

IN THE [REDACTED] COURT OF [REDACTED] COUNTY
STATE OF [REDACTED]

[REDACTED]
Plaintiff,

v.

[REDACTED] No. [REDACTED]

[REDACTED]
Defendant.

**RESPONDENT'S MOTION FOR RECONSIDERATION AND RESPONSE IN
OPPOSITION TO MOTION FOR JUDGMENT ON THE PLEADINGS**

Respondent [REDACTED], by his undersigned attorney, respectfully submits this Motion for Reconsideration and Response in Opposition to Petitioner's Motion for Judgment on the Pleadings. In support of this Motion, Respondent shows as follows:

1. Petitioner filed her Motion for Judgment on the Pleadings on [REDACTED]
2. Pursuant to [REDACTED] Court Rule [REDACTED], "each party opposing a motion shall serve and file a response not later than 30 days after service of the motion." Thus, Respondent was not required to submit his opposition to Petitioner's Motion for Judgment on the Pleadings until [REDACTED]

3. [REDACTED] C. [REDACTED] c) likewise provides that, "If, on a motion for judgment [REDACTED], the motion shall be treated as one for summary judgment [REDACTED]"

[REDACTED]

[REDACTED]

[REDACTED]. Accordingly, because Petitioner submitted an Affidavit in support of her Motion for Judgment on the Pleadings, Respondent was permitted to submit opposing papers within the same time as he would have been permitted to file a response to a motion for summary judgment.

4. On [REDACTED], well before the deadline for Respondent to submit his Opposition brief, the Court entered a Final Judgment and Decree of Divorce without the benefit of Respondent's Opposition papers.

5. Respondent opposes Petitioner's Motion. Although Respondent agrees that the parties have reached the terms of a settlement that should govern the parties if a divorce decree is entered, Respondent does not believe that a divorce decree should be entered.

6. As set forth in the accompanying Affidavit of [REDACTED], Respondent denies that the marriage of Petitioner and Respondent is "irretrievably broken" and denies that there is "no reasonable hope of reconciliation." To the contrary, Respondent specifically avers that Petitioner and Respondent can be reconciled with the assistance of a qualified professional who is committed to the institution of marriage (See Exhibit A).

7. Because the grounds under which Petitioner seeks a decree of divorce are disputed, Respondent respectfully submits that a Motion for Judgment on the Pleadings is not warranted in this action.

WHEREFORE, for the reasons set forth above and in the accompanying Declaration of

[REDACTED], Respondent respectfully requests that the Court vacate its prematurely-entered

[REDACTED]

Final Judgment and Decree of Divorce and deny Petitioner's Motion for Judgment on the Pleadings.

DATED: [REDACTED]

By: [REDACTED]

Attorney for Respondent

[REDACTED]

[REDACTED]