

IN THE CHANCERY COURT OF THE STATE OF MISSISSIPPI
LAFAYETTE COUNTY

FILED
2021 JAN 12 PM 3:58

Phyllis Marie Crowder-Kester

CHANCERY CLERK Plaintiff/Petitioner

Vs

BY DC TJ

Cause # CV2016-422W

Matthew Oliver Reardon

Defendant/Respondent

Amended MOTION TO DISMISS

Comes Now your Defendant, Matthew Reardon, and hereby moves this honorable court to dismiss the Plaintiff's Petition for Modification pursuant to MRCP Rule 12(b)(1) or in the alternative MRCP Rule 12(b)(6) and would state as follows in support of said motion, to wit:

1. On August 26, 2020 Counsel for the Plaintiff filed a "Petition for Citation of Modification and Other Relief" in the Chancery Court of Lafayette County which was signed and sworn via affidavit on the 25th day of August, 2020. Stamped Petition attached as Exhibit A.
2. That on September 30, 2020 the aforementioned petition disappeared from the system and was replaced with a newly filed petition which was modified to a "Petition for Modification and other relief" which had a corrected date left off of the prior petition that was fast filed in this court just over a month prior. The re-filed petition is attached hereto as Exhibit B.
3. This honorable court has subject matter to hear said Petitions brought under Mississippi Code Ann § 93-21-5(1) so long as said Petition complies with the requirements laid out in the statute.

4. Plaintiffs Petition for Modification and Other Relief is void on its face as it fails to comply with the statutory requirement laid out in § 93-21-9(8) Miss. Code. Ann. which states that "Every petition shall be signed by the petitioner under oath that the facts and circumstances contained in the petition are true to the best knowledge and belief of the petitioner."

5. Petitioner's legal council chose to knowingly defraud both this court, the respondent, and the Notary Public utilized by petitioner by knowingly attaching the notarized and signed affidavit on the subsequent petition filed in this court on September 30, 2020. Not only does the Notary Stamp line up precisely with the notarized copy filed on August 26, 2020 and have the same matching signatures, but the notarized affidavit on the sequential filing filed September 30, 2020 even reflects the original date of August 26, 2020 making this petition filed null and void as the notary in this matter never attested to this particular petition and further should be a matter of grave concern not only to this court but should be to the Notary Public that the Petitioner's legal council is using duplicate copies of her notary stamp to affirm official legal documents filed in this court.

6. Petitioner's most recently filed motion to stay proceedings in fact lists erroneous dates further suggesting that the petitioner's legal council is not filing true and accurate documents with this court as respondent did not file his petition for interlocutory appeal December 22nd, 2020 and in fact did not even file it in the month of December. Furthermore, this court never issued a notice of retention on the same day nor did this court even enter a notice of retention in this matter.

WHEREFORE ALL PREMISES CONSIDERED

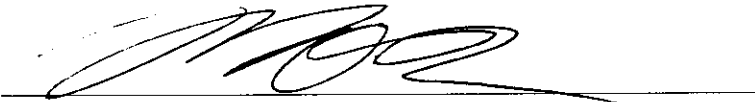
Respondent Matthew Oliver Reardon would state before this court and affirm via sworn affidavit that the Petitioner in this cause never once held a true and valid claim and respondent reaffirms the exact same position that he has since day one. Petitioner filed a false, frivolous, and fraudulent petition with this court in order to rig and further pad her own favorable outcome in a prior legal matter involving Olive Branch Municipal Court, which respondent of the impression should be evident to this court with the motions and exhibits respondent

has filed up to now. As such and due to the new evidence of a fraudulent petition presented, Respondent would move this honorable court to dismiss the petition filed by petitioner. Respondent would request that this court order petitioner to immediately purge herself of her contumacious ways in regards to the child visitation agreement, award respondent the ability to make up all lost time with his minor child over the past 12 months which was unfairly stolen from the respondent by the malice hands of the petitioner and her council, and to award the respondent a recovery of damages in the amount of \$15,000 in order to justly compensate respondent for the amount of time and resources expended in preparing and responding to this action, along with the extreme mental anguish stemming from the grossly negligent and contumacious actions and decisions of the petitioner and her legal counsel.

Movant would additionally pray upon this court to award any additional relief, be it special or general, which he may be entitled to or that it sees warranted in such matter

The information submitted has been given voluntarily and truthfully sworn under penalty of perjury for knowingly false statements made

Respectfully Submitted this ^{12th}~~11th~~ day of January, 2021



Matthew Oliver Reardon
Movant/Defendant/Respondent
117 CR 401
Oxford, MS 38655
matt@mattreardon.com
662-812-1613



Tina Johnson 1/12/2021

Notary ~~Witnessed~~

Exhibit A

IN THE CHANCERY COURT OF LAFAYETTE COUNTY, MISSISSIPPI
STATE OF MISSISSIPPI
LAFAYETTE COUNTY

PHYLLIS MARIE CROWDER

PLAINTIFF

vs.

2020 AUG 26 AM 10:17

CAUSE NUMBER: CV-2016-422W

CHANCERY CLERK

MATTHEW OLIVER REARDON

DEFENDANT

BY: DC KC

PETITION FOR CITATION OF MODIFICATION AND OTHER RELIEF

COMES NOW the Plaintiff, Phyllis Marie Crowder, and files this her Petition for Modification and Other Relief against the Defendant, Matthew Oliver Reardon, and in support thereof would respectfully show unto the Court the following:

1.

This Court has personal and subject matter jurisdiction in this matter.

2.

That the Defendant, Matthew Oliver Reardon, is an adult resident citizen of Lafayette County, Mississippi, and may be served with process at his residence in Lafayette County, Mississippi, or wherever he may be found.

3.

That on August _____, This Court entered an Agreed Order of Modification regarding child visitation, a true and correct copy of which is attached hereto as Exhibit "A".

4.

That there has been a material change in circumstance that has adversely affected the minor child and therefore visitation with the Defendant has ceased. The Defendant abuses alcohol and/or other prescription or non-prescription drugs to the point that he no longer safely monitors the minor child while she is in the Defendant's care which has caused physical injury to the minor child at the hands of the Defendant's current wife at which point visitation with the Defendant ceased. The incident was reported to the State of Mississippi Child Protective Services and in the interim, the Plaintiff was advised to cease all visitation with the Defendant. The Plaintiff therefore requests the

Court and for a Guardian Ad Litem to be appointed for the minor child.

5.

Additionally the Plaintiff would show that the Defendant's behavior has become erratic both on social media and in person and the Plaintiff fears for the safety of the minor child for the Defendant to be exercising the current visitation in the midst of the pandemic.

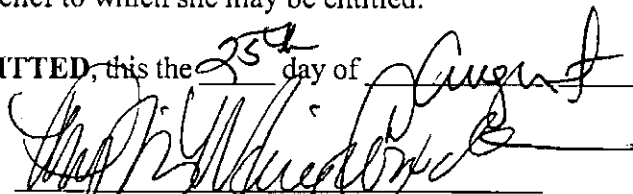
6.

Plaintiff would show that Defendant Matthew Oliver Reardon should be required to pay to the Petitioner, Phyllis Marie Crowder, a reasonable sum as attorney's fees for having to bring forth this action and that all costs of Court should be taxed to Matthew Oliver Reardon.

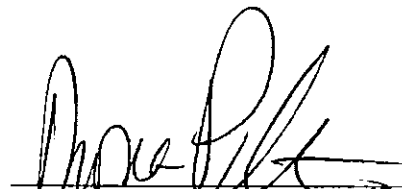
WHEREFORE, PREMISES CONSIDERED, Plaintiff Phyllis Marie Crowder respectfully requests that the Court grant unto her the following relief:

1. That the Court find that there has been a material change in circumstances which have had an adverse effect on the minor child and that visitation with the Defendant cease.
2. That Phyllis Marie Crowder be awarded reasonable attorney's fees and costs suffered in bringing this matter; and,
3. That if mistaken for the relief prayed for and entitled to, then the Plaintiff prays for such other, further, general, specific or special relief to which she may be entitled.

RESPECTFULLY SUBMITTED, this the 25th day of August, 2020.



PHYLLIS MARIE CROWDER



MONA T. PITTMAN, MSB # 9754
Attorney for the Plaintiff
P. O. Box 2958
Oxford, Mississippi 38655
Telephone: (662) 234-9346
Facsimile: (662) 234-9748 (Facsimile)
mona@panola.com

STATE OF MISSISSIPPI
COUNTY OF LAFAYETTE

Personally appeared before me, the undersigned authority in and for the aforesaid County and State, the within named, Phyllis Marie Crowder, who, after being first duly sworn, states that the matters contained in the above and foregoing Petition for Citation of Contempt are true and correct as therein stated.

This the 25 day of August 2020.



Phyllis Marie Crowder

SWORN TO AND SUBSCRIBED BEFORE ME, this the 25 day of August 2020.



NOTARY PUBLIC

MY COMMISSION EXPIRES:

6/15/2024

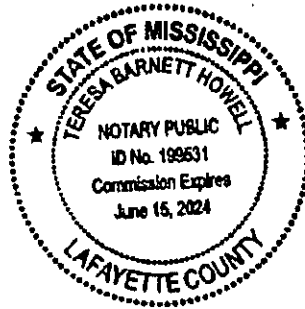


Exhibit B

FILED
IN THE CHANCERY COURT OF MISSISSIPPI
LAFAYETTE COUNTY, MISSISSIPPI

PHYLLIS MARIE CROWDER

2020 SEP 30 PM 12:48

PLAINTIFF

vs.

CLERK

CAUSE NUMBER: CV-2016-422W

MATTHEW OLIVER REARDON

PA

DEFENDANT

PETITION FOR MODIFICATION AND OTHER RELIEF

COMES NOW the Plaintiff, Phyllis Marie Crowder, and files this her Petition for Modification and Other Relief against the Defendant, Matthew Oliver Reardon, and in support thereof would respectfully show unto the Court the following:

1.

This Court has personal and subject matter jurisdiction in this matter.

2.

That the Defendant, Matthew Oliver Reardon, is an adult resident citizen of Lafayette County, Mississippi, and may be served with process at his residence in Lafayette County, Mississippi, or wherever he may be found.

3.

That on May 22, 2018, This Court entered an Agreed Order of Modification regarding child visitation, a true and correct copy of which is attached hereto as Exhibit "A".

4.

That there has been a material change in circumstance that has adversely affected the minor child and therefore visitation with the Defendant has ceased. The Defendant abuses alcohol and/or other prescription or non-prescription drugs to the point that he no longer safely monitors the minor child while she is in the Defendant's care which has caused physical injury to the minor child at the hands of the Defendant's current wife at which point visitation with the Defendant ceased. The incident was reported to the State of Mississippi Child Protective Services and in the interim, the Plaintiff was advised to cease all visitation with the Defendant. The Plaintiff therefore requests the

Court and for a Guardian Ad Litem to be appointed for the minor child.

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Additionally the Plaintiff would show that the Defendant's behavior has become erratic both on social media and in person and the Plaintiff fears for the safety of the minor child for the Defendant to be exercising the current visitation in the midst of the pandemic.

6.

Plaintiff would show that Defendant Matthew Oliver Reardon should be required to pay to the Petitioner, Phyllis Marie Crowder, a reasonable sum as attorney's fees for having to bring forth this action and that all costs of Court should be taxed to Matthew Oliver Reardon.


WHEREFORE, PREMISES CONSIDERED, Plaintiff Phyllis Marie Crowder respectfully requests that the Court grant unto her the following relief:

1. That the Court find that there has been a material change in circumstances which have had an adverse effect on the minor child and that visitation with the Defendant cease.
2. That Phyllis Marie Crowder be awarded reasonable attorney's fees and costs suffered in bringing this matter; and,
3. That if mistaken for the relief prayed for and entitled to, then the Plaintiff prays for such other, further, general, specific or special relief to which she may be entitled.

RESPECTFULLY SUBMITTED, this the 25th day of August, 2020.



PHYLLIS MARIE CROWDER

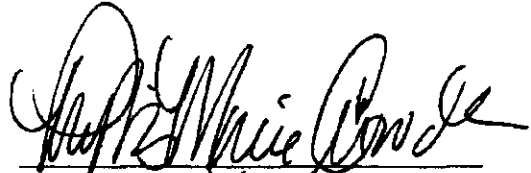


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mona@panola.com

STATE OF MISSISSIPPI
COUNTY OF LAFAYETTE

Personally appeared before me, the undersigned authority in and for the aforesaid County and State, the within named, Phyllis Marie Crowder, who, after being first duly sworn, states that the matters contained in the above and foregoing Petition for Citation of Contempt are true and correct as therein stated.

This the 25 day of August 2020.


Phyllis Marie Crowder

SWORN TO AND SUBSCRIBED BEFORE ME, this the 25 day of August 2020.


NOTARY PUBLIC

MY COMMISSION EXPIRES:

6/15/2024

