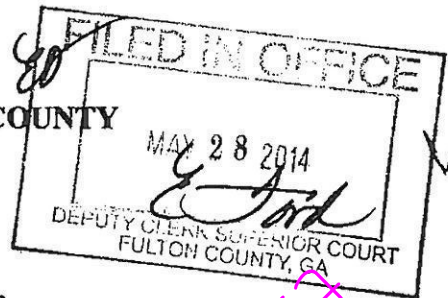


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION



TYREE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

*
*
*
*
*
*
*

Civil Action
File No. 2014CV244784

RULE NISI

The Respondent's Emergency Motion for Temporary Hearing having been read and considered let the same be filed. Having been filed, that Tyree Simmons appear before this Court at, Fulton County, Georgia on the 6 day of June, 2014 at 3:45 pm., Courtroom 7F, before the Honorable Doris L. Downs, Judge of Superior Court of Fulton County, Georgia to show cause, if any he may have, why the relief demanded in said Motion should not be granted.

This 26th day of May 2014.

The Honorable Doris L. Downs
Judge, Superior Court of Fulton County
Family Division
Atlanta Judicial Court

theJasmineBRAND.com

theJasmineBRAND.com

theJas

theJasmineBRAND.com



theJasmineBRAND.com

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

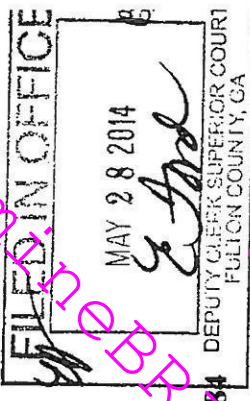
TYREE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

Civil Action

File No. 2014CV244784



EMERGENCY MOTION FOR TEMPORARY HEARING

COMES NOW, Respondent, Summer Walker, by and through counsel pursuant to O.C.G.A. § 19-6-3, § 19-6-2 and Uniform Superior Court Rule 6.7 and moves the court for an Emergency Temporary Hearing and shows the court the following:

1.

The parties are husband and wife, having been married on December 12, 2008. The parties separated on or about December 20, 2013.

2.

Petitioner filed for divorce on April 8, 2014 and without knowledge of Petitioner's filing, Respondent filed for divorce on April 24, 2014.

3.

Prior to filing for divorce, the parties were actively involved in several business ventures, each withdrawing funds for their respective expenses from the business bank account. After filing for divorce, Petitioner shut Respondent out of the business, stopped depositing funds into the business accounts and denied her access to business property.

4.

Respondent has no source of income other than the business shared with Petitioner.

5.

Respondent is substantially dependent upon the marital assets of the parties for support and maintenance and seeks Temporary Alimony and Support.

6.

Respondent has had to hire an attorney to represent her and is without sufficient mean to do so. The Petitioner should be required to pay sufficient sums to the Respondent or her attorney for representation during the pendency of this action.

7.

Wherefore Respondent respectfully demands:

- a) Rule Nisi issue requiring Petitioner to appear and show cause why Respondents prayers for temporary relief should not be granted;
- b) Court award Respondent temporary alimony and support;
- c) Attorney fees on Account; and
- d) For such other and further relief as the court deems just and proper.

This 28th day of May 2014.

Respectfully submitted,
The Gardner Firm



Brenda L. Gardner
Attorney for Respondent
Georgia Bar No. 284025

The Pinnacle Building
3455 Peachtree Rd., NE
5th Floor
Atlanta, GA 30326
404-995-7030 Telephone
404-995-7001 Facsimile

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

TYREE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

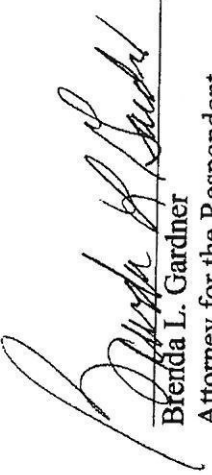
* Civil Action
* File No. 2014CV244784
*
*
*
*
*
*
*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Emergency Motion For Temporary Hearing and Rule Nisi was served via E-Mail and United States Mail, with adequate postage thereon to ensure delivery, properly addressed to:

Randall M. Kessler, Esq.
Kessler & Solomiany, LLC
Centennial Tower
101 Marietta Street, Suite 3500
Atlanta, Georgia 30303
rkessler@ksfamilylaw.com

This 28th day of May, 2014


Brenda L. Gardner
Attorney for the Respondent
Georgia Bar. 284025

The Pinnacle Building
3455 Peachtree Road NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6868 Facsimile

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

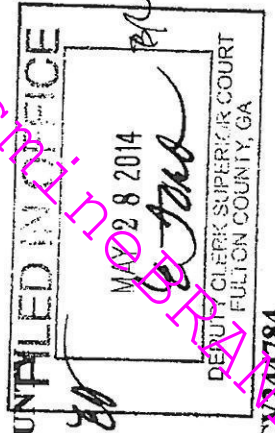
TYREE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

*
*
*
*
*
*
*

Civil Action
File No. 2014CV244784

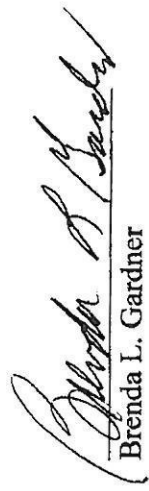


REQUEST TO HAVE THE
JUDGE PRESIDE

COMES NOW Respondent, Summer Walker, by and through counsel and pursuant to Rule 1000-4 of the Local Court Rules and Procedures, Fulton County Superior Court Family Division and request that the Honorable Doris L. Downs preside over all matters pertaining to the case at bar, including and not limited to status conferences, telephonic conferences, hearings, Motions For Contempt and the final hearing.

This 28th day of May 2014

THE GARDNER FIRM


Brenda L. Gardner
Attorney for the Respondent
Georgia Bar No. 284025

The Pinnacle Building
3455 Peachtree Rd, NE
5th Floor,
Atlanta, GA 30326
Phone 404-995-7030
Facsimile 404-995-7001

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

TYREE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

* Civil Action
* File No. 2014CV244784
*
*
*
*
*
*

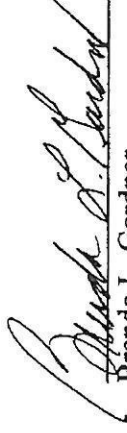
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Request to Have the Judge Preside was served by facsimile and United States Mail, with adequate postage thereon to ensure delivery, properly addressed to:

Randall M. Kessler, Esq.
Kessler & Solomiany, LLC
Centennial Tower
101 Marietta Street, Suite 3500
Atlanta, Georgia 30303
rkessler@ksfamilylaw.com

This 28th day of May 2014

THE GARDNER FIRM



Brenda L. Gardner
Attorney for the Defendants
Georgia Bar No. 284025

3455 Peachtree Rd, NE
5th Floor
Atlanta, GA 30326
Phone 404-995-7030
Facsimile 404-995-7001

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

TYREE SIMMONS,

Petitioner,

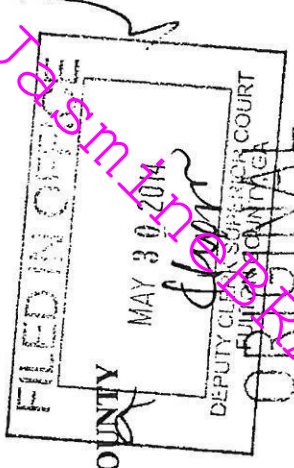
and

SUMMER WALKER,

Respondent.

CIVIL ACTION

FILE NO. 2014CV244784



**PETITIONER'S RESPONSE TO EMERGENCY MOTION FOR TEMPORARY
HEARING AND A REQUEST FOR CONTINUANCE BASED ON ABSENCE
OF AN EMERGENCY AND A FILED LEAVE OF ABSENCE**

COMES NOW Tyree Simmons, Petitioner in the above-styled case, and files this,

Petitioner's Response to Emergency Motion for Temporary Hearing and a Request for

Continuance Based on Absence of an Emergency and a Filed Leave of Absence as follows:

Respondent has requested emergency relief without providing ANY evidence of her expenses in a Domestic Relations Financial Affidavit (DRFA) or otherwise, thus preventing Petitioner's counsel from attempts to resolve the issues that Respondent characterizes as emergency in nature. As a result, Respondent should be estopped from seeking any form of financial relief until serving a DRFA on Petitioner and allowing Petitioner time to address.

Despite this, Respondent's Motion is **NOT AN EMERGENCY** and should be denied as said Motion is without merit and has been filed solely to harass Petitioner and to cause him undue hardship and expense. In fact, after several requests, Respondent has failed to provide *any* details of what expenses are needed nor submitted a DRFA that details her requests for an emergency hearing. See Exhibit "A". Instead, Petitioner *voluntarily* provided Respondent

\$2,500.00 on May 9, 2014 and plans to *voluntarily* provide another \$2,500.00 on June 1, 2014.

Respondent has also stated in said emails to Petitioner's counsel that she has \$23,000.00 per month in expenses, however, Respondent and Petitioner have not lived together for nearly two (2) years, have no children together, and Respondent has no idea what those expenses entail. Respondent has had nearly two (2) months to prepare a DRFA but refuses to do so.

Additionally, Respondent has objected to a status conference and filed a Rule 1000-4 in this matter, adding to the unnecessary costs of this case.

Respondent's request for attorney's fees should also be denied as they are intended to support the stubbornly litigious manner in which Respondent has chosen to proceed. Since Respondent has failed to swear to her financial obligations by filing a DRFA, Respondent should be ordered to reimburse Respondent for the costs and expenses incurred by having to prepare for and attend a formal hearing when she failed to comply with Petitioner's reasonable requests to simply disclose her DRFA. If the Court believes an award of attorney's fees to Respondent may be appropriate, Petitioner respectfully requests that he be permitted an opportunity for a full hearing on this issue since it will be clear to the Court that Respondent escalated the litigation and has failed to act in good faith. Furthermore, Respondent's action will lead the Court to determine that an award of attorney's fees to Petitioner is more appropriate, especially given the fact that Petitioner has voluntarily paid Respondent temporary support and that Respondent refuses to disclose her DRFA prior to requesting an emergency hearing with the Court.

In response to the enumerated allegations contained in Respondent's Emergency Motion for Temporary Hearing:

1.

Petitioner admits that the parties are husband and wife and that they were married on

Tyree Simmons and Summer Walker
Superior Court of Fulton County
Civil Action File No. 2014CV244784

Response to Emergency Motion and Motion for Continuance

December 12, 2008. Responding further, Petitioner shows that the parties separated on or before the date of filing of this Complaint, and have lived in a bona fide state of separation since that date.

2.

Petitioner admits that he filed the instant action on or about April 8, 2014. Petitioner can neither admit nor deny whether Respondent filed for divorce on April 24, 2014 "without knowledge of Petitioner's filing," but admits that she did file on or about April 24, 2014.

3.

Petitioner admits that Respondent was denied access to business funds as it was discovered that Respondent was withdrawing said funds and using them to conduct extramarital affairs. Petitioner denies the remaining allegations contained in Paragraph 3 of Respondent's Motion.

4.

Petitioner denies the allegations contained in Paragraph 4 of Respondent's Motion. Responding further, Petitioner shows that he has already given Respondent \$2,500.00 without a court order and intends to make another \$2,500.00 available to her on June 1, 2014. Notwithstanding, Respondent continually states that she has \$23,000.00 per month in expenses, however, she refuses to provide any documentation of same and despite several requests has failed to furnish a DRFA.

Attached hereto as Exhibit "A" is a true and correct copy of an email exchange between counsel for Petitioner's and Respondent's counsel on May 27, 2014, wherein Petitioner agreed to pay Respondent's tag fees, provide her with an additional \$2,500.00 on June 1, 2014 and again

Tyree Simmons and Summer Walker

Superior Court of Fulton County

Civil Action File No. 2014CV244784

Response to Emergency Motion and Motion for Continuance

Page 3 of 6

requested evidence of her alleged \$23,000.00 per month in expenses.

5.

Petitioner denies the allegations contained in Paragraph 5 of Respondent's Motion and shows the court that this is a relatively short marriage and Respondent is capable of obtaining gainful employment.

6.

Petitioner denies the allegations contained in Paragraph 6 of Respondent's Motion and again shows that Respondent is capable of obtaining gainful employment.

7.

To the extent that Petitioner is obligated to admit or deny Respondent's "demands,"

Petitioner denies same.

8.

Any allegations not expressly admitted hereinabove are hereby denied.

MOTION AND BRIEF FOR CONTINUANCE

COMES NOW, TYREE SIMMONS, Petitioner in the above-styled case, and files this, his Motion and Brief for Continuance, showing the court as follows:

BRIEF FACTUAL BACKGROUND

Petitioner filed the above-styled divorce on or about April 8, 2014. Attached to Petitioner's Complaint for Divorce was the undersigned's Leave of Absence. A true and correct copy of the undersigned's Leave of Absence is attached hereto as Exhibit "B."

The instant Motion was filed May 28, 2014 and a hearing date was scheduled for June 6,

Tyree Simmons and Summer Walker
Superior Court of Fulton County
Civil Action File No. 2014CV244784

Response to Emergency Motion and Motion for Continuance

2014. As the hearing interferes with the undersigned's Leave of Absence, submitted on April 8, 2014, Petitioner respectfully requests that this hearing be continued to a later date.

ARGUMENT AND CITATION TO AUTHORITY

The Court has broad authority as to whether to grant a motion for continuance. See O.C.G.A. § 9-10-167(a) ("All applications for continuance are addressed to the sound discretion of the court and, if not expressly provided for, shall be granted or refused as the ends of justice may require."). Petitioner first shows that there is currently no emergency as he has voluntarily given Respondent \$2,500.00 and will be giving her an additional \$2,500.00 on June 1, 2014. Hence, Respondent will not be without funds if this case is continued to a later date. Additionally, despite repeated requests for proof of Respondent's expenses and/or a sworn DRFA, she has failed to provide same. To date, the only "evidence" of Respondent's need is her own statement that she has \$23,000.00 in expenses per month. To that end, Petitioner requests that this case be continued until such time as Respondent provides Petitioner with a sworn affidavit detailing her alleged expenses and he has been given an opportunity to review same to determine the reasonableness of her alleged expenses.

The reasons stated hereinabove, Petitioner requests that this case be continued until a later date that does not interfere with the undersigned's Leave of Absence and Respondent has provided a sworn DRFA.

WHEREFORE, Petitioner respectfully requests:

- (a) That Respondent's Motion be denied in its entirety;
- (b) That Petitioner's Motion for Continuance be granted and that the hearing

*Tyree Simmons and Summer Walker
Superior Court of Fulton County
Civil Action File No. 2014CV244784
Response to Emergency Motion and Motion for Continuance
Page 5 of 6*

scheduled for June 6, 2014 be continued until a later date; and

- (c) That he awarded any such additional and further relief as the court deems just and proper under the circumstances.

This 30th day of May, 2014.

Randall M. Kessler

Randall M. Kessler
Georgia State Bar No. 004170
rkessler@ksfamilylaw.com

TFW GA, BAR#142015
W/E/P

Kessler & Solomiany, LLC
Attorneys for Petitioner
Centennial Tower
101 Marietta Street, Suite 3500
Atlanta, Georgia 30303
(404) 688-8810
www.ksfamilylaw.com

*Tyree Simmons and Summer Walker
Superior Court of Fulton County
Civil Action File No. 2014CV244784*

*Response to Emergency Motion and Motion for Continuance
Page 6 of 6*

Thad Woody

From: Thad Woody
Sent: Tuesday, May 27, 2014 5:25 PM
To: 'Brenda L. Gardner, Esq.'; Fran Spaulding
Cc: Randall M. Kessler
Subject: RE: Tag update

We do not see the emergency and have asked repeatedly for documentation evidencing the same. Your client has failed to tell us anything except that she needs \$23k a month to live. There are no children and our client just voluntarily gave your client \$2,500.00 a few weeks ago and now intends to voluntarily give her another \$2,500.00 by June 1. If such an emergency is requested then we intend to ask for our fees for having to defend a claim that lacks "substantial justification".

Thad F. Woody, Esq.
Kessler & Solomiany LLC
Centennial Tower | 101 Marietta Street | Suite 3500
Atlanta, Georgia 30303
404.688.5042 (direct) | 404.688.8810 (main) | 404.681.2205 (fax)
twoody@ksfamilylaw.com | www.ksfamilylaw.com



Please consider the environment before printing this email.

From: Brenda L. Gardner, Esq. [mailto:gardneresq@aol.com]
Sent: Tuesday, May 27, 2014 5:04 PM
To: Thad Woody; Fran Spaulding
Cc: Randall M. Kessler; summerpswalker@gmail.com
Subject: Re: Tag update

Thad:

Unfortunately, Ms. Simmons does not have gas money to travel to an emission inspection facility nor the fee to get a rejection notice.

It is my understanding that Ms. Walker attempted to withdraw from a joint business bank account to pay her credit card and Mr. Simmons reported the activity to the Fraud department. I suspect this is against the standing order and I haven't exactly figured out how the bank entertained such accusations. I am looking into the matter. However, there isn't a business credit card that I am aware of.

EXHIBIT "A"

Time is of the essence, Ms. Walker is broke and I have relied on your representation that she would have funds from your client for her immediate needs days ago. I am filing an Emergency Motion For a Temporary Order tomorrow and will forward the required documentation, including financial affidavits. If we can work out a written temporary agreement prior to the hearing, we're open.

Brenda L. Gardner, Esq.
THE GARDNER LAW FIRM
The Pinnacle Building
3455 Peachtree Road, NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6886 Facsimile

-----Original Message-----

From: Thad Woody <twoody@ksfamilylaw.com>
To: GardnerEsq <gardneresq@aol.com>; Fran Spaulding <fspaulding@ksfamilylaw.com>
Cc: Randall M. Kessler <rkessler@ksfamilylaw.com>
Sent: Tue, May 27, 2014 4:42 pm
Subject: RE: Tag update

The attached invoice dates back to March and includes a 60,000 mile inspection which is unrelated to an emissions inspection. Please have your client go to an emissions testing location (not the Jaguar dealership) and have her emissions tested. Once approved or disapproved, she can send a certificate or a requirement of what the state requires to be fixed and our client will address.

Regarding your client stating that she has \$23,000.00 worth of monthly expenses, please forward to me your client's financial affidavit at your earliest opportunity. I will work on getting you our client's within the next week. Your client continues to violate the court's standing order by taking additional draws on the business credit card without our client's consent. Additionally, I have asked previously, but you have failed to submit any outstanding marital bills that your client has outstanding. Our client will pay the second \$2,500.00 payment by June 1 but if you have any immediate outstanding marital bills that need to be addressed before then, please forward them to me immediately.

Thad F. Woody, Esq.
Kessler & Solomiany LLC
Centennial Tower | 101 Marietta Street | Suite 3500
Atlanta, Georgia 30303
404.688.5042 (direct) | 404.688.8810 (main) | 404.681.2205 (fax)
twoody@ksfamilylaw.com | www.ksfamilylaw.com

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or otherwise privileged. If you have received this e-mail in error, please do not print, copy, retransmit, or otherwise use the information. If you are not the intended recipient, please notify the sender immediately by e-mail. If you are the intended recipient, please do not print, copy, retransmit, or otherwise use the information. If you are not the intended recipient, please notify the sender immediately by e-mail. If you are the intended recipient, please do not print, copy, retransmit, or otherwise use the information.

From: Brenda L. Gardner, Esq. [<mailto:gardneresq@aol.com>]
Sent: Tuesday, May 27, 2014 3:59 PM
To: Thad Woody
Cc: Fran Spaulding; simmerpwalker@gmail.com
Subject: Re: Tag update

Thad:

Attached find an estimate for service necessary before the car can pass emission testing. I suggest that Mr. Simmons, since he is traveling, write a check or deposit the funds necessary for the service, tags and \$2.5K check.

Ms. Walker has monthly expenses of \$23K per month, including the auto payment. I understood from our discussion, the \$6K payment in May was a band aid until you could get your client's financials. She has received \$2.5K since the filing of the divorce and is shut out of the joint business account that the parties lived from. Thad, this is not working.

Brenda L. Gardner, Esq.
THE GARDNER LAW FIRM
The Pinnacle Building
3455 Peachtree Road, NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6886 Facsimile

-----Original Message-----

From: Thad Woody <twoody@ksfamilylaw.com>
To: GardnerEsq <gardneresq@aol.com>
Cc: Fran Spaulding <fspaulding@ksfamilylaw.com>
Sent: Tue, May 27, 2014 1:30 pm
Subject: Tag update

Our client just returned from the tag office where he was told that your client has failed to do an emissions test yet. If she is able to complete today, please let us know immediately and we will ask our client to return to the tag office this afternoon to complete the process. Otherwise, our client is out of town until next week and will not be able to return to the tag office until that time. Please advise.

Thad F. Woody, Esq.
Kessler & Solomiany LLC
Centennial Tower | 101 Marietta Street | Suite 3500
Atlanta, Georgia 30303
404.688.5042 (direct) | 404.688.8810 (main) | 404.681.2205 (fax)
twoody@ksfamilylaw.com | www.ksfamilylaw.com

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and immediately destroy all copies of the message.

Ami

To: All Judges, Clerks of Court and Counsel of Record

From: Randall M. Kessler, Esq., Kessler & Solomiany, LLC

RE: Notice of Leave of Absence

Date: April 3, 2014

ORIGINAL



Tyree Simmons and Summer Walker
Superior Court of Fulton County
Civil Action File No. 2014CV244594

Comes Now, **Randall M. Kessler**, and respectfully notifies all judges before whom he has cases pending, all affected Clerks of Court and all opposing counsel, that he will be on leave pursuant to Georgia Uniform Court Rule 16.

1. The period of leave during which Applicant will be away from the practice of law is:

April 14, 15, 2014, Passover

April 24, 25, 2014, GTLA Annual Convention, Atlanta, GA

April 25, 2014, NACVA April Practice Management Webinar, 1-4 p.m.

May 2, 2014, Personal

May 7-9, 2014, ABA Family Law CLE, Bermuda

May 15-16, 2014, Speaker, Sports Lawyers Association Conference, Family Law for Athletes, Chicago, IL

May 21-23, 2014, Family Law Institute, Amelia Island, FL

May 27-30, 2014, Speaker, Alabama Bar Annual Divorce Seminar, Destin FL

June 5, 6, 2013, State Bar of Georgia Annual Meeting, Amelia Island, FL

June 17-20, 2014, Potential Presenter for NACVA, Las Vegas, NV and family wedding

July 1-3, 7-11, Personal

July 30, 31, 2014, Personal

August 3-7, 10-12, 2014, American Bar Association Annual Meeting, Boston, MA

EXHIBIT

August 22, 2014, Personal

September 17, 2014, ABA Family Law Section Webinar

September 25, 26, 2014, Rosh Hashanah

October 3,4, 2014, Yom Kippur

2. All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

Kessler & Solomiany, LLC
Centennial Tower
101 Marietta Street, Suite 3500
Atlanta, Georgia 30303
(404) 688-8810

Randall M. Kessler
Randall M. Kessler
Georgia State Bar No. 004170

TFW GA. BAR#142015
W/E/P

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the within and foregoing Notice of Leave of Absence upon all affected judges, clerks and opposing counsel by depositing same in the U.S. Mail with adequate postage affixed thereto.

This 3rd day of April, 2014.

Randall M. Kessler
Randall M. Kessler

TFW GA. BAR#142015
W/E/P

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

TYREE SIMMONS,

Petitioner,

and

SUMMER WALKER,

Respondent.

CIVIL ACTION

FILE NO. 2014CV244784

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for opposing party in the foregoing matter with a copy of this pleading by e-mail and US Mail delivery to:

Brenda L. Gardner, Esq.
The Pinnacle Building
3455 Peachtree Road, NE
5th Floor
Atlanta, GA 30326

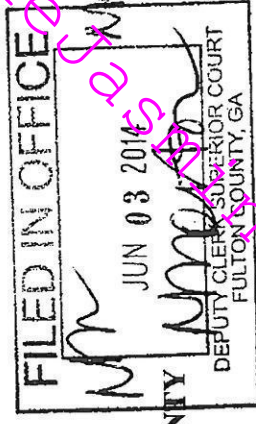
This 30th day of May, 2014.

Randall M. Kessler

Randall M. Kessler
Georgia State Bar No. 004170
rkessler@ksfamilylaw.com

TFW GA. BAR # 142015
W/E/P

Kessler & Solomiany, LLC
Attorneys for Petitioner
Centennial Tower
101 Marietta Street, Suite 3500
Atlanta, Georgia 30303
(404) 688-8810
www.ksfamilylaw.com



IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

TYREE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

Civil Action
File No. 2014CV244784

*
*
*
*
*
*
*

ANSWER AND COUNTERCLAIM FOR DIVORCE

COMES NOW, Respondent, Summer Walker, by and through counsel and files

this her Answer and Counterclaim for Divorce and show the court the following:

1.

Respondent admits the allegations of paragraphs 1 of Petitioners' Complaint for Divorce.

2.

Respondent admits she is a resident of Fulton County, State of Georgia and may be personally served at her residence or any other location where she may be found. Respondent denies she had the choice to acknowledge service.

3.

Respondent admits the allegations of paragraphs 3, 4 and 5 of Petitioners' Complaint for Divorce.

4.

Paragraph 6 of Petitioner's Complaint for Divorce calls for no response

5.

Respondent admits the allegations of paragraph 7 of Petitioner's Complaint for Divorce.

6.

Paragraphs 8, 9 and 10 of Petitioner's Complaint for Divorce calls for no response.

7.

Paragraphs 11 and 12 of Petitioner's Complaint for Divorce calls for no response.

COUNTERCLAIM FOR DIVORCE

8.

The Court has jurisdiction over the subject matter and parties to the action for divorce.

9.

The parties are husband and wife, having married on December 12, 2008. The parties separated on or about March, 2014 and have continuously since that date lived in a bona fide state of separation.

10.

There are no children born as issue of the marriage between the parties.

11.

On or about July 25, 2011, Petitioner and Respondent formed Drama Like The DJ, LLC, a limited liability company duly organized and existing under the laws of the State of Georgia. The parties each own a 50% interest in the company.

12.

On or about July 16, 2012, Petitioner and Respondent formed Means Street Studios LLC, a limited liability company duly organized and existing under the laws of the State of Georgia. The parties each own a 50% interest in the company.

13.

The Respondent is substantially dependent upon the Petitioner for support and maintenance and is entitled to receive temporary and permanent support from the Petitioner.

14.

Petitioner and Respondent purchased two automobiles 2011 XJ Jaguar and 2009 Mercedes Benz CL550. Respondent primarily drives the Jaguar and Petitioner drives the Mercedes Benz. Respondent is entitled to temporary and permanent possession of the 2011 XJ Jaguar.

15.

Petitioner and Respondent accumulated other personal property during the marriage. Respondent seeks an equitable division of said property and the establishment of property rights as contemplated by the laws of Georgia.

16.

Petitioner and Respondent accumulated debt during the marriage, and substantial debt to the Internal Revenue Service. Respondent seeks an equitable division of all debt.

17.

The Respondent has had to hire an attorney to represent her and is without sufficient means to do so. The Petitioner should be required to pay sufficient sums to the Respondent or her attorney for representation during the pendency of this action.

18.

Respondent is entitled to and desires a divorce from Respondent on the grounds of Cruel treatment as set forth in O.C.G.A. §19-5-3(10) and that the marriage is irretrievably broken as set forth in O.C.G.A. §19-5-3(13)

WHEREFORE, Respondent respectfully demands that:

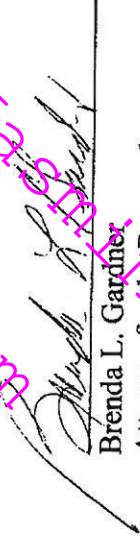
- a) Respondent be awarded a total divorce from the Petitioner;
- b) Respondent be awarded temporary and permanent alimony.
- c) Respondent be awarded temporary and permanent possession of the 2011 XJ Jaguar vehicle;
- d) All other personal property be equitably divided;
- e) All debt be equitably divided;
- f) Reasonable Attorney's fees;

g) Trial by jury; and

h) Such other and further relief as the Court may deem just and proper.

This 3rd day of June 2014

Respectfully submitted,
The Gardner Firm



Brenda L. Gardner
Attorney for the Respondent
Georgia Bar No. 284025

The Pinnacle Building
3455 Peachtree Rd, NE
5th Floor
Atlanta, GA 30326
404-995-7030 Telephone
404-995-6868 Facsimile

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

TYREE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

* Civil Action
* File No. 2014CV244784
*
*
*
*
*
*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer and Counterclaim For Divorce was served via E-Mail and United States Mail, with adequate postage thereon to ensure delivery, properly addressed to:

Randall M. Kessler, Esq.
Kessler & Solomiani, LLC
Centennial Tower
101 Marietta Street, Suite 3500
Atlanta, Georgia 30303
rkessler@ksfamilylaw.com

This 3rd day of June 2014

THE GARDNER FIRM



Brenda L. Gardner
Attorney for the Respondent
Georgia Bar. 284025

The Pinnacle Building
3455 Peachtree Road NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6868 Facsimile

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

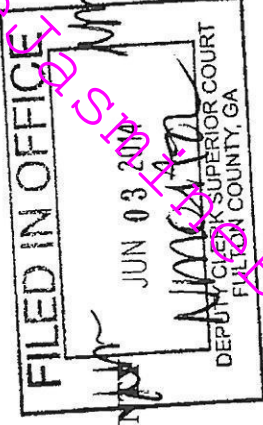
TYREE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

Civil Action
File No. 2014CV244784

*
*
*
*
*
*
*



RESPONDENT'S RESPONSE TO PETITIONER'S
REQUEST FOR CONTINUANCE BASED ON THE
LACK OF EMERGENCY AND A FILED LEAVE OF ABSENCE

COMES NOW, Respondent, Summer Walker, by and through counsel and renews her Emergency Motion For Temporary Hearing. Respondent acknowledge the parties maintain separate households, by agreement. However, the parties maintained marital relations and business relations while maintaining separate households. Respondent denies Petitioner's allegations that she used business funds to conduct extramarital affairs and states the evidence will show Petitioner openly and notoriously utilizes jointly owned business funds, jointly owned business property as well as marital assets to conduct adulterous relationships.

Respondent is substantially dependent upon Petitioner and marital assets for support and maintenance. Petitioner's offer of twenty five hundred dollars (\$2,500.00) per month is not sufficient for food, shelter, health insurance and transportation. (See Exhibit "A").

When the matter at bar was set for hearing on June 6, 2014, inadvertently notice was not taken of Attorney Randall M. Kessler's filed leave of absence to attend the State Bar of Georgia Annual Meeting on June 5th and 6th. However, through counsels' correspondence with the court

Allowances	\$		
Clothing	\$		
Cellular telephone	\$		
Medical/dental (out of pocket/ uncovered expenses	\$		
Psychiatric/psychological/ counseling (out of pocket/ uncovered expenses)	\$		
Prescriptions (out of pocket/ uncovered expenses)	\$		
Grooming	\$		
Gifts from children to others	\$		
Entertainment	\$		
Toys	\$		
Books/Publications	\$		
Summer camps	\$		
Sports and extracurricular activities	\$		
Other (attach sheet)	\$		

Sub-total Child(ren) Expenses

\$ _____

INSURANCE

Health	
Total	\$ 378.00
Child(ren) portion	\$ _____
Dental	
Total	\$ _____
Child(ren) portion	\$ _____
Vision	
Total	\$ _____
Child(ren) portion	\$ _____
Life Insurance on child(ren)'s life only	\$ _____
Other (specify)	\$ _____

Sub-total Child(ren)'s Insurance

\$ _____

TOTAL AVERAGE MONTHLY EXPENSES (Section A)

\$ 18,858.74

To Whom	Account # (last 4 digits)	Balance Due	Monthly Payments	Name(s) Account
Ally Financial		\$54,990.23	\$1,600.00	Tyrree Simmons
Capital One		\$750.00	\$750.00	Summer Walker
IRS		\$134,393.00		Simmons & Walker
Hertz				
TOTAL (Section B)		\$ 190,133.23	\$ 2,350.00	

\$ 21,208.74

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column. "Non-marital" means your spouse or you had this asset before the marriage or received it by personal gift or inheritance during the marriage. The total value of each asset must be listed in the "value" column. "Value" means what you believe to be the fair market value of the item or property.

ACCOUNT(S) NAME	ACCOUNT # (last 4 digits)	VALUE	HUSBAND'S Non-Marital	WIFE'S Non-Marital

401-K					
Pension					
IRA					
Other					

Assets	Liabilities	Equity
Stocks Bonds CDs Investments Money Market Cash on hand Other accounts	Accounts payable Notes payable Long-term debt Other liabilities	Common stock Retained earnings Other equity

Domestic Relations Financial Affidavit
Fulton County Family Division

BANK ACCOUNTS:

	Name of Bank	Account Number (only last 4 digits)	12 month Average Balance	Current Balance	Name(s) on the Account
Savings	Suntrust	2615			
Checking	Suntrust	2955			
Checking					
Checking					
Custodial					
Custodial					
Other					

REAL ESTATE:

REAL ESTATE:		HUSBAND'S	WIFE'S
		Non-Marital	Non-Marital
Home:	Value		
	Outstanding Loan balances		
	Equity		

(Certified fair market value
minus loan balances)

Other real estate:

Name/Description

	1)	Value
Outstanding Loan balances		
Equity		

2)	Value
Outstanding Loan balances	
Equity	

3)	Value
Outstanding Loan balances	
Equity	

VALUE

	VALUE	HUSBAND'S Non-Marital	WIFE'S Non-Marital
Money owed to you			
Tax refund due			
Life insurance			
(cash surrender value)			
Furniture/furnishings	\$6,000.00		
Jewelry	\$20,000.00		
Collectibles			
Other			

~~Domestic Relations Financial Affidavit~~
~~Fulton County Family Division~~

MOTOR VEHICLES:

<u>Year, Make and Model</u>	<u>Value</u>	<u>Names(s) on title/Name(s) on loan/lease account</u>
1) 2011 Jaguar XJ	\$41,379.00	Tyree Simmons
2)		
3)		

OTHER ASSETS

Are there any other assets, interest in assets or employment benefits that your spouse or you have of a value greater than \$999? If so, list your other assets here, (describe the asset, state your estimate of the current fair market value and any amount you contend to be your spouse or your non-marital interest):

NOTE: BUSINESS INTERESTS— see required attached form labeled “Business Interests”

☒ Check if *Business Interests form* is attached

BUSINESS INTERESTS

The term "Business" for purposes of this form and your disclosure includes any business entity or business operation of any kind in which you have any claim or ownership interest including, without limitation, your claim or interest in any sole proprietorship, partnership, limited partnership, limited liability company, joint venture, syndicate, closely held corporation, sub-chapter S corporation or any other type of business entity in Georgia or any other jurisdiction.

For each Business in which you have any claim, interest or ownership, list separately and completely the information in the form below and produce the documents required in this section.

Legal name of Business (and d/b/a if any)	Type of business entity (i.e. Sub-S Corp., C Corp., LLC, LLP, Partnership, Sole Proprietorship etc.)	Business activity	Percentage of ownership	Date Business interest acquired	Estimated fair market value of ownership interest	Percentage of total interest that is non- marital
Drama Like The DJ LLC	LLC	ARTIST BOOKINGS/ RECORDING/ STUDIO BUILDOUT MIXED TAPES	50%	2010		
MEANS STREET STUDIOS LLC	LLC	MEDIA CENTER/ RADIO STATION RECORDING/ GREEN/SCREEN REHEARSAL/ EVENT SPACE/	50%	2011		

For each Business Interest you have listed above, attach copies of corporate or partnership income tax returns for the last three years; and attach annual financial statements for the last full year as well as financial statements from the end of the last full year until the present. The term "financial statements" includes, at a minimum, income and profit and loss statements and balance sheets showing assets and liabilities including without limitation current accounts receivable and payable.

For the last three years, for sole proprietorships, produce your IRS Schedule C forms with your Form 1040 personal tax returns. Also produce related bank account records as well as statements of income, expenses, and current accounts receivable and payable.

Domestic Relations Financial Affidavit
Fulton County Family Division

I AM AWARE THAT ANY FALSE STATEMENT KNOWINGLY MADE WITH THE INTENT TO DEFRAUD OR MISLEAD SHALL SUBJECT ME TO THE PENALTY FOR PERJURY AND MAY BE CONSIDERED A FRAUD UPON THE COURT.

I DECLARE THAT THE ABOVE INFORMATION IS TRUE AND THAT THE INFORMATION CONTAINED IN THIS FORM CONSTITUTES A COMPLETE AND FULL DISCLOSURE OF MY FINANCIAL CONDITION.

Printed Name SURGEON GENERAL
Address _____
City _____ State _____ Zip _____
Telephone (area code and number) _____
Facsimile (area code and number) _____

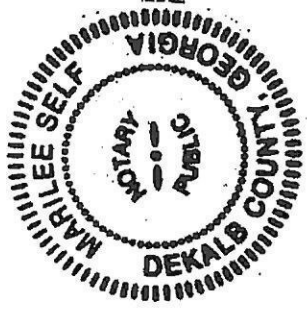
STATE OF GEORGIA
COUNTY OF Fulton

Sworn to and subscribed before me
on this 29th day of May, 2014

Marilee Self
NOTARY PUBLIC

(Print, type or stamp commissioned name of notary)

My commission expires
4/10/2017.



IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

TYREE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

Civil Action
File No. 2014CV244784

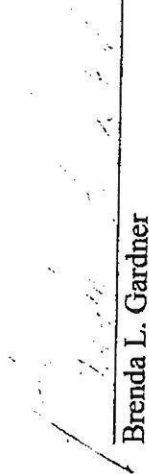
*
*
*
*
*
*
*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Domestic Relations Financial Affidavit was served via E-Mail and United States Mail, with adequate postage thereon to ensure delivery, properly addressed to:

Randall M. Kessler, Esq.
Kessler & Solomiany, LLC
Centennial Tower
101 Marietta Street, Suite 3500
Atlanta, Georgia 30303
rkessler@ksfamilylaw.com

This 30th day of May, 2014


Brenda L. Gardner
Attorney for the Respondent
Georgia Bar. 284025

The Pinnacle Building
3455 Peachtree Road NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6868 Facsimile

From: Randall M. Kessler <rkessler@ksfamilylaw.com>

To: sheila.rosser <sheila.rosser@fultoncountygga.gov>

Cc: Thad Woody <twoody@ksfamilylaw.com>; Fran Spaulding <fspaulding@ksfamilylaw.com>; Brenda L. Gardner, Esq. <gardneresq@aol.com>

Subject: Simmons

Date: Mon, Jun 2, 2014 12:24 pm

Attachments: doc04377820140602115143.pdf (874K)

Dear Ms. Rosser:

In response to your inquiry to Mr. Woody about whether this matter has been resolved we respond as follows. After several requests, we finally received the attached Domestic Relations Financial Affidavit (DRFA) from opposing counsel *after* filing our responsive brief to the court last Friday. We do not think that this case merits an emergency hearing given that there are no children, the parties have lived separate for years and given that, as he had previously promised to do, our client paid opposing party an additional \$2,500.00 last week in temporary support (in addition to the \$2,500.00 he paid earlier in the month). This is a five year marriage with no children and Mr. Walker has given her a total of \$5,000.00 in the past few weeks for temporary support. Opposing party's DRFA states that her monthly expenses are over \$21k per month (see attached) and most of that is attributed to expenses for grooming, clothing and vacations, which are certainly not necessities to merit an emergency hearing. There is nothing in said Affidavit warranting immediate court action.

I also have a Leave of Absence this Friday that was filed at the inception of this case. My family is flying out of town at 1 pm that day (which coincided with my Leave of Absence) and I had planned to travel with them. Given that this case was set, I have now paid to fly separately the next day so I will attend if the court requires. We look forward to the court's direction and will appear if and as directed.

Sincerely,

Randall M. Kessler, Esq.

Centennial Tower | 101 Marietta Street | Suite 3500 | Atlanta, Georgia 30303

404.688.8810 | 404.681.2205 (fax) | www.ksfamilylaw.com | KS Blog | KS Mobile Site

DEFENDANT'S
EXHIBIT

B

SE

From: GardnerEsq <gardneresq@aol.com>
To: Thad Woody <tw Woody@ksfamilylaw.com>
Subject: Re: Simmons vs Walker CAF2014CV244784
Date: Thu, May 22, 2014 5:40 pm

Thad:

My apologies, but this discussion is getting old. I relied on your representation that your client would make a temporary alimony payment of \$5K. \$2.5k immediately (when we originally spoke) & \$2.5k in a week or two. If this will not happen in the time period represented, just let me know . I am prepared to exchange financial affidavits if that 's what you're seeking. Needless to say, I guess we can resolve the matter @ a temporary. However, Randy suggested meditation. Not sure your client intends to cooperate.

Sent from my iPhone
Brenda L. Gardner, Esq.

On May 22, 2014, at 1:28 PM, Thad Woody <tw Woody@ksfamilylaw.com> wrote:

I will talk to my client regarding an earlier payment. I know that he is working on the tags. It would help if we knew what expense she has that is due, beyond living expenses, that are pending and not covered by his past payment or the approximate \$2k in cash advances that she took from his corporate credit card.

On May 22, 2014, at 12:41 PM, "GardnerEsq" <gardneresq@aol.com> wrote:

Thad:

That is not what you represented earlier, which is what I operated on. Pursuant to the agreement, the payment is past due. See our email tread, I have been communicating with you about this issue since May 15th. Time is of the issue, Ms Walker needs the payment yesterday & she remains with an auto without a current tag decal! Please address these issues immediately. Your client has the ability to make the payments immediately. I await your response.

Brenda L. Gardner, Esq.
Sent from my iPad

On May 22, 2014, at 10:55 AM, Thad Woody <tw Woody@ksfamilylaw.com> wrote:

He said that he would get to her by June 1.

Thad F. Woody, Esq.
Kessler & Solomiany LLC
Centennial Tower | 101 Marietta Street | Suite 3500
Atlanta, Georgia 30303



404.688.5042 (direct) | 404.688.8810 (main) | 404.681.2205 (fax)

twoodv@ksfamilylaw.com | www.ksfamilylaw.com

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and immediately destroy all copies of the message.

From: GardnerEsq [mailto:gardneresq@aol.com]
Sent: Thursday, May 22, 2014 10:49 AM
To: Thad Woody
Cc: Fran Spaulding
Subject: Re: Simmons vs Walker CAF2014CV244784

WHEN....??

Brenda L. Gardner, Esq.

Sent from my iPad

On May 22, 2014, at 10:17 AM, Thad Woody
<twoodv@ksfamilylaw.com> wrote:

We heard back from our client. He will make sure that she gets her payment. He is upset, however, because she is charging \$1,500.00 to a business credit card and he has no idea what that is being used for since she is not working for the business any longer.

Thad F. Woody, Esq.

Kessler & Solomiany LLC

Centennial Tower | 101 Marietta Street | Suite 3500

From: Thad Woody <tw Woody@ksfamilylaw.com>
To: Gardneresq <gardneresq@aol.com>
Subject: RE: Simmons vs Walker CAF2014CV244784
Date: Wed, May 21, 2014 3:36 pm

Just emailed him and will let you know if I hear back anything.

Thad F. Woody, Esq.
Kessler & Solomiany LLC
Centennial Tower | 101 Marietta Street | Suite 3500
Atlanta, Georgia 30303
404.688.5042 (direct) | 404.688.8810 (main) | 404.681.2205 (fax)
tw Woody@ksfamilylaw.com | www.ksfamilylaw.com

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and immediately destroy all copies of the message.

From: Gardneresq [<mailto:gardneresq@aol.com>]
Sent: Wednesday, May 21, 2014 11:57 AM
To: Thad Woody
Cc: Fran Spaulding
Subject: Re: Simmons vs Walker CAF2014CV244784

Thad:

I know you're out of the office & Fran is out as well. However, if you would email your client about the \$2,500 payment it would be greatly appreciated. My client's situation is dire.

See you in Anelia.

From: Thad Woody <twoody@ksfamilylaw.com>

To: Brenda L. Gardner, Esq. <gardneresq@aol.com>; Fran Spaulding <fspaulding@ksfamilylaw.com>

Subject: Re: Simmons vs Walker CAF2014CV244784

Date: Thu, May 15, 2014 5:51 pm

Sorry, I have been in court and am back in mediation tomorrow. Let me touch base with our client and get back with you.

Sent from my iPhone

On May 15, 2014, at 5:24 PM, "Brenda L. Gardner, Esq." <gardneresq@aol.com> wrote:

Thad:

Tried to reach you today and left a message with the receptionist. Just a follow up to get confirmed dates on the following:

- a) 2014 Tag decal for the Jaguar; and
- b) second temporary support (Band-Aid) payment.

Thanks in advance for your attention to this matter.

Brenda L. Gardner, Esq.
THE GARDNER LAW FIRM
The Pinnacle Building
3455 Peachtree Road, NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6868 Facsimile

Fwd: Stoves?

Page 1 of 2

From: Gardneresq <gardneresq@aol.com>
To: woody <twoody@ksfamilylaw.com>
Subject: Fwd: Stoves?
Date: Mon, May 12, 2014 6:08 pm

See message below

Sent from my iPhone
Brenda L. Gardner, Esq.

Begin forwarded message:

From: Summer Walker <summerpswalker@gmail.com>
Date: May 12, 2014 at 5:48:25 PM EDT
To: "Brenda L. Gardner, Esq." <gardneresq@aol.com>
Subject: Re: Stoves?

They were purchased online and it's been a while ago he will have to sell them and then purchase them again.

He can go through bank statements and back track.

Sent from Drama Like The DJ/Limitless Bookings LLC

On May 12, 2014, at 4:32 PM, "Brenda L. Gardner, Esq." <gardneresq@aol.com> wrote:

See the email below...do you have any info?

Brenda L. Gardner, Esq.
THE GARDNER LAW FIRM
The Pinnacle Building
3455 Peachtree Road, NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6886 Facsimile

-----Original Message-----

From: Thad Woody <twoody@ksfamilylaw.com>
To: GardnerEsq <GardnerEsq@aol.com>
Cc: Fran Spaulding <fspaulding@ksfamilylaw.com>
Sent: Mon, May 12, 2014 4:17 pm
Subject: Stoves?

I am working with my client on the issues that you asked. He is asking me for the information of where she recently purchased the kitchen stoves for the studio because he needs to refund them or trade them? Can you please find that out for him.

Thad F. Woody, Esq.
Kessler & Solomiany LLC
Centennial Tower | 101 Marietta Street | Suite 3500
Atlanta, Georgia 30303
404.688.5042 (direct) | 404.688.8810 (main) | 404.681.2205 (fax)
twoody@ksfamilylaw.com | www.ksfamilylaw.com

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and immediately destroy all copies of the message.

From: Brenda L. Gardner, Esq. <gardneresq@aol.com>
To: woody <woody@ksfamilylaw.com>
Cc: fspaulding <fspaulding@ksfamilylaw.com>
Subject: Re: Stoves?
Date: Mon May 12, 2014 4:34 pm

Thad:

I sent my client and email and will get back to you as soon as I hear from her.

Brenda L. Gardner, Esq.
THE GARDNER LAW FIRM
The Pinnacle Building
3455 Peachtree Road, NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6886 Facsimile

-----Original Message-----

From: Thad Woody <woody@ksfamilylaw.com>
To: GardnerEsq <GardnerEsq@aol.com>
Cc: Fran Spaulding <fspaulding@ksfamilylaw.com>
Sent: Mon, May 12, 2014 4:17 pm
Subject: Stoves?

I am working with my client on the issues that you asked. He is asking me for the information of where she recently purchased the kitchen stoves for the studio because he needs to refund them or trade them? Can you please find that out for him.

Thad F. Woody, Esq.
Kessler & Solomiany LLC
Centennial Tower | 101 Marietta Street | Suite 3500
Atlanta, Georgia 30303
404.688.5042 (direct) | 404.688.8810 (main) | 404.681.2205 (fax)
woody@ksfamilylaw.com | www.ksfamilylaw.com

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and immediately destroy all copies of the message.

From: Brenda L. Gardner, Esq. <gardneresq@aol.com>
To: twoddy <twoddy@fsfamilylaw.com>
Cc: summerpswalker <summerpswalker@gmail.com>
Subject: Fwd: Simmons vs Walker CAF2014CV244784
Date: Mon, May 12, 2014 1:32 pm

Thad:

Below is an email sent to the case manager requesting a rescheduling. I inadvertently used the wrong email address.

I have a first draft of Summer's financial affidavit and her financial position is not good. The \$5K was a good faith (band aid) temporary support offer however we need to revisit the issue at your earliest convenience. Also, if you would please confirm the details of how and when your client will provide the tag renewal decal.

Brenda L. Gardner, Esq.
THE GARDNER LAW FIRM
The Pinnacle Building
3455 Peachtree Road, NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6886 Facsimile

-----Original Message-----

From: Brenda L. Gardner, Esq. <gardneresq@aol.com>
To: Sheila.rosser <Sheila.rosser@fultoncountygga.gov>
Cc: thadwoody <thadwoody@ksfamilylaw.com>; fspaulding <fspaulding@ksfamilylaw.com>
Sent: Mon, May 12, 2014 12:07 pm
Subject: Simmons vs Walker CAF2014CV244784

Dear Ms. Rosser:

I represent Ms. Walker in the above subject case. Per our telephone conversation, Ms. Walker was served on May 2, 2014. The 30 day status conference is scheduled for May 13, 2014 @ 11 am. I am requesting a rescheduling of said conference to allow additional time for preparation. Due to a failure in the clerk's office to reference check, a second case was filed and scheduled for a 30 day conference on May 27th. However, opposing counsel has a conflict for the 27th. A new 30 day status conference date will be necessary. Thank you in advance for your assistance in rescheduling. If you have any questions or need additional information, please advise.

Brenda L. Gardner, Esq.
THE GARDNER LAW FIRM
The Pinnacle Building
3455 Peachtree Road, NE
5th Floor

Fwd: Simmons vs Walker CAF2014CV244784

Page 2 of 2

Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6886 Facsimile

From: Thad Woody <twoody@ksfamilylaw.com>
To: GardnerEsq <GardnerEsq@aol.com>
Cc: Fran Spaulding <fspaulding@ksfamilylaw.com>
Subject: Simmons v. Walker
Date: Mon, May 12, 2014 10:36 am

Brenda:

I just tried your office but received a voicemail. Have you been able to reschedule the status conference in Simmons v. Walker tomorrow? Our client is still working on his financial affidavit and I expect to have it to you in the next few days.

Thad F. Woody, Esq.
Kessler & Solomiany LLC
Centennial Tower | 101 Marietta Street | Suite 3500
Atlanta, Georgia 30303
404.688.5042 (direct) | 404.688.8810 (main) | 404.681.2205 (fax)
twoody@ksfamilylaw.com | www.ksfamilylaw.com

Please consider the environment before printing this email.

The information contained in this email may be confidential and/or legally privileged. It has been sent for the sole use of the intended recipient(s). If the reader of this message is not an intended recipient, you are hereby notified that any unauthorized review, use, disclosure, dissemination, distribution, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please reply to the sender and immediately destroy all copies of the message.

he has not argued his travel to the State Bar Annual Meeting but a family trip which he has now rescheduled his departure time to accommodate the hearing. (See Exhibit "B"). Further, Mr. Thad Woody whom initials and state bar number is included on the signature page of Petitioner's Complaint for divorce is available and has actively represented Petitioner, corresponding with opposing counsel regarding temporary support, court appearances, etc. (See Exhibit "C")

Petitioner argues Respondent failed to provide a sworn Domestic Relation Financial Affidavit and thus deprived Petitioner of the opportunity to address any emergency. On May 30, 2014, Respondent provided Petitioner with a sworn Domestic Relations Financial Affidavit and has thereby cured said objection. However, Respondent has not received Petitioner's Financial Affidavit as promised. (See Exhibit "C" - May 12, 2013 email from counsel for Petitioner). Further, counsels for the parties attempted to amicably resolve the issue of temporary support from May 12, 2014 through the date of filing the Emergency Motion, May 28, 2014. (See Exhibit "C").

Respondent submits two thousand five hundred dollars (\$2,500.00) per month is not sufficient for necessities and substantially more is required instantler.

Wherefore Respondent respectfully demands Petitioner's Request for Continuance be denied. If the court is inclined to accommodate counsel for Petitioner's leave of absence for a purpose other than stated on his notice and determines co-counsel cannot adequately represent Petitioner, thereby removing the case from the June 6, 2014 calendar, Respondent request the

matter scheduled for the earliest date possible acknowledging the emergency.

This 2nd day of June 2014

Respectfully submitted,
The Gardner Firm



Brenda L. Gardner
Attorney for Respondent
Georgia Bar No. 284025

The Pinnacle Building
3455 Peachtree Rd., NE
5th Floor
Atlanta, GA 30326
404-995-7030 Telephone
404-995-6868 Facsimile

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

TYRRE SIMMONS
Petitioner,

vs.

SUMMER WALKER
Respondent.

Civil Action

File No. 2014CV244784

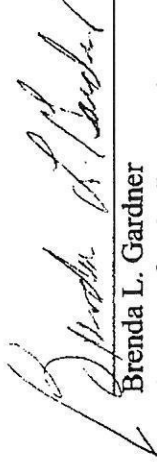
*
*
*
*
*
*
*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the **RESPONDENT'S RESPONSE TO PETITIONER'S REQUEST FOR CONTINUANCE BASED ON THE LACK OF EMERGENCY AND A FILED LEAVE OF ABSENCE** was served via E-Mail and United States Mail, with adequate postage thereon to ensure delivery, properly addressed to:

Randall M. Kessler, Esq.
Kessler & Solomiany, LLC
Centennial Tower
101 Marietta Street, Suite 3500
Atlanta, Georgia 30303
rkessler@ksfamilylaw.com

This 3rd day of June, 2014



Brenda L. Gardner
Attorney for the Respondent
Georgia Bar. 284025

The Pinnacle Building
3455 Peachtree Road NE
5th Floor
Atlanta, Georgia 30326
404-995-7030 Telephone
404-995-6868 Facsimile

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

FAMILY DIVISION

TYREE SIMMONS

Petitioner,

CIVIL ACTION FILE

v.

NO. 2014CV244784

SUMMER WALKER

Respondent.

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

You are required to make to the Court, under oath a FULL DISCLOSURE of your income, net worth and financial condition on this form. Fill out each and every section of this form. If something does not apply to your situation, write, "N/A".

1. Your Name: Summer Walker DOB 29
Address: County:

City: State: Zip Code:

Spouse's Name: Tyree Simmons DOB 36
Address: County:

City: State: Zip Code:

Date of Marriage: Dec 12, 2008

Date of Separation: Dec 20, 2013

Names and birth dates of children for whom support is to be determined in this action:

N/A

Names and birth dates of your other children who are living with you:

Names and birth dates of the children for which you are obligated to pay support by a court order:

DEFENDANT'S
EXHIBIT

A

ME

2. **EMPLOYMENT AND INCOME**

Occupation: _____
Employed By: _____
Number of exemptions claimed: _____
Pay period (ie, weekly, monthly, etc.) _____

If you are employed, but expecting soon to become unemployed or change jobs, describe the change you expect and why and how it will affect your income. If currently unemployed, describe your efforts to find employment, how soon you expect to be employed, and the pay you expect to receive:

EXCEPT IN PROCEEDINGS FOR ADOPTION, ENFORCEMENT, CONTEMPT, AND INJUNCTIONS FOR DOMESTIC OR REPEAT VIOLENCE, ALL OF THE FOLLOWING MUST BE ATTACHED TO THE COPY OF THIS FINANCIAL AFFIDAVIT SERVED ON THE OPPOSING PARTY. THE ATTACHMENTS SHALL NOT BE FILED WITH THE COURT: Your three (3) most recent pay stubs, your three (3) most recent Federal and State tax returns, and the most recent W-2 forms. If last year's Federal income tax return has not yet been filed, attach W-2s, 1099s, K-1s, and any other document to be attached to your tax return. If the attachments are not made to the copy served on the opposing party, an explanation is required.

3. **SUMMARY OF YOUR INCOME AND NEEDS**

(a)	Gross monthly income (from Item 4A)	\$	0
(b)	Total income taxes paid on above income (Incl. Fed., State and FICA)	\$	
(c)	Net monthly income (from Item 4C)	\$	
(d)	Expenses		
	Average monthly expenses (Item 5A)	\$	18,858.74
	Monthly payments to creditors (Item 5B)	\$	21,350.00
	TOTAL monthly expenses and payments to creditors (Item 5C)	\$	21,208.74

4. YOUR MONTHLY INCOME

A. Gross Income

(All income whether earned or unearned, from any source, must be entered based on monthly average regardless of date of receipt.)

Salary or Wages	\$ 0
Bonuses, Commissions, Allowances, Fees, Overtime, Tips and similar payments (based on past 12-month average or time of employment if less than 1 year)	\$
Income from sources such as self-employment, partnership, close corporations and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CALCULATIONS.	\$
Severance Pay	\$
Disability/Unemployment/Worker's Compensation	\$
Recurring Income from Pension and Retirement Plans or Annuity payments	\$
Social Security benefits	\$
Other public benefits (do NOT include means-tested public assistance such as TANF or food stamps)	\$
Spousal or child support from people not in this case	\$
Interest and Dividends	\$
Rental income (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Reimbursed expenses and In kind payments to the extent they reduce personal living expenses	\$
Fringe Benefits (if significantly reduce living expenses)	\$
Income from Royalties, Trusts or Estates	\$
Capital Gains or Gains derived from dealing in property (not including non-recurring gains)	\$
Prizes/Lottery Winnings	\$
Gifts (cash or other liquid assets or which can be converted to cash)	\$
Judgments from Personal Injury or other civil cases where cash is received on a recurring basis	\$
Assets used for support of family	\$
Other income of a recurring nature (specify source)	\$
Gross Monthly Income	\$ 0

B. Benefits of Employment

List and describe (where requested below) all benefits of employment not deducted from your wages or salary. These are defined as those costs paid directly by your employer on your behalf. Most, if not all, of these benefits are listed below. If a benefit(s) is not listed, fill in "other" and, describe the benefit in the space provided.

Automobile

Payment _____
Allowance _____
Gasoline _____
Insurance _____
Other (Describe) _____

Medical/Dental Expenses

Insurance _____
Health _____
Life _____
Disability _____
Other (Describe) _____

Deferred Compensation (Describe)

Employer Contribution to Retirement or Stock Club Membership

Reimbursement Expenses (to the extent they reduce personal living expenses and are not included in 4A) (Describe) _____

OTHER (Describe)

TOTAL

C. Net Income

Net monthly income from employment (deducting only state and, federal taxes, FICA, and self-employment tax, if applicable) \$ _____

5. YOUR NEEDS

A. AVERAGE MONTHLY EXPENSES

HOUSEHOLD

Residence _____
1st Mortgage _____
2nd Mortgage _____

Equity line of credit	\$
Other	\$
Property taxes	\$
Rent Payments	\$ 1,500.00
Homeowner/Renter Insurance	\$ 90.00
Condo, maintenance fees/homeowners association fees	\$
Electricity	\$ 350.00
Water	\$ 70.00
Gas	\$
Garbage and Sewer	\$
Telephone	\$
Cellular Telephone	\$ 30.00
Repairs and Maintenance	\$ 400.00
Lawn care	\$
Pool care	\$
Pest control	\$ 27.00
Cable television	\$
Burglar alarm/security system	\$ 58.33
Miscellaneous household and grocery items	\$ 450.00
Meals outside home	\$ 1,350.00
	Meals outside home
Pets: grooming	\$ 80.00
veterinarian	\$ 84.00
food	\$ 75.00
Drugstore items	\$ 100.00
Service contracts on appliances	\$
Domestic help	\$
Internet & Cable TV	\$ 360.00
Other (Attach sheet) Washer & Dryer Rental	\$ 201.00
AUTOMOBILE	
Gasoline and Oil	\$ 352.00
Repairs	\$ 100.00
Auto tags and License	\$ 120.00
Insurance	\$ 135.05
Alternative transportation (bus, public transportation, etc.)	\$
Tolls and parking	\$
OTHER VEHICLES, BOATS, TRAILERS	
Gasoline and Oil	\$
Repairs	\$
Tags and License	\$

Insurance _____
 Other (Attach sheet) _____
OTHER EXPENSES
Life Insurance _____
Disability Insurance _____
 Dry cleaning and laundry _____
 Grooming _____
 Clothing _____
 Medical/dental (out of pocket/uncovered expenses) _____
 Prescriptions (out of pocket/uncovered expenses) _____
 Gifts (special holidays) _____
 Entertainment _____
 Vacations _____
 Travel expenses necessary for parenting time/visitation _____
 Retirement/401-K Contributions _____
 Publications _____
 School alumni dues _____
 Union dues _____
 Club membership dues and expenses/fitness _____
 Religious and charities _____
 Professional expenses (other than this proceeding) _____
 Bank charges/credit card fees _____
 Miscellaneous (attach sheet) _____
 Other (attach sheet) _____
 Alimony paid to former spouse(s) _____
 Child support paid for other children _____
 (Date of initial order: _____)
County and State: _____
Case number: _____

CHILDREN'S EXPENSES (Per child)

	NAME	NAME	NAME	NAME
Child care- school year	\$			
Child care- summer	\$			
School tuition	\$			
School uniform	\$			
Other school expenses	\$			
Private lessons (e.g. music, dance, etc)	\$			
Tutoring	\$			
Lunch money	\$			