

**CAUSE NO. D-1-FM-10-003133**

IN THE MATTER OF	§	IN THE DISTRICT COURT OF
THE MARRIAGE OF	§	
	§	
KRISTIN NICOLE MORGAN	§	
AND	§	TRAVIS COUNTY, TEXAS
JOSHUA JAMES MORGAN	§	
	§	
AND IN THE INTEREST OF	§	
HANNAH ELIZABETH MORGAN,	§	
A MINOR CHILD	§	345 <sup>TH</sup> JUDICIAL DISTRICT

**MOTION FOR CONTINUANCE**

This *Motion for Continuance* is brought by KRISTIN NICOLE MORGAN, Movant. In support, Movant would show the Court as follows:

**I.**

This case is presently set for hearing on October 1, 2010 on a *Motion for Enforcement* filed by JOSHUA JAMES MORGAN, who is proceeding Pro Se.

**II.**

In direct violation of Travis County District Court Local Rule 3.2 Mr. Morgan presented a request for and obtained a Show Cause Order in this pending divorce case without first notifying the undersigned attorney whom Mr. Morgan knew to be representing KRISTIN NICOLE MORGAN at that time. It is presumed that Mr. Morgan neglected to inform Judge Orlinda Naranjo that Ms. Morgan was in fact represented by the undersigned counsel.

Further, Mr. Morgan failed to make any attempt to consult with undersigned counsel regarding the setting date obtained.

**III.**

After a full day hearing before Judge Hathcock on August 6, 2010, KRISTIN NICOLE MORGAN was appointed as the Temporary Sole Managing Conservator of the parties' then 9 month old child and was allowed to return with the baby to Tennessee, where she presently resides. Judge Hathcock specifically recognized that the parties have very limited financial means and that neither of these parties could afford to travel between Texas and Tennessee more than once every two months (i.e., Mr. Morgan is to travel to Tennessee in odd numbered months and Ms. Morgan is to travel to Texas in even numbered months) in order to accommodate visitation.

Ms. Morgan is already scheduled to travel to Texas on October 22, 2010 to allow Mr. Morgan visitation (Mr. Morgan declined to travel to Tennessee in September due to the costs involved). To require that she travel to Austin for an October 1, 2010 hearing on what is clearly a patently frivolous *Pro Se* Motion for Contempt would result in a waste of very limited financial resources and would not be in the best interest of the child the subject of this suit.

IV.

This continuance is not sought solely for delay but that justice may be done.

Prayer

Movant prays the Court grant the Motion for Continuance.

Movant prays for general relief.

Respectfully submitted,

McLEROY, ALBERTS & BENJAMIN, P.C.  
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Austin, Texas 78701-1730  
Telephone: (512) 472-7893  
Telecopier: (512) 472-1622

by:



WILLIAM H. ALBERTS  
State of Texas Bar No. 00971500

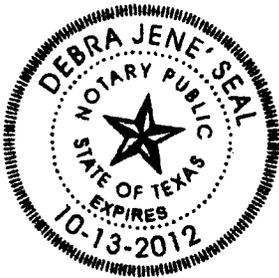
ATTORNEY FOR COUNTER-PETITIONER

I, the undersigned attorney of record, swear under oath that the above Motion for Continuance is true and correct.

  
WILLIAM H. ALBERTS

STATE OF TEXAS       §  
COUNTY OF TRAVIS   §

Signed under oath before me on this the 27<sup>th</sup> day of September, 2010



  
NOTARY PUBLIC, STATE OF TEXAS

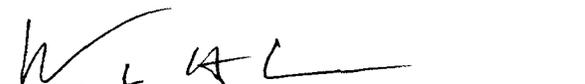
**NOTICE OF HEARING**

The above Motion will be presented for hearing on Thursday September 30, 2010 at 8:35 o'clock a.m., on the Travis County District Court's Family Law docket, at the Travis County Courthouse, 1000 Guadalupe Street, Austin, Texas 78701.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing has been served in accordance with the Texas Rules of Civil Procedure to Pro Se litigant, JOSHUA JAMES MORGAN, on this the 27<sup>th</sup> day of September, 2010, by:

Telecopier, (512) 611-4045;    Certified Mail, Return Receipt Requested;    Via E-mail to [joshutup@gmail.com](mailto:joshutup@gmail.com)

  
WILLIAM H. ALBERTS