IN THE DISTRICT COURT OF THE STATE OF IOWA
IN AND FOR JEFFERSON COUNTY

IN RE THE MARRIAGE OF
FREDERICK J. SHADDOCK and OKSANA SHEMET SHADDOCK

UPON THE PETITION OF
FREDERICK J. SHADDOCK,

Petitioner, **EQUITY NO.: CDCV401030**

AND CONCERNING
OKSANA SHEMET SHADDOCK,

Respondent.

RESISTANCE TO MOTION FOR ORDER OF DISMISSAL OF DIVORCE AND CHANGE OF ADDRESS FOR PLAINTIFF AND RESISTANCE TO MOTION FOR CONTINUANCE

COMES NOW the Respondent, Oksana Shemet Shaddock, by and through undersigned counsel and by way of resistances to the above-mentioned motions brought by the Petitioner, states to the Court as follows:

1. Trial in this matter is set for May 14, 2010.

2. Judge Joel D. Yates entered an Order setting the hearing on May 25, 2010 at 11:00 a.m. concerning the Motion for Discovery Sanctions and said motion should be set for hearing prior to the trial date.

3. Respondent still desires to obtain a dissolution of marriage and resists any efforts of the Petitioner to continue the hearing or to dismiss the case on jurisdictional or residency grounds.

4. With respect to Petitioner's Motion for Order of Dismissal of Divorce and Change of Address for Plaintiff, Respondent states that the applicable section of the Code of Iowa is Section 598.5(1)(k) and not Section 598.6 of the Code of Iowa which was repealed by the 2005 Acts.

5. By Petitioner's own admission, the "Petitioner had resided in Iowa at the time of the original petition for divorce, on September 18, 2009 and fulfilled the one year requirement of § 598.6". See bottom of first page and top of second page of Motion for Order of Dismissal of Divorce and Change of Address of Plaintiff.

6. There is no requirement under Iowa law that the Petitioner must continue to be a resident of the State of Iowa after meeting the one year residency requirement for the dissolution to be granted.

WHEREFORE, the Respondent requests the Court to deny the request for continuance and deny the Motion for Dismissal. Respondent further requests such other relief as is just and equitable in the premises.

OKSANA SHEMET SHADDOCK,
RESPONDENT

By:_____
J. Terrence Denefe, AT0002031
KIPLE, DENEFE, BEAVER, GARDNER & ZINGG, L.L.P.
104 South Court Street
P.O. Box 493
Ottumwa, Iowa 52501
Telephone: (641) 683-1626
Facsimile: (641) 683-3597
E-Mail: tdenefe@lisco.com
ATTORNEY FOR RESPONDENT

Original Filed.
Copy also emailed to Petitioner at Fred@cicorp.com

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served on all parties to the above cause by delivering a copy thereof to each of the attorneys of record herein at their respective addresses disclosed on the pleadings on May 3, 2010.

By:
[ ] U.S. Mail
[ ] Hand Delivery
[ ] Federal Express
[ ] Facsimile
[ ] UPS
[✓] Other - Email

J. Terrence Denefe

H:\Terry\Clients\S\Shaddock, Oksana\Resistance to Motions.doc