

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:14-CV-66-F

DANIELA SMEDLEY,)
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)
)
Petitioner,)
)
)
v.)
)
MARK A. SMEDLEY,)
)
)
Respondent.)

ORDER

Petitioner Daniela Smedley initiated this action by filing the Verified Petition Under Hague Convention Seeking Return of Children to Petitioner, Immediate Issuance of Show Cause Order to Respondent, and Hearing on the Merits [DE-1] (“Hague Petition”), seeking the return of her minor children, A.H.S. and G.A.S. (or, collectively, “the Children”), pursuant to The Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11670 U.N.T.S. 49 (“Hague Convention”). The matter came on for hearing before the undersigned on April 15, 2014, at 9:30 a.m. Petitioner was present with her attorneys, Chad D. Hansen and Andrew W. Rinehart. Respondent was present with his counsel, Clifton Jason Humphrey.

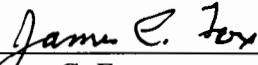
At the start of the hearing, Respondent’s counsel asked for a continuance to prepare his response to Plaintiff’s Hague Petition, which was served on Respondent last week. In open court, Respondent’s request was allowed, and the Clerk of Court is therefore DIRECTED to notice a hearing before the undersigned on April 22, 2014 at 9:30 a.m. The court ordered Petitioner to take custody of the Children until the hearing on April 22, 2014. The court also ordered Petitioner and

Respondent to provide the Clerk of Court with the Children's travel documents.

Also before the court is the Respondent's Motion to Strike [DE-13] certain paragraphs and footnotes from the Hague Petition on the grounds that (1) the paragraphs do not comply with the rules of proper pleading and contain redundant, immaterial, or impertinent matter; (2) the paragraphs contain the legal conclusions and/or conclusions of the Petitioner, and (3) the paragraphs contain legal argument including the citation of legal authority. Respondent's Motion to Strike [DE-13] is DENIED. The court finds Respondent's arguments not to be well-suited to the nature of Hague Convention litigation.

SO ORDERED.

This the 15th day of April, 2014.



James C. Fox
Senior United States District Judge