Electronically Filed - ST LOUIS COUNTY - October 25, 2023 - 02:09 PM

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY
STATE OF MISSOURI

BROOKE J. MARR Petitioner, v. ALEJANDRO A. SIGALA Respondent.	)))))))))	Cause No.: 20SL-DR04564 Division: 33

RESPONDENT'S VERIFIED PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION WITHOUT NOTICE

COMES NOW Respondent, Alejandro A. Sigala ("Respondent"), by and through his undersigned attorneys of record, and pursuant to Rule 92.02, requests this Court issue a temporary restraining order and preliminary injunction preventing and enjoining Petitioner, Brooke J. Marr ("Petitioner") from exercising custody of the minor children [redacted] except with supervision and only during the daytime. Respondent respectfully states to the Court as follows:

1. On or about the 1st day of April 2022, this Court entered a Judgment of Dissolution of Marriage. Said Judgment set forth terms of child custody and child support for the parties' two children namely: [redacted]

2. Pursuant to said Judgment, the parties were awarded joint legal and joint physical custody and the address of the children for mailing and educational purposes is the same as the Respondent.

3. Pursuant to said Judgment, Dylan Faire shall not be present during Mother's custodial period with the minor children. Dylan Faire will not reside, visit or otherwise be

present at 748 Overlook Circle Drive, Ballwin, Missouri 63021 or any other address where the children may be during Mother's custody periods as described herein. Further, Dylan Faire shall not see or come in contact with the minor children in any capacity.

4. In accordance with §452.780 RSMo, Respondent states that the following information is true and correct to his best knowledge and belief as to the minor children born of the parties:

a. The minor children at the time of the filing of this application are in the actual physical custody of Petitioner and Respondent.

b. Respondent has not participated in any capacity or in any other litigation concerning the custody of the minor children in this or any other state, other than the previous Judgment of Dissolution, and the current Motion to Modify proceeding.

c. Respondent has no information or knowledge of any other custody proceeding concerning the minor children pending in a court of this or any other state, other than this action.

d. Respondent knows of no person not a party to this proceeding that has or claims to have physical custody or visitation rights with the minor children.

5. Upon information and belief, Petitioner allows Dylan Faire to be present during Mother's custodial period with the minor children.

6. Upon information and belief, Petitioner has allowed Dylan Faire to reside and visit at 748 Overlook Circle Drive, Ballwin, Missouri 63021.

Electronically Filed - ST LOUIS COUNTY - October 25, 2023 - 02:09 PM

Electronically Filed - ST LOUIS COUNTY - October 25, 2023 - 02:09 PM

7. Upon information and belief, Petitioner allows Dylan Faire to see and come into contact with the minor children.

8. Upon information and belief, the Guardian Ad Litem in this proceeding has verified that Petitioner allows Dylan Faire to be in the presence of the minor children and has concerns about the minor children's well fare around Dylan Faire.

9. For the above-mentioned reasons, it is in the best interests of the Children that Respondent's Motion for Temporary Restraining Order, Preliminary Injunction and/or Permanent Injunction is granted. If not granted, the minor children will be in harms way.

10. There is no other adequate remedy at law to protect the Children.

WHEREFORE, Respondent prays that this Court immediately enter a Temporary Restraining Order and preliminary injunction, preventing and enjoining Petitioner from exercising custody of the minor children except with supervision and only during the daytime; enter an order in Respondent's favor for his attorney's fees and costs, and for such other and further relief as the court deems just and proper in the premises.

Alejandro Sigala (Oct 25, 2023 13:49 CDT)

ALEJANDRO A. SIGALA

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

Alejandro A. Sigala, of lawful age, being duly sworn on his oath, states that he is the Respondent above named; that he has read the foregoing and that the facts stated therein are true according to his best knowledge and belief.

Subscribed and sworn to before me, a Notary Public, this 25th day of October 2023

NOTARY PUBLIC

My Commission Expires:

JESSICA ANNELIES HILL
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI
MY COMMISSION EXPIRES OCTOBER 29, 2025
ST. CHARLES COUNTY
COMMISSION #13542148

Not an Official Court Document

Electronically Filed - ST LOUIS COUNTY - October 25, 2023 - 02:09 PM

COULTER GOLDBERGER, LLC

Elliott I. Goldberger, 35372
Attorney for Respondent
130 S. Bemiston Ave., Ste. 400
Clayton, Missouri 63105
(314) 488-2555
(314) 666-9886 (Fax)
elliott@coultergoldberger.com

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was served by electronic filing and electronic mail, pursuant to Rule 103.08, this 25th day of October 2023 to all attorneys of record.

Not an Official Court Document