

INDEPENDENCE COUNTY, ARKANSAS
CIRCUIT CLERK GREG WALLIS
FILED FOR RECORD BY
R SCOTT POLSTON D.C.

DATE: JANUARY 06, 2020
TIME: 09:11:35

COURT USE ONLY PURSUANT TO ARK. SUP. CT. ADMIN. ORDER NO. 2(B)

IN THE CIRCUIT COURT OF INDEPENDENCE COUNTY, ARKANSAS

LUNDEN ALEXIS ROBERTS

PLAINTIFF

vs.

ROBERT HUNTER BIDEN

DEFENDANT

Case No: 32DR-19-187

2D DIV.

RESPONSE TO MOTION TO CONTINUE

COMES NOW the plaintiff, by and through her attorneys, **LANCASTER & LANCASTER LAW FIRM, PLLC**, and for her response states:

1. That the allegations of paragraphs two, four, nine, and ten are admitted.
2. That the plaintiff does not object to paragraph twelve.
3. That any allegation not admitted or denied is herein denied.
4. That the defendant has provided no documentation or factual basis to support his allegation that he is suddenly "unable to appear on January 7, 2020." For example, he has not provided vouched plane tickets or stated the reasons why he is unable to appear on Tuesday. Pleading further, the defendant has stated multiple times that he is unemployed, so the defendant's unavailability for court is not because of a work obligation.
5. That the defendant failed to appear at the December 2, 2019, temporary (interlocutory) hearing in this case even though the hearing was set by his attorneys and he was properly noticed of the same by the plaintiff. *See* Notice of Hearing (file marked October 10, 2019).

6. That the defendant failed to produce an affidavit of financial means for the December 2, 2019, hearing or provide any evidence about his income.

7. That the January 7, 2019, temporary (interlocutory) hearing has been set since December 2, 2019.

8. That, prior to recusing, Judge Don McSpadden specifically indicated on December 20, 2019, that all parties were expected to be present for the January 7, 2020, hearing.

9. That Judge McSpadden did not continue the case, he merely removed it from his docket and instructed the parties to consult the Clerk and the Court's trial court assistant for the hearing date.

10. That the defendant sought affirmative relief from the Court in the form of a protective order and specifically requested January 7, 2020, as a hearing date. The defendant's motion for protective order was set on January 7, 2020, at his request. *See Order* (file marked December 16, 2019).

11. That the defendant has refused to answer discovery propounded by the plaintiff as well as objected to sitting for a deposition. He has used his *carte blanche* need for a protective order as a basis for refusing to disclose basic information about his income or assets. The defendant has been clear that he will not provide his financial documents or basic information about his income until his motion for a protective order is heard by the Court.

12. That the defendant has failed to comply with this Court's orders regarding disclosure of his finances and income.

13. That the defendant has failed, since August 2019, to answer discovery questions about his income.

14. That the defendant has thwarted the plaintiff's attempt to depose him about his income.

15. That at least one proposed intervenor contends that the defendant has assets of over \$156 million dollars, yet the child in this case has not received any financial support from the defendant since November of 2018.

16. That the defendant has sufficient income to appear in Independence County for this hearing.

17. That the defendant had sufficient notice to appear at this hearing. Pleading further, he requested his own motion to be heard on January 7, 2020.

18. That the defendant has a history of delay in this case.

19. That this Court should not allow the defendant to continue to avoid appearing before this Court, providing clearly discoverable information about his income, and supporting his child.

WHEREFORE the plaintiff prays this honorable Court deny the defendant's motion to continue; for attorney's fees and costs; and for all other just and proper relief to which she is entitled.

Respectfully Submitted,

**LANCASTER & LANCASTER
LAW FIRM, PLLC**

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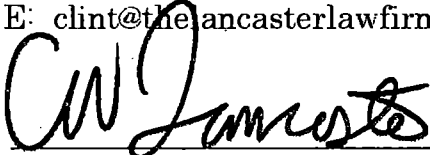
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been delivered by the below method to the following person or persons:


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on this 6 DAY of JANUARY, 2019.


Clinton W. Lancaster