

IN THE COURT OF COMMON PLEAS OF BLAIR COUNTY, PENNSYLVANIA

Lou Ann Frederick,	:	No. 96 GN 2139
	:	
Plaintiff	:	
	:	
Vs.	:	Civil Action – Law
	:	
	:	
Robert G. Kearns, Jr.	:	
	:	
Defendant	:	In Custody

PETITION FOR CIVIL CONTEMPT

1. The petitioner is Robert G. Kearns, Jr. He is the defendant in the above-captioned action.
2. The respondent is Lou Ann Frederick. She is the plaintiff in the above-captioned action.
3. On August 19, 2002, this Honorable Court entered an Order suggesting that the father engage in mental health counseling and secure the services of a professional. The minor child, Stephanie, was to be available for interviews and visits with any professional retained by the defendant. (A copy of the Order is attached hereto and incorporated herein as Exhibit A.)
4. The respondent refused to avail the child for any scheduled appointments as required by this Order.
5. On November 12, 2002, the plaintiff filed a Petition for Special Relief, which was heard by this Honorable Court on November 18, 2002 (A copy of the petition is attached hereto and incorporated herein as Exhibit B.) This Honorable Court once again reiterated that the child should attend appointments with Dr. Brady either by herself or simultaneously with her father, the defendant. (A copy of the Order is attached hereto and incorporated herein as Exhibit C.)
6. On December 4, 2002, defendant's counsel sent by facsimile a letter to plaintiff's counsel informing them of an up-coming appointment for the child with Dr. Brady. Plaintiff, Lou Ann Frederick, then telephoned defendant's counsel with a message that defendant was to

contact her directly to schedule all appointments for the child with Dr. Brady. The defendant contacted the plaintiff to discuss the doctor's appointment. The defendant was informed by the plaintiff that he had no right to set appointments for the child with Dr. Brady. The plaintiff further stated that if Dr. Brady wanted to see the child, he would have to telephone her directly. In order to try to comply with the plaintiff's demands, the defendant did telephone Dr. Brady on two separate occasions requesting that he telephone the plaintiff to make an appointment. Dr. Brady informed the defendant that he would not call the plaintiff to schedule the appointment with child, that it was normal and customary for a patient or patient's parents to schedule the appointments. Therefore, the defendant scheduled another appointment.

7. On December 10, 2002, defendant's counsel wrote a letter to plaintiff's informing them of the appointment with Dr. Brady for Monday, December 16, 2002, at 5:00 p.m. Defendant's counsel also requested a list of dates in which the child did not have any prior engagements scheduled so that the defendant could schedule further appointments for the child, which would not be intrusive.

8. Plaintiff did take the child to the appointment on Monday December 16, 2002. Dr. Brady attempted to schedule another appointment with the Plaintiff at that time. The Plaintiff informed Dr. Brady that her schedule did not enable her to make an appointment.

9. In an effort to schedule another appointment, Dr. Brady contacted Plaintiff's counsel's office and the Plaintiff directly. Eventually, an appointment was scheduled for December 30, 2002.

10. However, the Plaintiff failed to show up for the December 30, 2002, appointment with Dr. Brady, and did not notify him that she would not be attending.

WHEREFORE, the petitioner prays that the respondent be held in civil contempt for violations of the court order of November 18, 2002, and that the respondent be required to provide a schedule on a monthly basis of the child's appointments and extracurricular activities to ensure that counseling sessions are scheduled.

Respectfully submitted,

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