**IN THE IOWA DISTRICT COURT FOR POLK COUNTY**

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| IN RE THE MARRIAGE OF JOHN DOE AND JANE DOE | |
| Upon the Petition of  JOHN DOE,  Petitioner,  And Concerning,  JANE DOE,  Respondent. | CASE NO. \*\*\*\*\*\*\*\*  **RESISTANCE TO**  **MOTION TO CONTINUE** |

COMES NOW Petitioner, John Doe, by and through the undersigned attorney, and for his Resistance to Petitioner’s Motion to Continue, states as follows:

1. That on January 1st, 2016, Petitioner filed a “Petition for Dissolution of Marriage” in the Iowa District Court for Polk County.
2. That on March 1st, 2016 the Court set a non-jury trial for this matter on May 17th, 2017.
3. That counsel for Petitioner consulted with Respondent regarding the trial date and both parties approved the currently set trial date.
4. That on May 1st, 2017, Petitioner filed a Motion to Continue stating in part:
   1. Parties have not completed mediation or exchanged financial information;
   2. Petitioner failed to comply with Request for Production of Documents and Interrogatories;
   3. That Petitioner has not provided Respondent their Witness and Exhibit list or exhibits;
5. That parties did in fact complete mediation on final matters on May 9th, 2017 as evidenced by Mediator’s Certificate of Compliance with Requirements of Mediation, filed May 10th, 2017.
6. That in regards to exchange of financial information, a pretrial conference was held in which Respondent failed to appear, failed to complete Children in the Middle, while Petitioner complied with pretrial requirements.
7. That Respondent’s allegation that Peitioner has **failed to comply with discovery is false**, as counsel for Petitioner has at no time received discovery requests nor has a Notice of Discovery by Petitioner been filed with the Court.
8. That Petitioner has timely filed hhis Witness and Exhibit List and exhibits.
9. That Petitioner attempted to hand deliver to the Polk County Jail copies of exhibits, but Jail Staff refused to accept the exhibits, which Petitioner subsequently mailed to Respondent as evidenced by Notice of Service of Exhibits filed May 9th, 2017.
10. Further, that Respondent’s incarceration at the Polk County Jail is due to her own actions and should not serve as an excuse to continue this trial.
11. That Respondent’s stated reasons for a continuance are either no longer accurate, incorrect and in one case plainly false.
12. That no good cause exists for a continuance.

WHEREFORE, Petitioner requests this court deny Respondent’s Motion for a Continuance, confirm this matter for trial, and grant such further relief as the court deems just in the premises.

Respectfully submitted,

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