

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR OKALOOSA COUNTY, FLORIDA**

IN RE: The Marriage of

MATTHEW EDWIN RUSHTON,
Petitioner/Husband,

and

CASE NO.: 2021 DR 3619
Division: 5

WHITNEY BROOKE RUSHTON,
Respondent/Wife.

/

**ORDER DENYING EMERGENCY CONSIDERATION OF PETITIONER'S MOTION
TO DISMISS AND DENYING PETITIONER'S MOTION TO DISMISS AS TO THE
ISSUE OF PERSONAL JURISDICTION OVER THE PARTIES**

THIS CAUSE is before the Court on the Petitioner's *pro se* Emergency Motion to Dismiss Divorce Action (hereinafter referred to as the "Motion") filed on July 8, 2022. The Court, having reviewed the Motion and the court file, finds as follows:

Although the Motion is labeled as an emergency, the essence of the "emergency" designation is to obtain a remedy on an expedited basis without notice to the other party. Due process requires notice to the opposing party and a reasonable opportunity to prepare and be heard. The Court may enter an *ex parte* order without notice or set an emergency hearing on shorter-than-normal notice only in extraordinary circumstances. The allegations in the Motion do not establish that an actual, demonstrated emergency exists that would justify the extraordinary remedy of *ex parte* or emergency relief.

In the interest of judicial economy, the Court reviewed the Motion and finds that the Husband's argument that this Court lacks personal jurisdiction over the parties, notwithstanding the fact that it is exceptionally well written for a *pro se* litigant, is completely lacking in merit. The Husband voluntarily invoked and submitted to the jurisdiction of this Court when he initiated this action on November 15, 2021, by filing his Petition for Dissolution of Marriage and

Other Relief. This Court obtained personal jurisdiction over the Husband the moment he filed his Petition. The Husband does not have standing to raise the issue of personal jurisdiction as it pertains to the Wife. The Court will not entertain further argument from the Husband on the issue of personal jurisdiction over the parties.

Accordingly, the Husband's request for emergency or *ex parte* relief is **DENIED**. The Motion to Dismiss is **DENIED** as to the issue of personal jurisdiction over the parties. The Husband may initiate the scheduling of a hearing in the normal course of business on the other issues raised in the Motion by contacting the undersigned judge's Judicial Assistant, Mr. Sam, at sak.sam@flcourts1.org. The Husband must include the Wife's counsel in any and all communication with the court. Please be advised that Mr. Sam cannot give legal advice, cannot discuss the merits of the case, and cannot give messages to the judge from either party.

DONE AND ORDERED in Crestview, Okaloosa County, Florida.



eSigned by CIRCUIT COURT JUDGE LACEY POWELL CLARK
on 07/09/2022 21:40:42 6IuyNGZW

Lacey Powell Clark
Circuit Court Judge

Copies provided to:

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Tonya Petermann, Esq., Attorney for Wife