

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

LYNNE HALES CHAFIN)
99 Clayhouse Road)
Stepps)
Glasgow)
G33 6AG)
Scotland)
United Kingdom)

PETITIONER)

v.)

CASE NO. CV 11-J-1461-NE

JEFFREY LEE CHAFIN)
217 Horsehoe Bend North)
Madison, Alabama 35758)

RESPONDENT)

RESPONDENT'S ANSWER TO VERIFIED PETITION

Comes now the Respondent within the above-styled cause, acting by and through his attorney of record, and hereby responds to the VERIFIED PETITION FOR RETURN OF CHILD TO SCOTLAND AND ISSUANCE OF SHOW CAUSE ORDER herein, as follows:

1. Denied
2. The law speaks for itself, and as such, an admission or denial is not required to this allegation.
3. The law speaks for itself, and as such, an admission or denial is not required to this allegation. However, notwithstanding the foregoing, the ICARA also confers concurrent jurisdiction on both the various state courts and the federal courts, relevant to disputes falling within the purview of the Act.
4. Admitted
5. Admitted
6. Admitted

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7. Denied, inasmuch as the permanent relocation of the Petitioner and the minor child of the parties to Scotland was never a settled issue.
8. Admitted
9. Denied
10. Denied
11. Denied
12. Denied, inasmuch as the Petitioner and the Respondent had, prior to the Petitioner traveling to the United States in February, 2010, agreed that the Petitioner would relocate to Madison County, Alabama, with the minor child of the parties, in order for the parties to reconcile their marriage.
13. Admitted
14. Denied
15. Admitted
16. Denied, inasmuch as the Petitioner and the Respondent had, prior to the Petitioner traveling to the United States in February, 2010, agreed that the Petitioner would relocate to Madison County, Alabama, with the minor child of the parties, in order for the parties to reconcile their marriage.
17. Denied, inasmuch as the Petitioner and the Respondent had, prior to the Petitioner traveling to the United States in February, 2010, agreed that the Petitioner would relocate to Madison County, Alabama, with the minor child of the parties, in order for the parties to reconcile their marriage.
18. Denied
19. Admitted
20. Admitted
21. Denied

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22. Denied
23. Denied
24. Denied
25. Denied
26. Denied, inasmuch as the Petitioner was arrested and detained for and on account of her repeated breaking of the various laws of the State of Alabama.
27. The Respondent is without sufficient information either to admit or to deny the allegations contained within Paragraph No. 27, and he therefore denies the same.
28. The Respondent is without sufficient information either to admit or to deny the allegations contained within Paragraph No. 28, and he therefore denies the same.
29. The Respondent is without sufficient information either to admit or to deny the allegations contained within Paragraph No. 29, and he therefore denies the same.
30. The Respondent is without sufficient information either to admit or to deny the allegations contained within Paragraph No. 30, and he therefore denies the same.
31. The Respondent incorporates and restates each and all of the answers he has given within Paragraphs 1 through 30 above, as if the same were fully and completely set forth herein.
32. Admitted
33. Admitted
34. Denied, inasmuch as the minor child of the parties, the Petitioner, and the Respondent had all resided together within Madison County, Alabama for a time in excess of a full year before the filing of the Petition made the subject of this proceeding.
35. Denied
36. Denied

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37. The Respondent has neither unlawfully retained the minor child or otherwise prevented the Petitioner from associating with her, and the Petitioner's deportation is the direct result of her having violated more than one of the various of the State of Alabama, including, without limitation, the crime of Domestic Violence, which she committed against the Respondent, while armed with a butcher knife, in the home within which the minor child of the parties was sleeping.
38. The Respondent admits that an Application for Return has apparently been filed by the Petitioner, pertinent to the minor child of the parties, but the Application was filed without due foundation, and contrary to the spirit and intent of the applicable laws and regulations affecting the same.
39. The Respondent is without sufficient information either to admit or to deny the allegations contained within Paragraph No. 39, and he therefore denies the same.
40. Denied, inasmuch as the Petitioner and the Respondent agreed, prior to February 14, 2010, that the Petitioner and the minor child of the parties would permanently relocate to Madison County, Alabama, and that once here, the Petitioner would commence proceedings to acquire a "Green Card", which she did.
41. Denied
42. Admitted
43. The law speaks for itself, and as such, an admission or denial is not required to this allegation.
44. The allegations contained within Paragraph 44 do not specifically call for an admission or a denial by the Respondent, but the Respondent denies the same.
45. Admitted; provided, however, that the Respondent can neither admit nor deny any mental operations of the Petitioner, and he therefore denies the same.
46. The allegations do not specifically call for an admission or a denial by the Respondent, but the Respondent denies the same.
47. The Respondent is without sufficient information either to admit or to deny the allegations contained within Paragraph No. 47, and he therefore denies the same.

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48. The allegations do not specifically call for an admission or a denial by the Respondent, but the Respondent denies the same; the Respondent is without sufficient information either to admit or to deny the allegations contained within Paragraph No. 48, and he therefore denies the same; and the Petitioner has previously stated that she is being represented on a *pro bono* basis herein, and as such, she has not incurred attorneys fees within this proceeding.

49. Denied.

The Respondent denies each and all of the remaining material allegations contained within the Petition with this cause which have not heretofore been answered, addressed or denied.

Respectfully submitted on this the 7th day of July, 2011.

ROBERT S. PRESTO

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CERTIFICATE OF SERVICE

I hereby certify that I have, on this the 7th day of July, 2011, served a copy of the foregoing pleading upon counsel for the Petitioner, either via e-filing notification process or by placing a copy of the subject pleading in the first class U. S. mail, with correct postage applied and properly addressed as follows, to-wit:

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