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IN THE CIRCUIT COURT OF THE COUNTY OF ST. CHARLES
STATE OF MISSOURI
FAMILY COURT DIVISION

IN RE: THE MARRIAGE OF	)	
NICOLE ANN DONNELLY,	)	
Petitioner,	)	Case No.: 2311-FC00409
and	)	
	)	Division No.: 3
PHILLIP DONNELLY,	)	
Respondent.	)	

PETITIONER'S VERIFIED MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

COMES NOW, Petitioner (hereinafter "Mother), by and through her attorney, and pursuant to Rule 92.02 of the Missouri Rules of Civil Procedure, moves this Honorable Court for a Temporary Restraining Order and Preliminary Injunction against Respondent (hereinafter "Father") as follows:

1. There is currently pending herein a Petition for Dissolution of Marriage which relates to the custody and support the parties' minor children: [redacted] There have been no interim orders relating to the custody and support of the parties' children as the parties' were engaged in intensive settlement discussions.

2. Since the filing of the Petitioner's Petition, Father has engaged in behavior that is alarming and harmful to the minor children. Father's erratic behavior includes, but is not limited to the following:

   a. Father has become intoxicated and violated the protocols of Soberlink on several occasions;

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b. Father has an untreated drinking problem and has refused to address the problem to the detriment of the minor children;

c. Father has attempted suicide on at least one occasion, and his mental health is unstable;

d. Father has refused to abide by the parties' agreement concerning alcohol monitoring;

e. The minor children have been traumatized by Father's behavior and intoxication;

f. Father, upon information and belief, abuses alcohol on a regular basis; and

g. Father has had a pattern of drinking for several years.

3. It is not in the best interests of the minor children to be with Father unsupervised.

4. The notice required pursuant to Rule 92.02 has been given to Father's counsel.

5. If Father is allowed to exercise unsupervised custody with the minor children, then immediate, substantial and irreparable harm and injury will result to the children for the reasons set forth herein.

6. Mother fears for the immediate safety and welfare of the minor children.

7. It is in the best interests of the minor children for this Court to suspend any unsupervised custody time with Father until a new Judgment is entered.

8. If Mother's Motion for a Temporary Restraining Order is granted, Mother agrees to be solely responsible for the care of the minor children.

9. Petitioner has not participated in any other litigation concerning the custody of the minor children in this or any other state, has no information of any custody proceeding in this or any other state, and knows of no person hereto who has physical custody of the minor children, or

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claims to have custody or visitation rights with respect to the minor children, except the Petitioner and Respondent herein.

WHEREFORE, because immediate, substantial and irreparable harm and injury will or could result to the children herein, Petitioner moves for a Temporary Restraining Order enjoining Respondent from exercising unsupervised custody, care or control of the minor children until an adversarial hearing can be had; and for any and all such further relief this Court deems just and proper.

COUNTY OF ST. LOUIS)
) SS
STATE OF MISSOURI)

I, NICOLE DONNELLY, do hereby certify that I am the Petitioner in the foregoing Motion and that the statements made herein are true and correct to the best of my knowledge and belief.

NICOLE DONNELLY, Petitioner

Subscribed and sworn to before me, a Notary Public, on this 26th day of November 2023.

Notary Public

My Commission Expires:

BRITTANY D. ERKER
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: November 15, 2025
Commission Number: 06840521

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system to all counsel and parties of record on this 27th day of November, 2023.

/s/ Brittany D. Erker
BRITTANY D. ERKER, MBE: #61828

Respectfully submitted,

/s/ Brittany D. Erker
BRITTANY D. ERKER, MBE: #61828
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Counsel for Petitioner

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