

Approved, SCAO

Original - Court
1st copy - Judge/Assignment clerk (green)
2nd copy - Respondent (blue)

3rd copy - Petitioner (pink)

05-704418-PP



JUDGE CHERYL A. MATTHEWS
COUNTY ROTH, YELENA, V ROTH, MICHAEL

STATE OF MICHIGAN
6TH JUDICIAL CIRCUIT
OAKLAND COUNTY

PETITION FOR
PERSONAL PROTECTION ORDER
(DOMESTIC RELATIONSHIP)

Court address

1200 N. Telegraph Pontiac, MI 48341

re no.
(248) 858-8720

A Petitioner's name Yelena Roth	Age 55	Respondent's name, address, and telephone no. Michael Arthur Roth	Age 63
Address and telephone no. where court can reach petitioner 3468 Erie Drive, Orchard Lake, MI 48324 (248) 681-1888		v 3468 Erie Drive Orchard Lake, MI 48324	

- B** 1. The petitioner and respondent: ☒ are husband and wife. ☐ were husband and wife. ☐ have a child in common.
☐ have or had a dating relationship. ☐ reside or resided in the same household.
- C** 2. ☐ The respondent is required to carry a firearm in the course of his/her employment. ☐ Unknown.
- D** 3. a. There ☒ are ☐ are not other pending actions in this or any other court regarding the parties.

Case number 04-696841-DO	Name of court and county Oakland Circuit	Name of judge Cheryl Matthews
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- b. There ☒ are ☐ are not orders/judgments entered by this or any other court, regarding the parties.

Case number	Name of court and county	Name of judge
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- E** 4. I need a personal protection order because: Explain what has happened (attach additional sheets) See attached

- F** 5. I ask the court to grant a personal protection order prohibiting the respondent from:
- ☒ a. entering onto the property where I live. I state that either I have a property interest in the premises, I am married to the respondent, or the respondent has no property interest in the premises.
- ☐ b. entering onto the property at _____ address _____
- ☒ c. assaulting, attacking, beating, molesting, or wounding _____ name(s) _____
- ☐ d. removing the minor children from the petitioner who has court ordered custody, except as allowed by a custody or parenting time order as long as removal of the children does not violate other conditions of the personal protection order.
- ☒ e. stalking as defined under MCL 750.411h and MCL 750.411i which includes but is not limited to:
- ☒ following me or appearing within my sight.
- ☐ appearing at my workplace or residence.
- ☒ approaching or confronting me in a public place or on private property.
- ☒ entering onto or remaining on property owned, leased, or occupied by me.
- ☐ contacting me by telephone.
- ☐ sending mail or other communications to me.
- ☐ placing an object on or delivering an object to property owned, leased, or occupied by me.
- ☐ f. interfering with efforts to remove my children/ personal property from premises solely owned/leased by the respondent.
- ☒ g. threatening to kill or physically injure Yelena Roth name(s) _____
- ☐ h. interfering with me at my place of employment or engaging in conduct that impairs my employment relationship.
- ☐ i. purchasing or possessing a firearm.
- ☒ j. other: prescribing medication to petitioner and/or administering medication to her

- G** 6. I make this petition under authority of MCL 600.2950/MCL 600.2950a and ask the court to grant a personal protection order.
- ☒ I request an ex parte order because immediate and irreparable injury, loss, or damage will occur between now and a hearing or because notice itself will cause irreparable injury, loss, or damage before the order can be entered.
- H** ☐ 7. I have a next friend petitioning for me. I certify that the next friend is not disqualified by statute and is an adult.

I declare that the statements above are true to the best of my information, knowledge, and belief.

I 03/01/05
Date

Susan S. Licht (P42742)
Petitioner's signature ATTORNEY FOR Yelena Roth
MCL 600.2950; MSA 27A.2950, MCL 600.2950a; MSA 27A.2950a, MCR 3.703

PRIOR CASES

PRIOR CASES BETWEEN PARTIES:

CASE NUMBER	JUDGE
04-195254-PP	MATTHEWS 21
04-196841-DD	"
04-697038-PP	"

PRIOR CASES WITH PETITIONER:

CASE NUMBER	JUDGE

PRIOR CASES WITH RESPONDENT:

CASE NUMBER	JUDGE

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
Family Division**

YELENA. ROTH,

Petitioner,

v

MICHAEL ARTHUR ROTH,

Respondent.

Case No.

Hon. Cheryl A. Matthews

Susan S. Lichterman (P42742)
Jaffe, Raitt, Heuer & Weiss,
Professional Corporation
Attorneys for Petitioner
27777 Franklin Road, Suite 2500
Southfield, MI 48034
(248) 351-3000

JAFFE RAITT HEUER & WEISS, P.C.

ATTACHMENT TO PERSONAL PROTECTION ORDER PETITION

1. A Personal Protection Order entered on August 11, 2004 and Nunc Pro Tunc Order Amending Personal Protection Order entered on August 12, 2004 in Case No. 04-697038-PP. Petitioner incorporates by reference her Petition for Personal Protection Order dated 8/11/04 in that matter.
2. The Personal Protection Order dated August 12, 2004 expired on February 28, 2005.
3. The parties are currently married and are also parties to a pending divorce action, Case No. 04-696841-DO (the "Divorce Action").
4. The parties continue to reside in the same home.
5. The Divorce Action is set for trial on May 12, 2005.

6. The parties agreed to extend the Personal Protection through at least the date of trial and thereafter. A copy of the stipulation is attached hereto as Exhibit A.

7. The Court refused to extend the PPO by stipulation and the PPO subsequently expired.

8. Petitioner requests that a new PPO enter immediately because she is fearful for her safety and because the parties continue to reside together.

9. When the PPO entered last August, the parties and the Court believed that the Divorce Action would conclude prior to February 28, 2005, the day the PPO expired.

10. Unfortunately, the Divorce Action has taken longer than anticipated and the parties continue to reside together.

11. Petitioner lives locked in the basement and Respondent lives in the master bedroom.

12. The PPO is needed to prevent Respondent from assaulting, attacking, molesting, wounding, following, confronting and otherwise injuring Petitioner. The PPO is also needed to prevent Respondent from prescribing or administering medication to Petitioner.

13. Until these parties are physically separated (and perhaps beyond), a PPO is necessary to protect Petitioner.

14. Petitioner believes that without the PPO, Respondent would continue to assault, attack, molest, wound, follow, confront and otherwise injure her as well as continue to prescribe and administer medication to her.

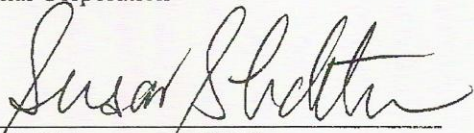
15. Although Petitioner believes that absent exclusive possession of the marital home, she is not safe, she only seeks continuation of the PPO as previously ordered by this Court. Accordingly, she presents a PPO in the exact form as entered by the Court on August 12, 2004

and as stipulated by the parties in that action to terminate on May 12, 2005, the current trial date in the Divorce Action.

Wherefore, Petitioner respectfully requests entry of a PPO.

JAFFE, RAITT, HEUER, & WEISS
Professional Corporation

By: _____


Susan S. Lichterman (P42742)
Attorneys for Defendant
One Woodward Avenue, Suite 2400
Detroit, Michigan 48226
(313) 961-8380

Dated: March 1, 2005

JAFFE RAITT HEUER & WEISS, P.C.

3/2/05

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND
Family Division

YELENA. ROTH,

Petitioner,

v

MICHAEL ARTHUR ROTH,

Respondent.

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Jaffe, Raitt, Heuer & Weiss,
Professional Corporation
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27777 Franklin Road, Suite 2500
Southfield, MI 48034
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John F. Schaefer (P19948)
Mark A. Bank (P48040)
The Law Firm of John F. Schaefer
Attorneys for Respondent
380 North Old Woodward Avenue, Suite 320
Birmingham, Michigan 48009
(248) 642-6655

JAFFE RAITT HEUER & WEISS, P.C.

STIPULATION TO EXTEND PERSONAL PROTECTION ORDER

At a session of said Court held in the Oakland County
Courthouse Tower, Pontiac, Oakland County, Michigan,
on _____, 2005.

PRESENT: Honorable Cheryl Matthews
Circuit Court Judge

The parties, through counsel, stipulate as follows:

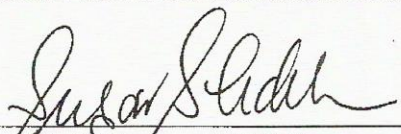
1. A Personal Protection Order entered in this matter on August 12, 2004.

2. The Personal Protection Order expires on February 28, 2005.
3. The parties are currently married and are also parties to a pending divorce action, Case No. 04-696841-DO (the "Divorce Action").
4. The parties continue to reside in the same home.
5. The Divorce Action is set for trial on May 12, 2005.
6. The parties have agreed to extend the Personal Protection through at least the date of trial and thereafter, upon the further stipulation of the parties or upon the Motion of Petitioner.
7. Though consenting to this Stipulation, Respondent is not admitting to the underlying facts nor is he consenting to future extensions or personal protection orders.

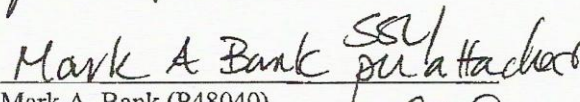
WHEREFORE, the parties stipulate to the entry of an Order on Stipulation to Extend Personal Protection Order.

CIRCUIT COURT JUDGE

APPROVED AS TO FORM AND SUBSTANCE:



Susan S. Lichterman (P42742)
Attorney for Petitioner



Mark A. Bank (P48040)
Attorney for Respondent


2. The Personal Protection Order expires on February 28, 2005.
3. The parties are currently married and are also parties to a pending divorce action, Case No. 04-696841-DO (the "Divorce Action").
4. The parties continue to reside in the same home.
5. The Divorce Action is set for trial on May 12, 2005.
6. The parties have agreed to extend the Personal Protection through at least the date of trial and thereafter, upon the further stipulation of the parties or upon the Motion of Petitioner.
7. Though consenting to this Stipulation, Respondent is not admitting to the underlying facts nor is he consenting to future extensions or personal protection orders.

WHEREFORE, the parties stipulate to the entry of an Order on Stipulation to Extend Personal Protection Order.

CIRCUIT COURT JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

Susan S. Lichterman (P42742)
Attorney for Petitioner



Mark A. Bank (P48040)
Attorney for Respondent