Family Court
ENTERED
MAR 24 2009
Washington, D.C.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
DOMESTIC RELATIONS BRANCH

OKSANA SHEMET SHADDOCK, **Plaintiff,**	**Case Number: 2007 DRB 2108**
vs.	
FREDERICK SHADDOCK, **Defendant.**	**Judge Fern Flanagan Saddler**

ORDER DISMISSING COMPLAINT FOR ABSOLUTE DIVORCE

This matter came before this Court on March 13, 2009, for a hearing on Defendant Frederick Shaddock's motion to dismiss, which filed on February 3, 2009. Plaintiff Oksana Shemet Shaddock filed an opposition to Defendant's motion to dismiss on February 13, 2009. At the March 13, 2009 hearing, Plaintiff was present with counsel, and Defendant was present *pro se*.

This Court credits the testimony of the witnesses, Plaintiff Oksana Shemet Shaddock and Defendant Frederick Shaddock. After assessing the credibility of the witnesses and evaluating all of the evidence, this Court makes the following findings of fact and conclusions of law. To the extent that this written order differs from any oral findings of fact and conclusions of law made on the record on March 13, 2009, then the instant order controls.

PROCEDURAL HISTORY

Plaintiff Oksana Shemet Shaddock filed a complaint for legal separation on July 24, 2007. Defendant Frederick Shaddock was properly served with the complaint on July 31,

2007; however, he did not file an answer and was in default. Plaintiff filed an Affidavit in Support of Default along with the required Affidavit in Compliance with the Servicemembers Civil Relief Act, 50 U.S.C. §520 (2003) on August 23, 2007. However, on January 10, 2008, Defendant Frederick Shaddock filed a motion to dismiss, asserting that the District of Columbia did not have jurisdiction because Plaintiff was not a *bona fide* resident of the District of Columbia at the time she filed her complaint. Plaintiff filed an opposition to Defendant's motion on January 14, 2008. On May 28, 2008, Judge Fern Flanagan Saddler issued an order granting Defendant's oral motion to vacate the default, and denying Defendant's motion to dismiss as moot because Defendant admitted that the District of Columbia has jurisdiction. On May 28, 2008, Plaintiff filed a supplemental complaint for absolute divorce. Defendant filed the instant motion to dismiss Plaintiff's complaint for absolute divorce asserting that the parties continue to cohabitate with each other and engage in sexual relations with each other, and therefore, Plaintiff lacks proper grounds for a divorce at this time.

FINDINGS OF FACT

Direct Examination of Defendant Frederick Shaddock by Defendant

1. Defendant Frederick Shaddock testified that his current address is 390 M Street, Southwest, Apartment #400, Washington, D.C. 20024.
2. Defendant testified that he and Plaintiff Oksana Shemet Shaddock were married on January 17, 2001 in Arlington, Virginia.
3. Defendant testified that he and Plaintiff did not have any children together.

4. Defendant testified that there was a period of time beginning in 2006 when he lived on and off in Iowa, but Plaintiff had visited Defendant in Iowa on several occasions, and the parties kept in contact with each other on a daily basis.

5. Defendant testified that the parties separated from each other for a period of time beginning on August 26, 2006.

6. Defendant testified that the parties' separation has not been continuous, without interruption, and without sexual relations since August 26, 2006.

7. Defendant testified that the parties have had sexual relations with each other within the past week.

8. Defendant testified that the parties are a "normal married couple" who reside under the same roof and share the same bed.

9. Defendant testified that he believes that Plaintiff treats Defendant as if he is on "probation"; meaning if Defendant does something Plaintiff does not like, Plaintiff threatens to proceed with the divorce.

Cross-Examination of Defendant Frederick Shaddock by Plaintiff

10. Defendant testified that the parties resumed sexual relations with each other in September 2006.

11. Defendant testified that the parties were never separated for a period longer than two to three months.

12. Defendant testified that since 2006, he has lived off and on in Iowa and Washington, D.C., and that Plaintiff also travels back and forth between Iowa and Washington, D.C.

13. Defendant testified that the parties spent Christmas and New Year's Eve together in 2008.

14. Defendant testified that the parties resumed living together in Washington, D.C. in February 2009.

Direct Examination of Robert Ray Stone, Jr. by Defendant

15. Robert Ray Stone, Jr. testified that he has known Defendant Frederick Shaddock since 1999.

16. The witness testified that he and the defendant are former neighbors.

17. The witness testified that he is a member of the District of Columbia Bar.

18. The witness testified that he represented Defendant in this case in the past.

19. The witness testified that he has personal knowledge that the parties are cohabitating with each other.

Direct Examination of Plaintiff Oksana Shemet Shaddock by Defendant

20. Plaintiff Oksana Shemet Shaddock testified that she is married to Defendant Frederick Shaddock.

21. Plaintiff testified that she has been residing at 390 M Street, Southwest, Apartment #400, Washington, D.C. 20024 since May 2008.

22. Plaintiff testified that she lives by herself.

23. Plaintiff testified that the night before the hearing in the instant matter, Defendant showed up at Plaintiff's apartment to ask her something, and that Defendant slept on the couch that night.

24. Plaintiff testified that she slept in her bed by herself the night before the hearing in the instant matter.

25. Plaintiff testified that Defendant periodically shows up at Plaintiff's apartment asking for a place to stay.

26. Plaintiff testified that Defendant has some belongings at Plaintiff's apartment, including a toothbrush.

27. Plaintiff testified that she has not had sexual relations with Defendant in the past month.

28. Plaintiff testified that the parties have not shared a bed together recently.

29. Plaintiff testified that Defendant does work from Plaintiff's apartment.

30. Plaintiff testified that she was in Iowa in October or November 2008, and that she flew there, and back to Washington, D.C. with Defendant.

31. Plaintiff testified that she attended President Barack Obama's Inauguration with Defendant.

Direct Examination of Plaintiff Oksana Shemet Shaddock by Plaintiff

32. Plaintiff testified that on August 26, 2006, she left the apartment she was sharing with Defendant.

33. Plaintiff testified that since August 26, 2006 she has lived in a separate residence from Defendant.

34. Plaintiff testified that in August 2008, Defendant began spending time at Plaintiff's apartment because Defendant needed a place to stay because of financial troubles he was having.

35. Plaintiff testified that she has not had sexual relations with Defendant recently.

36. Plaintiff testified that she traveled to Iowa with Defendant in October or November 2008 because she wanted to visit her friends in Iowa. Plaintiff further testified that the parties stayed in different bedrooms at their house in Iowa during their visit.

37. Plaintiff testified that the parties have shared one or two dinners together out at restaurants recently.

38. Plaintiff testified that the parties do not regularly have dinners together.

Cross-Examination of Plaintiff Oksana Shemet Shaddock by Defendant

39. Plaintiff testified that within the last six months, Plaintiff and Defendant have discussed Plaintiff's ability to have a child, and that Plaintiff would like to have a child, in general, but not necessarily with Defendant.

40. Plaintiff testified that Defendant has closet space in Plaintiff's apartment.

41. Plaintiff testified that Defendant has been living in Plaintiff's apartment for awhile.

CONCLUSIONS OF LAW

D.C. Code states that "a divorce from the bonds of marriage may be granted if: (1) both parties to the marriage have mutually and voluntarily lived separate and apart without cohabitation for a period of six months next preceding the commencement of the action; or (2) both parties to the marriage have lived separate and apart without cohabitation for a period of one year next preceding the commencement of the action." D.C. Code § 16-904 (a) (2008).

In the instant case, Plaintiff Oksana Shemet Shaddock filed her complaint for absolute divorce based on the ground that the parties have lived continuously separate and apart from each other, without interruption, and without cohabitation (i.e. sexual relations), for a period of one year immediately preceding the filing of the complaint for absolute

divorce, beginning on August 26, 2006. However, at the March 13, 2009 hearing, Defendant testified credibly that the parties have had sexual relations with each other at various times since August 26, 2006, and that the parties continue to reside together as husband and wife and continue to have sexual relations with each other. Plaintiff testified that the parties have not had sexual relations with each other since August 26, 2006. However, Plaintiff further testified credibly that Defendant has some of his belongings at Plaintiff's home; that Defendant regularly sleeps on the couch in Plaintiff's home; that the parties have gone out to dinner with each other recently; that the parties traveled to Iowa together in October or November 2008; and that the parties attended President Barack Obama's Inauguration together.

This Court finds Defendant Frederick Shaddock's testimony to be more credible than Plaintiff Oksana Shemet Shaddock's testimony. This Court finds that the parties' separation has not been continuous, without interruption, and without sexual relations since August 26, 2006. Accordingly, this Court finds that Plaintiff Oksana Shemet Shaddock lacks proper grounds for an absolute divorce at this time.

ORDER

Upon consideration of the testimony, and the record herein, it is this 24th day of March 2009, hereby

ORDERED that Plaintiff Oksana Shemet Shaddock's Complaint for Absolute Divorce is hereby **DISMISSED without prejudice.** It is

FURTHER ORDERED that either Plaintiff or Defendant may file a new complaint for absolute divorce at a later time once there are proper grounds for an absolute divorce.

Fern Saddler

FERN FLANAGAN SADDLER
ASSOCIATE JUDGE

Copies to:

Robert Case Liotta, Esquire
Liotta, Dranitzke & Engel, LLP
1666 Connecticut Avenue, Northwest
Suite 250
Washington, D.C. 20009
Counsel for Plaintiff

Frederick Shaddock
Defendant

Superior Court of the District of Columbia
Family Court

Cross Reference Intake Form

Party	Name	Address	DOB[1]	SSN[2]	DLN[3]
Plaintiff/Petitioner[4]	Okrona Shaddock	490 M Sts, SW W400		481-27-8373	
Co-Plaintiff/Co-Petitioner					
Defendant/Respondent[5]	Frederick Shaddock	570 N St, SW W400		087-40-8343	
Co-Defendant/Co-Respondent					
Child					
Child					
Child					
Child					
Household Members					
Household Members					

1. What type of case are you filing today? _____
2. Do you have any other court cases in this court ? _____ If yes, please list the name, type and case number: _____
3. Do you have any other court cases in another court? _____ If yes, please list the name of the court, case, type and number: _____
4. Are you pro se (representing yourself)? _____ If yes, please visit the Family Court Self-Help Center in Room JM-570.

[1] Date of Birth
[2] Social Security Number
[3] Driver License Number
[4] The person that is filing the case is the plaintiff/petitioner.
[5] The person that the case is filed against is the defendant/respondent.

Disclaimer: This form will not be kept in the official court jacket. After your information has been entered into the system, this form will be destroyed.

Revised February 15, 2005

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE OR ANNULMENT

D– 108–

TYPE IN PERMANENT INK

COURT IDENTIFICATION (Court File Number)

FILE NUMBER

PINK—COURT COPY

YELLOW—STATISTICAL COPY

WHITE—VITAL RECORDS PERMANENT FILE

HUSBAND

HUSBAND—NAME FIRST	MIDDLE	LAST
1. Shaddock	Freddeerick	

USUAL RESIDENCE — STREET ADDRESS	CITY, TOWN OR LOCATION
2a. 510 N Ste, NW suite N32	2b. Washington, DC 20009

COUNTY	STATE	DATE OF BIRTH (Mo, Day, Yr)
2c.	3.	4. 10/07/1955

WIFE

WIFE—NAME FIRST	MIDDLE	LAST	MAIDEN NAME
5a. Oksana		Shaddock	5b. Shemet

USUAL RESIDENCE — STREET ADDRESS	CITY, TOWN OR LOCATION
6a. ~~#4~~ 490 M Street, NW 400 Washington DC, 20024	6b.

COUNTY	STATE	DATE OF BIRTH (Mo, Day, Yr)
6c.	7. DC	8. 02/13/2009

DATE OF THIS MARRIAGE (Mo, Day, Yr)	CHILDREN UNDER 18 IN THIS FAMILY (Specify)	PLANTIFF CHECK	HUSBAND	WIFE	BOTH	OTHER (Specify)
9. Jan. 17, 2001	10.	11.				

ATTORNEY FOR PLANTIFF—NAME (Type or Print)	ADDRESS OF ATTORNEY—STREET OR R.F.D. NO.	CITY OR TOWN	ZIP
12.	13.		

DECREE

THIS DECREE IS GRANTED ON (MONTH DAY YEAR.)
ONLY COURT RECORDS CAN INDICATE THE DATE ON WHICH A DECREE BECOMES FINAL.

14.

TYPE OF DECREE CHECK	DIVORCE	DISSOLUTION	ANNULMENT
15.			

TITLE OF COURT
16. SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

SIGNATURE OF CERTIFYING OFFICIAL
17.

TITLE OF OFFICIAL
18. CLERK OF THE COURT

INFORMATION FOR STATISTICAL PURPOSES ONLY

HUSBAND

RACE—HUSBAND Specify (e.g., White, Black, American Indian, etc.)	NUMBER OF THIS MARRIAGE Specify (First, second, etc.)
19.	20. 1

WIFE

RACE—WIFE Specify (e.g., White, Black, American Indian, etc.)	NUMBER OF THIS MARRIAGE Specify (First, second, etc.)
21	22. 1

DHS-1601 (7-97) THIS CERTIFICATE IS TO BE FILED WITH THE CLERK OF THE COURT WITH THE PETITION 97-0960 PM5

All for Nothing

Liotta's bill for $7212.15 to Oksana his "Cash Cow" since 2009

LIOTTA, DRANITZKE & ENGEL, LLP
ATTORNEYS AT LAW
1666 CONNECTICUT AVENUE, N.W.
SUITE 250
WASHINGTON D.C. 20009
202-797-7700

Oksana Shaddock
2861 Chain Bridge Road
Vienna, VA 22181

April 1, 2009

A/c 2147/ 1

Ref

Matter: Domestic Relations A/c 2147/ 1 Page 1

Date		Hours	Amount
Legal Services Rendered			
04/01/2009	March Legal Services	3.20	1,280.00
		Total Legal Services:	$ 1,280.00
Expenses, Advances, Payments Received			
	Brought Forward 02/01/2009		5,931.55
04/01/2009	Costs		30.60
		Sub-Total:	$ 5,962.15
		Balance Due	$ 7,242.15

LEGAL SERVICES: SHADDOCK-SHEMBET 2147/1

DATE	DESCRIPTION	HOURS
3/13/2009	CAP Motion to Dismiss	3.20
	TOTAL HOURS	**3.20**