

THE STATE OF NEW HAMPSHIRE

SULLIVAN, SS

SUPERIOR COURT

TANYA HATHAWAY

v.

WINSTON FROST
(Docket #220-2016-CV-0058)

OBJECTION TO MOTION FOR PARTIAL SUMMARY JUDGMENT

NOW COMES Winston Frost, (“Defendant”) by and through his attorneys, Cohen & Winters and files this Objection to Motion for Partial Summary Judgment. In support of this Motion, the Defendant states as follows:

1. “The justification for summary judgment, and the object of the statutory requirements for resort to that process, is the expeditious ending of litigation when "there is no genuine issue as to any material fact and ... the moving party is entitled to judgment as a matter of law." RSA 491:8-a, III;” Salitan v. Tinkham, 103 N.H. 100, 102, (1960). “Any party seeking summary judgment must support the request with "an affidavit based upon personal knowledge of admissible facts as to which it appears affirmatively that the affiants (sic) will be competent to testify, RSA 491:8-a, II, and on the evidentiary basis supplied by one or more of such affidavits, together with discovery material presented to the court, the movant must rest a claim of legal entitlement to judgment, RSA 491:8-a, III”. Salitan v. Tinkham, supra at 103.
2. A trial courts grant of summary judgment, considers the affidavits and other evidence, and all inferences properly drawn from them, in the light most favorable to the non-moving party. Carter v. Concord Gen. Mut. Ins. Co., 155 N.H. 515, 517 (2007).
3. On April 16, 2016, The District Court of Tulsa County State of Oklahoma issued the Decree of Dissolution of Marriage, Frost v. Hathaway, District Court of Oklahoma, FD-2014-1476 § 10 (“Final Decree”).
4. In Plaintiff’s Motion for Partial Summary Judgment she regurgitates a number of arguments that she made during her divorce proceedings.
5. Essentially, Plaintiff refuses to acknowledge that the State of Oklahoma has jurisdiction over her divorce and contends that the Final Decree issued by that court is void.
6. On March 4, 2016 Judge Anthony Miller ruled “RESPONDENT’S MOTION TO DISMISS FOR

LACK OF JURISDICTION IS OVERRULED. RESPONDENT WAIVED ANY OBJECTION TO LACK OF PERSONAL JURISDICTION BY REASON OF HER ANSWER AND COUNTERMOTION FILED AUGUST 19, 2014.” See, Frost v. Hathaway, District Court of Oklahoma, FD-2014-1476 § 10

<http://www.oscn.net/applications/oscn/getcaseinformation.asp?query=true&srch=0&web=true&db=Tulsa&number=FD-2014-1476+&iLAST=frost&iFIRST=&iMIDDLE=&iDOBL=&iDOBH=&SearchType=0&iDCPT=&iapcasety pe=All&idccasetype=All&iDATEL=&iDATEH=&iCLOSEDL=&iCLOSEDH=&iDCType=0&iYear=&iN umber=&icitation=&submitted=true> (retrieved on July 26, 2016)

7. Plaintiff continues to assert these arguments despite the fact that the Oklahoma Supreme Court rejected the same jurisdictional arguments before the trial court ruled on the issue at trial. See Hathaway v Frost, MA 114813 (2016).
8. Plaintiff continues to assert these arguments despite the fact that they have been rejected because she believes that Judge Miller is corrupt and is involved in a massive fraud against her.
9. Plaintiff has appealed the Final Decree and has filed twenty three post-trial motions including seven post-trail motions to recuse the judge.
10. The result of her post-trial motions has been to delay the appeal so that it will not be heard for approximately one year.
11. Defendant has filed a post-trial motion requesting attorney’s fees as he has paid approximately \$70,000.00 in attorney’s fees dealing with her numerous motions.
12. Defendant has also filed a motion asking that the court deem Plaintiff a vexatious litigator.
13. Defendant has a high likelihood of success in being awarded his attorney’s fees due to Plaintiff’s constant barrage of motions that have little to no merit.
14. It is clear from the motions filed that there are genuine issues of material fact present in this case and when viewing the facts in the light most favorable to the non-moving party summary judgment is not appropriate.
15. For all of the above reasons, the court should deny Plaintiff’s Motion for Partial Summary Judgment.

WHEREFORE, the Defendant requests that the Court:

- A. DENY Plaintiff's Motion for Partial Summary Judgment; and
- B. GRANT such other relief as is just and necessary.

August 1, 2016
Date

Respectfully Submitted,
Winston Frost
By His Attorney

Anthony Santoro, Esq.

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AFFIDAVIT

I, Winston Frost, state that the facts contained herein are true to the best of my knowledge, information and belief.

7/26/2016
Date

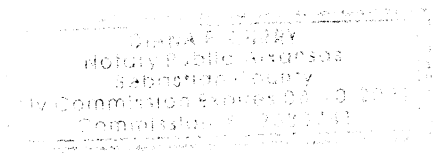
[Signature]
Winston Frost

State of ARKANSAS
County of SEBASTIAN

On this the 26 day of JULY, 2016, before me, the undersigned officer, personally appeared Winston Frost., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

[Signature]
NOTARY PUBLIC
State and County aforesaid
My commission expires: 8-10-2021



CERTIFICATE OF SERVICE

I hereby certify that a true copy of this document was sent to the following:

Tanya Hathaway PO Box 197 Springfield, NH 03284	Winston Frost 204 Holiday Drive Hamilton, MT 59840
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August 1, 2016
Date

[Signature]
Anthony Santoro, Esq.