

ORIGINAL

20060136

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

RECEIVED BY CLERK
SUPREME COURT JUL 12 2006

John Daniel Lawrence, aka
Dan Lawrence

Plaintiff and Appellant,

FILED
IN THE OFFICE OF THE
CLERK OF SUPREME COURT

vs.

Appellee's Brief

JUL 10 2006

Tina Lucille Delkamp

Case No 20060136

STATE OF NORTH DAKOTA

Defendant and Appellee

Appeal from December 28th, Demand for a change in
Judge,
January, 27, 2006, Order on motion for contempt and to
amend judgement,
March 3 2006, Order denying relief from Order, April 12,
2006 Order denying
motion to amend order,

District Court of Burleigh County, North Dakota
South Central Judicial District
Case No. 92-R-01316

The Judge Honorable Bruce A. Romanick Presiding

Tina Delkamp
Defending myself
612 Silver Maple Dr.
Harrisonville, MO 64701
Phone: (816) 884-3056

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I. Statement of Issues

1. Whether the trial court erred in denying the demand for change of judge?

2. Whether the trial court erred in the Order on Motion for Contempt and to Amend

Judgement?

3. Whether the trial court erred in Denying Relief from Order?

4. Whether the trial court erred in Denying Motion to Amend Order?

II. Statement of case

A. Nature of the case.

This is a post-judgement proceeding in a paternity action. Lawrence appeals

from orders and judgements that awarded Delkamp to claim Rylan on her income taxes

and to allow Delkamp to pay for medical bills that Lawrence refuses to pay and award fees

and costs to Delkamp based on a finding the motion was frivolous.

B. Course of Proceedings.

Mr. Lawrence has not paid for medical bills for 12 years. In June of 2005 I

filed a motion to make Mr. Lawrence abide by the 1999 order where it

states that Mr. Lawrence is to pay half of the medical bills. See page .

Judge Romanick ruled in my favor. In September 2005, Mr. Lawrence once

again refused to pay his portion of Rylan's eyeglass exam and glasses. In

November I filed a motion to make him pay his half of the medical bills. In

December, Mr. Lawrence filed a motion to change Judge it was denied. In

January Judge Romanick ruled on the motion. Mr. Lawrence wanted oral

arguments. The error was corrected and a February 28, 2006 court date

was set. On the morning of the 28th Mr. Lawrence cancelled. In March the

judge denied a motion to allow oral arguments. At the end of March Mr.

Lawrence's attorney filed a motion to amend order and in April 2006 Judge

Romanick denied the motion. In May Mr. Lawrence files an appeal.

C. Statement of Facts.

This is the fourth time Mr. Lawrence has brought an appeal to the Supreme Court.

Mr. Lawrence refuses to pay his portion of Rylan's medical bills. I have to bring motions to

get him to pay for it. In June of 2005, his excuse was that I did not submit the bills to the

insurance. In September I found out that Mr. Lawrence lied in his affidavit about having

Vision insurance. Mr. Lawrence used it for an excuse not to have to pay. In

September I sent Mr. Lawrence and his attorney another bill for glasses and an eye exam

Mr. Lawrence refused to pay a \$ 52.00 bill. I filed a motion to ask that I claim Rylan on my

income taxes and I will pay for all the medical bills that are not covered by insurance.

Mr. Lawrence than claimed Wal-mart was frauding him.

With the latest order in place it will illiminate Mr. Lawrence from creating any more conflict

and illiminate me from having to file anymore motions over doctor bills.

III. Law and Arguments

A. The trial court did not err in denying the motion for a change in judge.

Mr. Lawrence asked for a change in judge. Change of Judge was

denied under NDCC 29-15-21 (3). Judge Romanick ruled on this matter in July 2005

see pages 6-8. on page 11 Judge Romanick states ***should the issue of medical bills***

continue the court will consider such a request to allow me to claim Rylan on my

income taxes.

Giese v. Giese, 2002 ND 194, 653 N.W.2d 663, this court stated:

{5} The relevant statutory language is found under N.D.C.C. 29-15-21:

1. Subject to the provisions of this section, any party to a civil or criminal

action or proceeding pending in the district court may obtain a change of the

judge before whom the trial or any proceeding with respect there to is to be

heard by filing with the clerk of the court in which the action or proceeding is

pending a written demand for change of judge.

3. . . in any event, no demand for a change of judge may be made after the

judge sought to be disqualified has ruled upon

any;matter pertaining to the
action or proceeding in which the demanding party
was heard or had an
opportunity to be heard. Any proceeding to modify an
order for alimony,
property,division,or child support pursuant to section
14-05-24 or an order
for child custody pursuant to section 14-05-22 must
be considered a proceeding
seperate from the original action and the fact that the
judge sought to be dis-
qualified made any ruling in the original action does
not bar a demand for a
change of judge.

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

John Daniel Lawrence,)
)
 Plaintiff,)
)
 vs.)
)
 Tina Lucille Delkamp,)
)
 Defendant.)

DEMAND FOR CHANGE OF JUDGE

Civil No. 92-R-1316

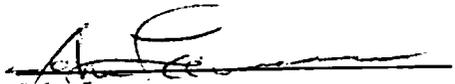
Comes now the Plaintiff John Lawrence, and hereby demands that the Honorable Bruce A. Romanick be disqualified from hearing the above referenced proceeding.

This demand is filed in good faith and not for the purposes of delay.

The Honorable Bruce A. Romanick has not ruled upon any matter pertaining to the action or proceeding in which the moving party was heard or had an opportunity to be heard.

This demand is filed not later than ten days from the date of the notice of assignment or reassignment of a judge for trial of the case; the date of notice that a trial has been scheduled; or the date of service of any ex parte order in the case signed by the judge against whom the demand is filed.

DATED this 7 day of December, 2005.



John Lawrence

DATED this 28 day of December, 2005.



Loren McCray, Notary Public
State of North Dakota
My Commission expires: 11-19-08

7

ORDER

Mr. Loren McCray
Attorney at Law
Box 2732
Bismarck, ND 58502

Ms. Tina Delkamp
1701 S. Main St.
Harrisonville, MO 64701-3129

Re: John Daniel Lawrence vs. Tina Lucille Delkamp
Burleigh Case No. 92-R-1316

Dear Counsel:

A Demand for Change of Judge has been filed with the County/District Court, South Central Judicial District, against the Honorable BRUCE A. ROMANICK.

The following action has been taken:

_____ The Demand for Change of Judge is Granted.

_____ Pursuant to case management procedures of this district, the case is not being assigned at this time. No further hearings in this case will be set before the disqualified judge.

_____ Pursuant to AR-2 the Honorable _____ is assigned to act in this case.

✓ _____ The Demand for Change of Judge is Denied. *NDCC 29-15-21(3)*

Comments: *Assigned Judge Ruled upon Contempt Proceedings 7/29/05*

Section 29-15-21 of the NDCC does not allow a Change of Judge in a Juvenile matter.

Dated this *30* day of DECEMBER, 2005

BY THE COURT:

[Signature]

Judge, District Court

c: Clerk of Court
Assigned Judge
Disqualified Judge

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

Case No. 08-92-R-1316

John Daniel Lawrence, aka Dan
Lawrence,

Plaintiff,

vs.

Tina Lucille Delkamp,

Defendant.

**Order on Motion for
Contempt and to Amend
Judgment**

Defendant (Delkamp) brings a motion for contempt and to modify the Amended Judgment. Plaintiff (Lawrence) resists and requests an order of contempt. Both parties file their motions as 3.2 without requesting a hearing.

This action has been before this Court on numerous motions and now it appears a motion to change custody has been filed in Missouri where Delkamp and the child of the relationship reside.

Medical expense issue:

Delkamp requests Lawrence be held in contempt for failure to pay his half share of medical expenses as ordered in the Third Amended Judgment dated November 24, 1999. Delkamp provides copies of statements and letters sent to Lawrence trying to collect these amounts. Delkamp further provides Lawrence has refused to communicate with dentists regarding braces for the child. Lawrence resists the request for contempt stating Delkamp must send copies to his insurance and the bills will be paid.

The Court is aware that insurance will cover most items and may not cover

others due to the type of the expense and the fact the insurance may not have coverage in the given state. The problem the Court sees is the parties do not attempt to cooperate with each other and Lawrence can easily just not pay forcing Delkamp to try and collect after the fact.

The Court finds Delkamp has attempted to use insurance where available as noted in the attachment number 7 showing an insurance payment. Lawrence has simply elected not to pay or make it so difficult to collect the money that Delkamp will forgo attempts to receive the funds.

Lawrence is found in contempt of the 3rd Amended Judgment and is ordered to serve 60 days in the Burleigh County Detention Center. The sentence shall begin on August 1, 2005 at 0800 Central Time. Lawrence may purge this sentence by providing proof to the Court of the payment of \$1945.84 prior to August 1, 2005, (Lawrence can also provide proof a payment plan has been arranged for the braces with the Jo E. Hansen office regarding the \$1815).

Domestic Violence Treatment Program:

Delkamp argues Lawrence has not completed this program and should be held in contempt. Lawrence argues the order for treatment was a prerequisite to visitation being restarted. The Court does not find Lawrence in contempt as the program was ordered as a prerequisite to visitation and not simply ordered.

Amend Child Support Amount:

Delkamp states she contacted the regional child support enforcement unit and was told Lawrence should have to pay at an increased amount. Delkamp did not provide any pay stubs or tax returns to verify this argument. Delkamp has failed to prove the need for an increase and the request is denied.

Change of Tax Exemption:

Delkamp requests the tax exemption for the child be changed from Lawrence to Delkamp as he refuses to pay his share of medical expenses. Obviously, should the issue of medical payments continue the Court will consider such a request, but at this time there does not appear to be sufficient reason to make that change. Delkamp is ordered to provide any and all appropriate documentation to allow Lawrence to claim the tax exemption.

Cross contempt request:

The Court does not find sufficient evidence to grant Lawrence's motion for contempt. Further no attorneys fees are ordered.

Dated July 19, 2005.

BY THE COURT:



Bruce A. Romanick
District Judge

B. The trial court did not err in allowing me to claim Rylan (son) on my taxes and

to allow me to pay for the medical bills, denying relief from order and order

denying motion to amend order.

1. Mr. Lawrence threatened to financially ruin me if he had to pay a dime of child support.

Mr. Lawrence is obsessed against having to pay support. He is following through with the

threat to pursue litigation until I can no longer afford counsel and so he can win by default.

I no longer can afford an attorney for the ND litigations, because Mr. Lawrence has started

litigations in MO, which is the same issues that ND has heard over and over again.

I no longer will have to bring motions to get Mr. Lawrence to pay his medical bills. I will

pay for the medical bills and claim Rylan on my taxes and that will eliminate any more

conflict that Mr. Lawrence seems to love.

I was not in contempt when I did not supply the tax document I was court ordered to have

the document to him by February 14th of each year. This motion was filed in November of

2005. The money order he claims I owe was heard in the July 2005 motion.

Mr. Lawrence is barred by the doctrines of res judicata and/or collateral estoppel from

raising any issues that were resolved or could have been resolved in the proceedings in

this action.

2. Motion for relief from order and Motion to amend order

1. Mr. Lawrence should not have relief from the order dated March 3rd, 2006

page 25. There was a hearing set for February 28, 2006. see page 27. Mr Lawrence and

his attorney were aware of the court date, because it was his attorney that sent me the

notice. It was Mr. Lawrence that **cancelled** the hearing that morning. I called the courts at

1:30 that afternoon and was informed that he cancelled.

2. Mr. Lawrence also is contending that Wal-mart frauded him. the receipt that he

claims is fraudulent was heard in the July 2005 hearing. see page 35. Mr. Lawrence is

barred by the doctrines of res judicata and/or collateral estoppel from raising any issues

that were resolved or could have been resolved in the proceedings in this action.

See *Dvorak v. Dvorak*. (a trial court may decline to consider arguments or

evidence raised for the first time in a motion to reconsider when the arguments and

evidence could have been raised in earlier proceedings). See also page 34. notice of

Subpoena Duces Tecum. Mr. Lawrence was court ordered to pay this bill in July 2005.

He did not once at any time during those proceedings bring up the fraudulent excuse.

3. The motion to amend order should be denied, because

the order was signed

on March 3rd. See pages 25-26. Mr. Lawrence's attorney waited until March 21, 2006 to

file the motion to amend order. That is more than 10 days that is allowed under Rule 3.2

of the North Dakota rules of court. See pages 31-32.

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH COUNTY

John Daniel Lawrence
Plaintiff

Civil No. 92-R-1316

Vs
Tina Lucille Delkamp

Defendant

BRIEF IN MOTION TO FIND MR. LAWRENCE IN CONTEMPT FOR FAILURE TO FOLLOWING A COURT ORDER, AMEND TAX EXEMPTION FOR RYLAN, ORDER MR. LAWRENCE TO PAY FOR HIS PORTION OF RYLAN'S MEDICAL BILLS.

Mr. Lawrence has not paid for his portion of Rylan's eye exam and glasses from September 18 2005. His portion \$50.32. Letter sent to him in September and again in November when I wrote the courts. There is a Court order from November 24 1999 stating that he pay for half of all medical bills after insurance. I checked with Blue cross and Blue shield and he does not have vision insurance like he indicated in earlier court documents. Reference 1

Mr. Lawrence should be found in contempt for not paying his medical bills. This is the second time this year I have to bring a motion. (Court order from July 19 2005). This time he should spend time in jail and pay me \$500 dollars for damages. Mr. Lawrence has total disrespect for the courts and clearly by his actions he has no consideration for Rylan's well being. He needs to be held accountable for not following court orders.

I am asking to claim Rylan on my income taxes starting with this year. I will pay for Rylan's medical bills and start claiming him on my taxes. This way I will not have to keep bringing motions. It is clear to me that Mr. Lawrence has no intentions of following court orders and he should not have the luxury to keep claiming Rylan. Mr. Lawrence has gone 12 years without ever paying a dime for Rylan's medical bills. Mr. Lawrence is clearly capable of paying these bills.

I am asking that this motion be considered with out a hearing.

Cc: Mr. Lawrence

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

John Daniel Lawrence,)
)
 Plaintiff,)
)
 vs.)
)
 Tina Lucille Delkamp,)
)
 Defendant.)

**RETURN TO MOTION FOR
CONTEMPT, RETURN TO MOTION
TO AMEND JUDGMENT, MOTION
FOR CONTEMPT AND SUPPORTING
BRIEF**

Civil No. 92-R-1316

Comes now the Plaintiff, John Lawrence, by and through his attorney, Loren McCray, and hereby moves the court to deny Ms. Delkamp's motion. Mr. Lawrence further requests that the Court hold the Defendant in contempt for failure to comply with the most recent court order and requests his attorney fees in the amount of \$250.

DELKAMP'S CONTEMPT MOTION

Tina Delkamp asks the Court to hold Mr. Lawrence in contempt for failing to pay for eye glasses. These are the third eye glasses that she has asked him to pay for in less than two years. However, Mr. Lawrence sent a copy of the Amended Judgment allowing him access to any medical records. Wal-Mart has refused to disclose any records at Ms. Delkamp's request. Lawrence suspects that the request for payment for eye glasses is fraudulent as Ms. Delkamp works there.

LAWRENCE'S CONTEMPT MOTION

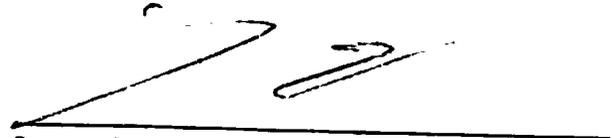
Mr. Lawrence asks that the Defendant be held in contempt for continuing to refuse to provide tax information. Specifically, she was ordered in the court July 19, 2005, order to provide necessary tax documentation in accordance with the June 6, 1996 Judgment. She has failed to comply.

Mr. Lawrence requests his attorneys fees in the amount of \$250 for having to respond to the Defendant's motion and for having to bring his own motion for her failure to follow the Court's

directives.

This return to motion is based upon the Affidavit of John Lawrence, and all the records, files and proceedings in this matter to date.

Dated this 25th day of December, 2005.



Loren McCray (ID #05174)
Attorney at Law
P.O. Box 2732
Bismarck, ND 58502-2732
(701) 223-9929

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

John Daniel Lawrence,)
)
 Plaintiff,)
)
 vs.)
)
 Tina Lucille Delkamp,)
)
 Defendant.)

AFFIDAVIT OF JOHN DANIEL LAWRENCE

Civil No. 92-R-1316

I, John Daniel Lawrence, being first dully sworn, hereby depose and state:

1.

I make this affidavit on my own personal knowledge, information and belief.

2.

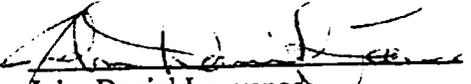
This is the third pair of glasses that Tina Delkamp claims she has is purchasing for Rylan in the last two years. It has been two years. I tried to confirm that the glasses were for him by contacting Wal-Mart in Arkansas and sending a copy of the June 6th Amended Judgment that provides me access to Rylan's medical records. They informed me they still won't release any information to me because Tina will not allow it. They also informed me that Tina is entitled to a discount because for being a Wal-Mart employee. There is no indication of this that on the receipt that she sent to my attorney rather than me.

3.

The Court's Order of July 19, 2005, again mandated that Tina provide any and all appropriate documents to allow me to claim the tax exemption. She has refused to do so and I ask that she be found in contemp for her refusal. Further, I ask for reimbursement for the money order she cashed in the amount of \$292.50 pursuant to a February 2, 2000, Order for her transportation expenses for

visitation which she did not follow through with..

Dated this 28 day of December, 2005.


John Daniel Lawrence

Subscribed and sworn to before me this 28 day of December, 2005.



Loren McCray, Notary Public
State of North Dakota
My commission expires: 11-19-08

John Daniel Lawrence
VS
Tina Delkamp

Case No.92-R-1316

Answers to Mr. Lawrence's allegations.

1. There is no fraud as far as Rylan's glasses go. Rylan gets his eyes checked once a year as recommended by the eye doctor. Rylan had to have a second pair before his next eye exam, because the glasses became too small. He had his regular eye exam in September because wal-mart allows a 20% discount in August and September of every year. There is nothing in the court order that states that Rylan is only allowed 1 pair of glasses a year. He needed them and any parent that cared about the well being of their child would have purchased another pair.

I never told Wal-mart not to disclose Rylan's medical records. Mr. Lawrence knows that if he wants Rylan's medical records all he has to do is show the court order, which is what Mr. Lawrence has done in the past. Talking with the vision center they said Mr. Lawrence has never requested the records. If you have any question you can contact them by phone. She would not write a letter.

For the record I do not work at the Harrisonville store where Rylan gets his eye exams.

This is just one more excuse that Mr. Lawrence is using to avoid having to pay his portion of the medical bills. In the court records from July his excuse for not paying was that I did not submit a claim to his insurance company. Mr. Lawrence lied in his affidavit. He claimed that he had vision insurance. I called blue cross and blue shield in September and Mr. Lawrence does not have vision insurance.

Reference 1 show Rylan's eye exam and the 20% discount. It also shows whom the bill was for. The other receipt that was sent to Mr. Lawrence shows whom the glasses were for also.

The tax information is not due until the middle of February, so I cannot be held in contempt for something that has not occurred yet. Mr. Lawrence needs to reread his court order. It's just another excuse not to pay his bills.

I should not have to pay for Mr. Lawrence's attorney fees, he is the one that refuses to follow court orders and continues to have total disregard for his own son's well being. His behavior not mine is and continues to cause issues. If he would pay his medical bills I would not have to keep bringing a motion. I am now asking that I claim Rylan on my taxes and I will pay for Rylan's medical bills and have Mr. Lawrence continue the

insurance. This will eliminate any more motions.

The money order he is talking about has already been decided on in the July's motion and cannot be decided on again. The visit did take place, but at a later date.

If this needs to be decide on in oral arguments I am asking for a telephone conference or if I have to be there in person I am asking for him to pay my expenses up there since it is Mr. Lawrence's behavior that continues these motions to be filed. \$300.00 for expenses.

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT
Case No. 08-92-R-1316

John Daniel Lawrence, aka Dan
Lawrence,

Plaintiff,

vs.

Tina Lucille Delkamp,

Defendant.

**Order on Motion for
Contempt and to Amend
Judgment**

Defendant (Delkamp) brings a motion for contempt and to modify the Amended Judgment. Plaintiff (Lawrence) resists and requests an order of contempt. Both parties file their motions as 3.2 without requesting a hearing.

This action has been before this Court on numerous motions and the Court issued a contempt order in July of 2005 regarding the same issue of paying portions of the child's medical expenses.

Delkamp requests that along with the contempt that the judgment be amended to allow Delkamp to claim the child for income tax purposes and that Delkamp be responsible for all uncovered medical expenses of the child.

Lawrence denies the contempt request and requests Delkamp be held in contempt for not providing the necessary tax paperwork for Lawrence to claim the child for tax purposes.

Medical expense issue:

Delkamp requests Lawrence be held in contempt for failure to pay his half share of medical expenses as ordered in the Third Amended Judgment dated

November 24, 1999. Delkamp provided copies of a statement for glasses from Walmart for the child. Lawrence in his affidavit claims this is the third pair of glasses in two years and that Delkamp works at Walmart so the claim is fraudulent. Delkamp provides receipts for the glasses as proof of the purchase.

The Court finds Lawrence in **contempt** of the Courts Order. This is the second time this type of matter has forced a party to file a contempt motion to pay amounts for the benefit of the child in this matter in less than a year. This is also the second time this Court has found Lawrence in contempt of the Courts Order. The Court as stated in its July, 2005, Order for contempt will now consider the request by Delkamp to amend the judgment to allow Delkamp to pay all uncovered medical expenses and in return be allowed to claim the child for income tax purposes.

The continued filing of such contempt motions regarding payment of expenses for the benefit of the child are detrimental to the child. Services for the child can be delayed due to the controversies and result in a negative impact on the child. Stress is obviously created between the parties when contempt motions are required to get the other party to comply with the Court's order. The Court in its prior contempt order indicated it may consider the tax exemption in the future should payment issues continue and from this motion it is obvious the issues have continued. In the best interests of the child it appears that contact between Delkamp and Lawrence should be kept to a minimum and this can further be accomplished by amending the judgment so the parties do not have to contact each other for payment of expenses for the benefit of the child.

Change of Tax Exemption and Uncovered Medical Expenses:

The Judgment shall be amended to indicate Delkamp shall pay all uncovered

medical expenses and that Delkamp shall be allowed to claim the child for income tax purposes starting with the 2005 tax year to compensate for the requirement to pay all uncovered medical expenses of the child.

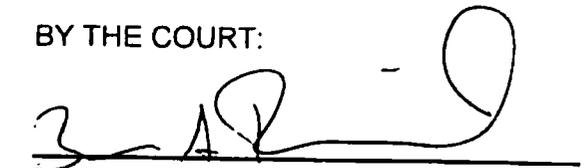
Cross contempt request:

The Court does not find sufficient evidence to grant Lawrence's motion for contempt as the time to forward tax documentation had not expired and further the matter is no longer at issue as Delkamp is to claim the child for tax purposes.

Further no attorneys fees are ordered.

Dated January 27, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Bruce A. Romanick", written over a horizontal line.

Bruce A. Romanick
District Judge

xc: Delkamp
McCray

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

Case No. 08-92-R-1316

John Daniel Lawrence, aka Dan
Lawrence,

Plaintiff,

vs.

Tina Lucille Delkamp,

Defendant.

**Order Denying Relief from
Order**

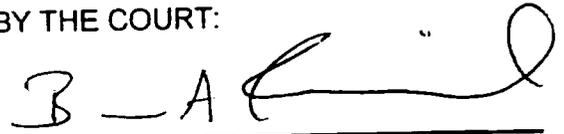
Plaintiff, John Lawrence, (Lawrence) moves for relief from an Order of the Court filed January 27, 2006. The basis of the request is Defendant (Delkamp) filed a 3.2 motion for contempt on December 19, 2005, and did not request a hearing. Lawrence filed a response 3.2 motion on December 29, 2005, and at the end of the request for the 3.2 motion requested a hearing. The Court on review of the file notes the 3.2 motions and did not note the request for a hearing in the body of the motion by Lawrence. On January 27, 2006, the Court files an Order on the motions without a hearing. On January 30, 2006, a notice of hearing is filed, with a hearing set before the Court on February 28, 2006. The Court was unaware at the time the Order was issued that a hearing had been requested. On February 15, 2006, Lawrence files a motion for relief from the January 27, 2006 Order.

The Court did not act on the request and was prepared for the hearing to rule on the request and the motions of the parties anew if different information came to light. Shortly before the hearing on set for February 28, 2006, counsel for Lawrence contacted the clerk of court and cancelled the hearing.

As the hearing was cancelled by Lawrence the Court denies the motion for relief and the Order of January 27, 2006, stands.

Dated March 3, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B - A Romanick", written over a horizontal line.

Bruce A. Romanick
District Judge

xc: McCray
Delkamp

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

John Daniel Lawrence,)
)
 Plaintiff,)
)
 vs.)
)
 Tina Lucille Delkamp,)
)
 Defendant.)

NOTICE OF HEARING

Civil No. 92-R-1316

Please take notice that the hearing to Amend Judgment will be on **February 28, 2006**, at **1:30 p.m. (CT)**, before the **Honorable Bruce A. Romanick**, at the **Morton County Courthouse** in **Mandan, North Dakota**.

Dated this 27th day of January, 2006.



Loren McCray (ID #05174)
 Attorney at Law
 P.O. Box 2732
 Bismarck, ND 58502-2732
 (701) 223-9929

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

John Daniel Lawrence)
)
 Plaintiff,)
)
 vs.)
)
 Tina Lucille Delkamp,)
)
 Defendant.)

MOTION FOR RELIEF FROM ORDER

Case No. 08-92-R-1316

Comes now the Plaintiff, John Daniel Lawrence, by and through his attorney, Loren McCray, and hereby moves the Court for relief from the order dated January 27, 2006, on the basis that Lawrence requested a hearing on both his and the Defendant's motions at the time he filed his return and motion. A hearing for Tuesday, February 28, 2006, was already scheduled at the time the Court's order was signed. The request for hearing is contained in the Rule 3.2 Notice of Motion as well as the letter enclosing the documents to the clerk.

Wherefore, the Plaintiff Dan Lawrence requests that the Court grant his motion for relief.

Dated this 16th day of February, 2006.

Loren McCray (ID #05174)
 Attorney at Law
 P.O. Box 2732
 Bismarck, ND 58502-2732
 (701) 223-9929

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

John Daniel Lawrence,)

Plaintiff,)

vs.)

Tina Lucille Delkamp,)

Defendant.)

MOTION TO AMEND ORDER

Case No. 08-92-R-1316

Comes now the Plaintiff, John Lawrence, by and through his attorney, Loren McCray, and hereby moves the Court to Amend its Order dated March 3, 2006. The motion is made under Rule 59(j) of the North Dakota Rules of Civil Procedure and is made upon the following grounds:

1. The hearing on the Defendant’s Motion for Contempt scheduled for February 28, 2006 was cancelled because the Court already granted an Order dated January 27, 2006 granting the Defendant’s Motion. The Motion for Relief from Order was made on February 14, 2006. The Court did not rule on the Motion for Relief from the Order until March 3, 2006. Therefore, there was nothing on which to have a hearing on February 28th and absolutely no basis to compel Delkamp to travel from Missouri to North Dakota for a hearing.
2. The Court’s Order in this matter may be related to completely separating the parties so they have no further dealing with each other. However, the parties are not separated as there are ongoing proceedings in Missouri concerning custody of the minor child. The Missouri Court’s have allowed unsupervised visitation with the minor child and a Guardian Ad Litem is assigned to the case. A copy of the Notice of Entry of Order appointing the guardian ad litem is attached.
3. Mr. Lawrence requested a hearing is because of information from Wal-Mart that Tina

Delkamp based her Motion for Contempt on falsified receipts.

This case has had a long and acrimonious history. The Plaintiff, John Lawrence is just asking for his day in Court to explain his side of the issue.

Wherefore, the Plaintiff asks that the Court grant his motion.

Dated this 21st day of March, 2006.



Loren McCray (ID #05174)
Attorney at Law
P.O. Box 2732
Bismarck, ND 58502-2732
(701) 223-9929

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

John Daniel Lawrence,)
)
 Plaintiff,)
)
 vs.)
)
 Tina Lucille Delkamp,)
)
 Defendant.)

NOTICE OF RULE 3.2 MOTION

Civil No. 92-R-1316

NOTICE IS GIVEN: the undersigned brings the attached Motion under Rule 3.2 of the North Dakota Rules of Court, which provides in part:

Upon serving and filing a motion, the moving party shall serve and file a brief and other supporting papers and the adverse party shall have 10 days after service of the brief within which to serve and file an answer brief and other supporting papers. Upon the filing of briefs, or upon expiration of the time for filing, the motion is deemed submitted to the Court unless counsel for any party requests oral argument on the motion. If any party who has timely served and filed a brief requests oral argument, the request must be granted. A timely request for oral argument must be granted even if the movant has previously served notice indicating that the motion is to be decided on briefs. The party requesting oral argument shall secure a time for the argument and serve notice upon all other parties. The court may hear oral argument on any motion by telephone conference. The court may require oral argument and may allow or testimony on the matter. Requests for oral argument or the taking of testimony must be made not later than 5 days after expiration of the time for filing briefs.

Failure to file a brief by moving party is an admission that, in the opinion of counsel, the motion is without merit. Failure to file a brief by the adverse party is an admission that, in the

opinion of counsel, the motion is meritorious.

NOTICE IS FURTHER GIVEN, the undersigned does not request a hearing on this Motion.

Dated this 21 day of March, 2006.



Loren McCray (ID #05174)
Attorney at Law
P.O. Box 2732
Bismarck, ND 58502-2732
(701) 223-9929

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

IN DISTRICT COURT

Case No. 08-92-R-1316

John Daniel Lawrence, aka Dan
Lawrence,

Plaintiff,

vs.

Tina Lucille Delkamp,

Defendant.

**Order Denying Motion to
Amend Order**

Plaintiff, John Lawrence, (Lawrence) moves to amend the Courts Order of January 27, 2006, and March 3, 2006. As the Court understands the motion the request is to amend the order and have a day in Court. As set out in the Order of March 3, 2006, a hearing was set and Defendant Delkamp was set to appear by phone for the hearing. On the day of the hearing the hearing was canceled by Lawrence and no hearing was held. Parties file motions under a rule 3.2 basis and than request a hearing somewhere at the end of their documents. That appears to be what happened in this matter when the Court ruled prior to the hearing. The mistake was corrected by allowing a hearing to be set, which was canceled by Lawrence.

The Court sees absolutely no reason under Rule 59(j) to allow the Court's previous orders to be amended.

Motion is denied.

Dated April 12, 2006.

BY THE COURT:



Bruce A. Romanick
District Judge

xc: Delkamp
McCray

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STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

John Daniel Lawrence,)
)
 Plaintiff,)
)
 vs.)
)
 Aaron Erhart,)
)
 Defendant.)

**NOTICE OF SUBPOENA DUCES
TECUM**

Case No. 08-92-R-1316

TO: Tina Delkamp

YOU WILL PLEASE TAKE NOTICE that Plaintiff TINA DELKAMP has been issued a Subpoena Duces Tecum to John Daniel Lawrence, Bismarck, North Dakota 58501 requesting the following information:

1. All receipts and cancelled checks from Wal-Mart Vision Center purchases dated 9/11/2004 and 11/14/2004.

This Subpoena requires you to produce the same to Loren C. McCray, 419 E. Broadway, P.O. Box 2732, Bismarck, North Dakota 58501-2732 by March 2, 2006 at 5:00 p.m. (CT).

Dated this 20th day of February, 2006



Loren McCray (ID #05174)
 Attorney at Law
 P.O. Box 2732
 Bismarck, ND 58502-2732
 (701) 223-9929

VISION CENTER

Reference 6

1700 NORTH 291 HIGHWAY
HARRISONVILLE, MO 64701
(816) 884-5845

~~DELKAMP, RYLAN~~

2412 PEARSON CIRCLE
HARRISONVILLE, MO 64701
H(816) 884-6023
W

Order # : 1188568

Ord Date: 11/14/2004

Assoc: ROBIN A.

R 68113163335	25.00
SV YOUTH POLY NG	
L 68113163335	25.00
SV YOUTH POLY NG	
8677442892	74.00
H100	

PRE-TAX TOTAL: 124.00

TRAY # 01021

Always

THE LOW PRICE

35

WAL*MART VISION CENTER

DELKAMP, RYLAN
Wal*Mart Vision Center
HARRISONVILL (816) 884-5845
Assoc: ROBIN A.
TRAY # 01021
Due Date: 11/21/2004
THANKS FOR CHOOSING
WAL*MART VISION CENTERS

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

CIVIL NO. 92-R-1316

John Daniel Lawrence, aka Dan Lawrence,
Plaintiff,

-vs-

Tina Lucille Delkamp,
Defendant.

THIRD AMENDED JUDGMENT

The plaintiff filed and served a post-judgment motion to decrease child support dated August 18, 1998, and the defendant served her post-judgment motion to modify child support in regard to the payment of medical care costs dated August 9, 1999, and the matters were heard before the Court with the Honorable James M. Vukelic presiding on August 30, 1999; and the Court on the 28th day of September, 1999, having ordered that a judgment be entered consisting with its order;

IT IS ORDERED AND ADJUDGED that:

1. The monthly child support payment of plaintiff, John Daniel Lawrence, is decreased to \$744.00 per month effective as of October 1, 1999. This represents a base child support obligation of \$669.00 per month plus an upward deviation from the guideline amount of \$75.00 per month.
2. In addition to the foregoing child support payment plaintiff shall pay one-half of the minor child's medical, dental, orthodontic, prescription, eye care and

eye glasses expenses not paid by insurance. The payment of these expenses is prospective only and applies only to those expenses incurred on or after October 1, 1999. Furthermore, plaintiff is required the defendant with his health insurance identification number within 10 days of September 28, 1999.

3. Plaintiff and defendant shall pay their own attorney's fees in regard to the bringing of the motions by plaintiff and defendant, respectively.
4. All other provisions of the judgment of May 22, 1995, as amended by the order of August 18, 1995, and the amended judgment of June 7, 1996, and the second amended judgment of November 6, 1997, which are not inconsistent with the provisions of this judgment, shall remain in full force and effect.

WITNESSETH, the Honorable James M. Vukelic, this 24th day of November, 1999.

BY THE COURT:

Lebra Simensen
Clerk of District Court

11229920.305.wpd

C. This appeal is frivolous, and as a result, I request an award of double costs.

This appeal is frivolous. Mr. Lawrence chose not to pay for his half of the medical

bills. There is a court order from 1999 ordering him to pay see page 36-37 .

Mr. Lawrence first uses the excuse that I did not submit the glasses to insurance. There is

nothing in the court order stating that I have to submit any bills to insurance, However any

one with some common sense would submit them to save money.

In September I found out that Mr. Lawrence perjured himself in his affidavit. I contacted

Blue Cross and Blue Shield and found out that Mr. Lawrence never had vision insurance.

In November 2005 he now claims that Wal-mart is frauding him. One more excuse

for Mr. Lawrence not to pay for his portion and to keep these litigations going. Mr.

Lawrence likes conflict and will continue to create conflict any chance he can. All he

had to do was pay his bills. The bills have been sent to him and he has refused to pay

for any medical bills since this order was put in place.

I request this court to award me double costs. I have incurred costs in defending myself.

The request is made under N.D.R. App. 38 on the grounds this appeal is frivolous and is

supported by the affidavit documenting fees on appeal. See page 41 .

Under N.D.R. App. P.38 if this court "determines that an appeal is frivolous,... it may

award just damages and single or double costs including reasonable attorney's fees."

An appeal is frivolous if it is flagrantly groundless, devoid of merit, or demonstrates

persistence in the source of litigation which evidences bad faith. *State ex rel. Board*

of Univ. & School Lands v. Bladow, 462 N.W. 2d 453, 458 (N.D. 1990). Where

appellant's arguments on appeal were both factually and legally so devoid of merit

that he should have been aware of impossibility of success on appeal, this court may

order appellant to pay costs on appeal and appellee's attorney fees.

In *First Trust Co. v. Conway*, 423 N.W. 2d 795, 796 (N.D.),
cert. denied, 488 U.S. 982

109 S. Ct. 532, 102 L. Ed 2d. 563 (1988), despite reversing
part of an order on

appeal, this court still deemed the appeal to be frivolous,
because the appellant's

extremely litigious nature, her determination to continuously
rehash the entire course of

the probate proceedings, and the vitriolic nature of her
arguments, which only minimally

touched on the merits of the order at issue..., demonstrate
[d] 'persistence in the course of

litigation which [can] be seen as evidence of bad faith."

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

John Daniel Lawrence

Plaintiff and Appellant,

vs.

**AFFIDAVIT
DOCUMENTING
COSTS
ON APPEAL**

Tina Delkamp

Defendant and Apellee

Tina Delkamp, being first duly sworn, States:

the following costs have incurred to date in connection with
this appeal.

Time preparing documents, research.

23 hours X \$ 18.15 = \$416.45

Trip to North Dakota to defend my self

835 miles one way X \$.35 = \$ 292.50 X 2= total trip \$
584.50

2 nights at a motel X \$45.00= \$ 90.00

Copies And other costs
\$ 30.00

Total charges = \$2240.90 which is double the costs.

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X Sarah L. Gregory
Notary Public

My commission expires: Feb 23, 2010

Tina Delkamp
Date: 7-7-6 Seal:



SARAH L. GREGORY
Cass County
My Commission Expires
February 23, 2010
Commission #06843835

Certificate Of Service

I certify that on July 10th, 2006, I served the following Documents:

1. Answer to the appeal Case Number 20060136

by placing a true and correct copy thereof in an envelope so addressed and depositing the same, with postage paid, in the United States mail at Harrisonville Mo.



Tina Delkamp
612 Silver Maple Dr
Harrisaonville Mo. 64701
(816)884-3056