IN THE IOWA DISTRICT COURT FOR JEFFERSON COUNTY

FREDERICK SHADDOCK, Petitioner, vs. OKSANA SHADDOCK, Respondent.	CAUSE NO. CDCV402015 TRANSCRIPT OF: PETITIONER'S REQUEST FOR STAY AWAY ORDER (SECOND REQUEST) October 7, 2024

The above-entitled matter came on for hearing before the Honorable Michael Carpenter, Judge of the Eighth Judicial District, commencing at 10:03 a.m., October 7, 2024, at the Jefferson County Courthouse in Fairfield, Iowa, with parties and counsel appearing in person or via Zoom videoconference.

A P P E A R A N C E S

FOR PETITIONER: Frederick Shaddock
Pro Se

FOR RESPONDENT: Joseph Pavelich (via Zoom)
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Oksana Shaddock, Respondent (via Zoom)

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P R O C E E D I N G S

(Hearing on the Petitioner's Request for Stay Away Order (Second Request) commenced at 10:03 a.m. on October 7, 2024, with all parties and the Court present.)

THE COURT: This is Jefferson County case number CDCV402015, In Re the Marriage of Frederick James Shaddock and Oksana Shemet Shaddock.

THE PETITIONER: Yes.

THE COURT: This is the date and time set for hearing on -- I guess it's captioned a motion for stay away order.

THE PETITIONER: Yes.

THE COURT: The petitioner, Frederick James Shaddock, is personally present and self-represented. Appearing remotely by Zoom is Respondent Osksana Shaddock with her attorney, Joseph Pavelich.

Mr. Shaddock, it's your motion.

THE PETITIONER: Okay. This is regarding the seventh time that we, my wife and I, have gone to the end of the divorce diving board, you know, backing off six times, but this time the impetus to take the plunge into the water is that she had made a false accusation to the police, which was dismissed. She had reached -- while I was driving around groceries, reached into the car, and this key chain (indicating), pulled it out while I was driving, and I

pulled it back, and she evidently scratched her finger on this little metal clip (indicating), and then when we got home, I went back to work, but she had -- she called the police to make a charge of domestic assault, and I was arrested, taken away from my home for several days while the stay away order was in force. I wasn't able to work on my computers, and so I don't want that to happen again.

I did submit some videos, and this is going on since 2001. I've never been convicted of any domestic assault in all these years of marriage despite a lot of nagging, we could say, and so it was dismissed. However, she's continued from several times, and I have them on recordings where she's going to --

MR. PAVELICH: Your Honor, I'm sorry. Can I interrupt for just a minute? I see another person on the call. I'm not sure who that is.

THE COURT: Is this a witness of yours, Mr. Shaddock?

THE PETITIONER: No.

THE COURT: Okay.

THE PETITIONER: Just a spectator.

THE COURT: Ma'am, are you the executor for that last hearing?

UNIDENTIFIED PERSON: (Nodding on video.)

THE COURT: You can go now. We took care of it.

(Unidentified person left the Zoom meeting.)

THE COURT: And, actually, let me interrupt you, Mr. Shaddock.

THE PETITIONER: Yes.

THE COURT: What is it you're asking the Court to do in this motion?

THE PETITIONER: Okay. Well, you know, Oksana and I have marital properties in Washington, D.C. and Fairfield, Iowa. The D.C. condo, luxury condo overlooking the Potomac River in one of America's most wonderful cities, and that's where she has spent most of the time in our marriage, and I've been in Fairfield, Iowa. I have a four-bedroom house. You know, the D.C. condo is worth about twice as much as the four-bedroom house in Iowa, strange as that may sound, but for most of the marriage, she's been there, and we've had a -- you know, we can get along very well from a thousand miles apart.

And, you know, when she comes to Fairfield, you know, there's often mayhem, which resulted in the last time she was here, police came to the house three times to answer some complaints, and it turned out to be non-emergencies. In fact, the police officers were angry that they were being called away from their duties helping us, from real crimes to handle some domestic argument at 806 North Fourth Street.

So I'm sick of it. My tenants are sick of it, and

when she comes out here, if I have tenants, which help me pay the mortgage, they move out. And, presently, there's a Ms. A, who's referred to as a witness, moved out. My tenant here, David Townsend, is -- actually, my grandmother was a Townsend, so we may be distantly related -- but he's a U.S. Army veteran with post-traumatic stress syndrome from the Vietnam War, and he's likened being with Oksana to being near an army drill sergeant the way she orders people around --

MR. PAVELICH: Your Honor, can I interrupt again and just ask that hearsay statements not be entered into the record here today?

THE PETITIONER: Well, he's here in the court today.

THE COURT: Well, I just asked you what is it you want me to order, so let's start with that. What is it you're trying to get the Court to order?

THE PETITIONER: Okay.

THE COURT: Because I'm not sure we're at the evidentiary portion yet.

THE PETITIONER: Right.

THE COURT: Let's start with what are -- what are we talking about here.

THE PETITIONER: Well, for one thing, she's not paying anything for the expenses while costing me money in

lost tenants. I think it would be good for her too, since the marriage is obviously on the rocks, to start meeting the, you know, wonderful men in Washington, D.C. Often government employees, they make over a hundred thousand dollars. They have generous pensions, big houses. There's many services that can help her to meet another husband, DC Matchmaking --

THE COURT: So you're asking her to meet another man and get married? I can't order that. What is it you want me to order?

THE PETITIONER: To be in a place where she could move on and, you know, let me also move on. To restore order in the house here in Fairfield, so that Mr. Townsend can live in peace. His doctor has told him to be in a peaceful environment, and Oksana turns on the light and yells while he's trying to sleep, and he can testify to that. But to restore a peaceful environment at the house since the divorce hearing is going to be January 30 and, in all likelihood, she would be awarded the, you know, $300,000 condo, and I would be happy with the hundred thousand or so house in Fairfield. And at that time, you know, we --

THE COURT: So let me just interrupt again. So you're asking her to stay away from the Fairfield house? Is that the gist of it?

THE PETITIONER: Right. You know, start to get in

motion, you know, meet someone for the holidays, Christmas and New Year's, and so she will stop, you know, focusing on -- she's evidently crazy about me, me. Now, that's really crazy, to be crazy about me, and I think that she can do much better to find someone who will, you know, give no reason to nag at and no reason to call 911 with some trumped-up, self-inflicted bogus charge, wasting the police's time.

And she hasn't been punished for making that false charge, but I've been punished. She also spread around Fairfield that I did a domestic assault, and I've noticed that, you know, some woman who would say "hi" to me, you know, look the other way. And so it would be really great if she would just stay in Washington, D.C. where she is, you know, good jobs, and we can have peace and avoid any non-emergency calls to 911 again.

THE COURT: And so the reason is because when she comes, there's fussing and fighting, and it --

THE PETITIONER: Yeah.

THE COURT: -- annoys your tenants and disturbs their peace. Is that the gist of it?

THE PETITIONER: Yeah.

THE COURT: Anything -- are there any -- is there a no contact order in place, anything like that?

THE PETITIONER: No, no.

THE COURT: Okay. All right.

Mr. Pavelich?

MR. PAVELICH: Thank you, Your Honor.

This is the second time we've been here for a similar order, and both times there's been no allegations of physical assault. Both parties own a home together. They have in the past periodically lived in that home together. I believe that my client has a right to be in the home when she needs to be. I believe that she has an obligation as part of the marital dissolution process to make sure the house is cared for and in good repair, and I don't believe there's any reason at this point or any authority for the Court to order her to stay out of the marital home.

THE COURT: All right.

Yes, Mr. Shaddock?

THE PETITIONER: I've got something as well. When she's in Fairfield, she's also snooped through my papers, including my divorce papers. There's many divorce papers from seven divorce hearings. And I was missing my passport (indicating), and she had gone to my office in the basement and hidden my passport, and I had to apply for a new one, which cost me $130, plus $40 for the Jefferson County Recorder, and I'm missing my birth certificate too, so I would like her to stay from away from my belongings.

Another point is if I try to go to Washington,

D.C. to the condo, she has told Harbour Square Management that I'm not allowed there. So fair is fair. If I can't go to my own marital D.C. condo, she should not be able to go to the marital Iowa house. Now, whether they would enforce that or not, you know -- but, anyway, she's trying to have it both ways.

THE COURT: I think the problem, Mr. Shaddock, is that Mr. Pavelich is right. When there's physical assault, the Court can enter protective orders. That can involve, incidentally, possession of a residence, but generally during a divorce, which involves conflict and fussing and fighting and snooping and all of those things, we don't have authority to give the temporary physical custody of real estate to one party or the other. So I don't know that I can give you the relief you ask for under these circumstances.

Anything additional you want me to know? But that's where I'm leaning on this. I don't think I have legal authority to give you what you want under these circumstances.

THE PETITIONER: I would say, you know, if David could speak how he's undergoing increased stress with Oksana's presence, and his caregiver -- Ms. A, I'll refer to her as, because she doesn't really want to get involved in the court matters -- but for her to be in the house, she

won't as long as Oksana's there, bossing her around.

THE COURT: I'll take it as -- I mean, assuming that every tenant in your house will testify that it's stressful and it's disruptive, it doesn't change the fact that I don't have the legal authority to grant you what you're asking for under these circumstances. So I'm going to deny the motion.

Anything additional that we need to bring up at this time? Mr. Shaddock?

THE PETITIONER: Well, then I should be able to go to the D.C. condo, and so -- that's in a different jurisdiction, but, you know -- it's just not fair.

THE COURT: Yeah. I'm not going to enter an order that would keep you away from the D.C. condo, so you're correct about that.

Mr. Pavelich, anything additional?

MR. PAVELICH: Your Honor, in our resistance we'd asked for compensation for attorney fees, having to go through this more than once for basically the same facts and circumstances, so we would renew that request for Mr. Shaddock to pay a portion of my client's attorney fees for this response.

THE PETITIONER: I would offer resistance to that. She's -- you know, if she took the money that she's spending on attorneys to hire a marital and a relationship coach in

D.C., she would be a lot better off. And, you know, they have nice offices on K Street, and evidently they help a lot of people, and I wish that for Oksana. She's a wonderful woman, beautiful as you can see, and I think she would be much happier with another husband. So I think it's in her interests to start to open her awareness to all possibilities for marital happiness. So...

THE COURT: Well, be that as it may, I mean, it's not the job of the Court to enter such orders for those sorts of reasons. I mean, Mr. Pavelich is correct. This is the second time this motion has been filed. It's going to be the second time it's denied. I'm not going to order the attorney fees at this time, but I am going to admonish you that, you know, you're asking for something the Court can't give you, and if you persist in doing -- asking for the same thing over and over again, you know, then it will justify some attorney fees.

So I'm not going to order it at this time, but again, I'm going to -- in my order of dismissal, I'm going to note that, you know, the stay away motion, it's not going anywhere. So...

All right?

THE PETITIONER: You know, what made this more urgent was the arrival of David Townsend and his medical needs, who will not, you know, be able to be in a restful

environment, and a caregiver who could be very conveniently in the same house, doesn't want to live at the house due to Oksana, so that made it an urgent situation.

THE COURT: All right.

THE PETITIONER: And the goal to prevent any more non-emergency calls to the police. You know, Chief Thomas said this is getting a little ridiculous. Every time Oksana comes out here, they have to come to the house for non-emergency reasons, so I would ask --

THE COURT: I appreciate that, and I understand.

THE PETITIONER: -- that she not threaten to get the tenants out or make them leave or call the police on them. That would be appreciated. She understands that actually that there is an Iowa code against calling the police for non-emergency matters.

THE COURT: Yeah. That's -- the applicability of that is for, you know, the State of Iowa and the police rather than this divorce proceeding, but I understand what you're saying.

All right. Well, I appreciate you being here --

THE PETITIONER: Thank you, Your Honor.

THE COURT: -- Mr. Pavelich, you and your client appearing remotely. We're off the record. Thank you.

(The record was closed at 10:20 a.m. on October 7, 2024.)

CERTIFICATE OF COURT REPORTER

I, Elizabeth R. Ostrem, Official Shorthand Reporter of the State of Iowa, do hereby certify that I did report the foregoing proceedings at the time, date, and place hereinbefore indicated to the best of my ability and that the transcript is a true record of the proceedings.

I further certify the transcript is correct to the best of my ability to understand what was said by any party who appeared via teleconference or videoconference rather than in person with the reporter.

I further certify that I am neither attorney or counsel for, nor related to or employed by any of the parties to the action in which these proceedings were reported, and further that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated this 21st day of November, 2024.

/s/ Elizabeth R. Ostrem

Elizabeth R. Ostrem, CSR, RPR
Official Shorthand Reporter, State of Iowa