **temporary restraining order** would be vacated at the scheduled December 20th hearing in time for Respondent to have visitation with the daughter, [REDACTED] during Christmas. Judge Campbell further informed Respondent that by law he had to issue a **temporary restraining order** on December 10th, however, the issuance of same did not imply guilt on the part of the Respondent. Judge Campbell further explained that by law the **temporary restraining order** could not be vacated until both parties were present on December 20th. Judge Campbell also gave Respondent permission to attend the Final Orders Hearing scheduled in El Paso County District Court on December 19, 2001. The aforementioned **temporary restraining order** was made permanent by default at the December 20th hearing, however, as Respondent was unable to attend. Respondent was unable to attend as Petitioner wrongfully and fraudulently obtained a warrant on December 11, 2001 for Respondent's arrest and said warrant was effected upon Respondent in El Paso County District Court Division V on December 19, 2001 immediately following the hearing on Final Orders.
3. Respondent further asserts that Petitioner's statements made to Officer Thomas O'Neil of the Denver Police Department on December 11, 2001 in effecting a wrongful warrant for Respondent's arrest are fraudulent. Petitioner stated that Respondent issued a threat of harm to her the previous day in a telephone conversation at 11:20 p.m. on Monday, December 10, 2001. Respondent has recently been informed by Coleen M. Dougherty, Captain of the Canon City Police Department that a subpoena of Petitioner's telephone records for December 10th would reveal all incoming calls received by Petitioner and the origin of said calls. Respondent asserts that an examination of said telephone records of Petitioner would exonerate Respondent and prove Petitioner's fraud in effecting said warrant. Said investigation would necessarily also prove that the statements made by Petitioner and her Attorney, Herman A. Lohse in their *ex parte* motion were also necessarily fraudulent. Finally, Petitioner's statements made on December 11th to the Denver Police Department were made by long distance as the resultant arrest warrant is unsigned by Petitioner. The signature line on said warrant contains the following words: "unavailable...out of town." Respondent believes that further investigation would reveal that Petitioner's December 11th telephone call to the Denver Police Department was made from the home or office of Petitioner's attorney in El Paso County.

4. All misdemeanor charges against Respondent in Denver County resulting from Petitioner's fraudulent allegations on December 10, 2001 and December 11, 2001 were dismissed.
5. Respondent asserts that the aforementioned fraudulent actions of Petitioner and her attorney resulted in the following: a) a wrongful permanent restraining order being issued against Respondent on December 20, 2001 by Denver County; b) a wrongful arrest warrant being executed against Respondent on December 19, 2001; c) the wrongful jailing of Respondent during the period December 19, 2001 to December 27, 2001; d) the fraudulent and wrongful denial of parenting and visitation between Respondent and the daughter, [redacted] during the period December 11, 2001 to the present; e) a libelous attack upon Respondent's reputation and character; f) the wrongful denial of employment of Respondent as criminal charges now appear on his background report; g) the wrongful incurring of over Six Thousand Dollars (\$6,000.00) in legal fees by Respondent's family; and h) the deliberate abuse of the daughter, [redacted] (age 6) as she has been denied parenting by her father and visitation with all of her family in Colorado during the period December 11, 2001 to the present.

Dated: November 19, 2002

Dale H. Shoup
 Petitioner/Plaintiff OR Respondent/Defendant
3053 Seven Arrows Ct.
Canon City, Colorado 81212
Ph: (719) 275-1156 (Home)

CERTIFICATE OF MAILING

I certify that on November 19, 2002 (date) the original of this Motion was filed with the Court; and a true and accurate copy of this **MOTION TO SUBPOENA PETITIONER'S TELEPHONE RECORDS** was served on the other party(ies) by placing it in the United States mail, postage pre-paid and addressed to the following:

Steven M. Werner, Attorney
Law Offices of Steven M. Werner, P.C.
301 S. Weber St.
Colorado Springs, Colorado 80903

Dale H. Shoup
 Petitioner/Plaintiff OR Respondent/Defendant