

IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE

SARA EVANS SCHELSKE,	)	
	)	
Plaintiff, Wife	)	
	)	
vs.	)	Case No. 32939
	)	
CRAIG L. SCHELSKE,	)	
	)	
Defendant, Husband	)	

**HUSBAND’S ANSWER TO WIFE’S COMPLAINT  
AND AMENDED COMPLAINT AND COUNTERPETITION  
FOR LEGAL SEPARATION**

Comes the Husband, Craig L. Schelske, by and through his attorneys of record and by way of answer to the complaint filed by Wife, would state and show as follows:

1. As to paragraph one, statistical information, Husband admits (a) through (g) but denies (h) and demands strict proof thereof.

(h) Denied. Husband denies Wife’s allegation that he is not employed. Husband would state and show the parties agreed that husband would work as a manager to Wife in various tasks and capacities while the parties’ primary focus was developing Wife’s career. Husband traveled with Wife on tours and while on the road served in multiple capacities as needed toward her personal and professional needs and as a liaison in her career with others employed by Gingerdog, Inc. the couple’s jointly owned company. Further, the parties agreed that Husband would lead and/or commence other projects in entertainment and other areas.

(i) – (t) Admitted.

(u) Denied. Husband denies that the parties have irreconcilable differences but admits the parties’ efforts at counseling have had limited success.

Husband adamantly denies he is guilty of inappropriate marital conduct or adultery and demands strict proof thereof. Husband specifically and vigorously denies any and all allegations of unfaithfulness with any named or unnamed person and would state that such allegation is unmerited and completely unfounded by any material fact. Moreover, such was known by Wife at the time and date she made such malicious allegation. Husband requests that such be stricken from the record.

(v) – (w) Admitted.

2. As to paragraph two, Husband admits the parties have three minor children. Husband denies that the children have resided in Williamson County, Tennessee for the past two years. The children have lived approximately half the year in Aumsville, Oregon in the parties' home and approximately one half the year in Franklin, Tennessee in order to accommodate Wife's career. Husband would state and show that there are no other custody proceedings concerning said minor children.

3. As to paragraph three, Husband denies he is guilty of the general statutory ground for divorce T.C.A. 36-4-101(11) entitled "inappropriate marital conduct" so as to render cohabitation "unsafe and improper". Husband demands strict proof thereof. Husband would state and show that the parties had a loving relationship and the normal ups and downs of any marriage, particularly one involving the music business, high stress, extended travel and three minor children. Husband would state and show that such differences between the parties do not rise to the level of grounds for divorce against him.

4. As to paragraph four, Husband adamantly denies the allegation of adultery and demands strict proof thereof. Husband would state and show that said allegation is made by Wife with full knowledge of its false and defamatory nature and the naming of

an innocent third party who was treated as a member of the parties' family is not only malicious and unconscionable, but is unnecessary and outside standard accepted practice in a divorce petition involving minor children. Husband requests same be stricken with sanctions assessed to signatories therein.

5. As to paragraph five, Husband denies the parties have irreconcilable differences. Husband would state and show that appropriate counseling and other remediations could result in keeping the family intact which husband states is his preference.

6. Admit paragraph six.

7. As to paragraph seven, Husband adamantly denies the allegations set forth therein and demands strict proof thereof. Husband would state and show that on occasion the parties together consume adult beverages and cigarettes and any "excessive" use by husband is adamantly denied.

8. As to paragraph eight, Husband adamantly denies he has ever "threatened Wife" and demands strict proof thereof. Husband would state and show that it was not the parties' pattern to threaten each other in their marriage. In November 2006 issue of *Ladies' Home Journal*, Wife is quoted as stating in her interview that Husband was a "great father, honest, supportive and smart." Husband denies he has said Wife is "crazy" except in the jest of occasional comments both ways. Husband has continued to be fully supportive of Wife since her apparent nervous breakdown in 2005 and has encouraged wife to seek professional help and monitored medication.

9. As to paragraph nine, Husband adamantly denies abuse in any form and demands strict proof thereof. Husband would state and show he has never verbally or

emotionally abused Wife and that such allegation is malicious and completely unfounded. Husband would state that when he expresses his own views clearly and firmly in disagreement with Wife, Wife's response is to accuse him of "abuse" or "harassment" which is without merit. Husband denies that disagreement constitutes abuse.

10. As to paragraph ten, Husband denies the allegations and demands strict proof thereof. Husband would state and show that the parties bought a home in Oregon in 1999-2000 where they have numerous extended family and they have spent approximately one half of the year there and the other half in Tennessee, having purchased a home in Tennessee in 2005. The parties are frequently on road trips as scheduled during those times. By custom, the children sometimes stayed with Husband in Oregon or Tennessee and sometimes accompanied Wife or both parties on the road. Wife even insisted the parties buy the adjacent property to their Oregon home to assure its use by extended family.

11. As to paragraph eleven, Husband adamantly denies the allegations set forth therein and demands strict proof thereof. Husband would state and show that on occasion the parties together watched adult movies but the malicious allegation as to "frequently" watching pornography alone is false. Husband admits the parties have multiple computers for their use and convenience in both homes and for use while traveling.

As to the remainder of Paragraph 11, unnumbered paragraphs (1) and (2), Husband denies the parties minor child "confronted husband". In fact, Husband would state and show that both Husband and Wife were watching adult entertainment together when their oldest child, whom they believed to be secure and asleep, entered their room

unexpectedly at which time, the parties immediately turned off their entertainment. Wife was next to Husband when this occurred.

As to the allegation that Husband has “screamed at Wife” regarding a costume designer, Husband denies the allegation and would state and show that it was Wife in fact who became irritated about the designer. Husband’s disagreement with Wife was unrelated to the designer or his lifestyle but rather was focused on Wife’s conduct since she began to participate in the “Dancing with the Stars” television program. Husband would state and show that they did in fact have disagreements over Wife’s declining interest in her marital roles and responsibilities, declining interest in her husband and neglect of the parties’ three children which was having a demonstrable adverse effect on the family. Husband would state and show the oldest child exhibited hives from time to time probably due to the stress and chaotic nature of the children’s lives and schedules and continuous stream of strangers in their home, their mother’s long absences and the flow of unknown persons through the house.

As to the unnumbered paragraph (3) of Section 11, Husband denies the allegations and demands strict proof thereof. Husband would state and show that on occasion, such as for example the parties’ tenth anniversary, Husband and Wife together consume wine and may indulge in the use of cigarettes. Husband denies that he drinks or smokes excessively, especially around the children, except as Husband and Wife do so together.

As to unnumbered paragraph (4) of Section 11, Husband admits he refused to allow the children to be exploited by the media and this particular engagement was intended to be used to increase ratings for a television show at the expense of publicizing

his children. Husband vehemently objected to the use of his children publicly for any reason. Husband would state and show that he feels adamant that the children's lives should remain private and Wife has disagreed, seeking to publicly use the children's images for her own career advancement. Husband does not want the children's faces exposed publicly as he believes it is not in their best interests. Exploitation of the children is indeed unacceptable and the parties have disagreed on this, the Husband stating repeatedly that the children do not share Wife's career and their lives should be private. Wife's unnecessary public allegations in this divorce and use of the children as an excuse to exit a television program is an unfortunate example of Wife's exploitation of the children for her purposes, which Husband believes is harmful to the children.

As to unnumbered paragraph (5), Husband adamantly denies the allegation and demands strict proof thereof. Husband has never maintained such photographs nor has he ever posed for any photographs of himself taken unclothed except a few taken by wife on their tenth wedding anniversary. Further, Husband denies any sexual photographs of himself with any other women as there are no authentic photographs of husband unclothed with any sexual partner or alone except as taken by Wife or with Wife on the single occasion in which both parties participated. Husband regrets the incident but would state and show that Husband and Wife were acting as two consenting adults in the privacy of their own bedroom. No other photographs exist and any allegations of such are outrageous, defamatory, malicious and legally actionable.

As to unnumbered paragraph (6) of Section 11, Husband adamantly denies Wife's allegations that he "maintains Craigs Lists" (sic). Tennessee Rules of Civil Procedure, Rule 11 requires parties and attorneys to conduct a good faith reasonable inquiry of

allegations before setting forth such allegations or factual contentions. Wife and her attorneys failed to do so. Any reasonable inquiry would have revealed that Husband maintains no “list” whatsoever. The only connection to Husband is that the site contains the name “Craig”. Husband is not the Craig Newmark of San Francisco, California who operates “Craigslist.” Husband adamantly denies he has “temporary files” on his computer. Husband denies even being involved in “Craigslist” in any capacity; he has never had an account with “Craigslist”; he has never posted any “ad” or any item for any category whatsoever on “Craigslist”; and he has never responded to any ad on “Craigslist”. While it is true that Husband’s first name is Craig, the (9) (nine) exhibits identified in Wife’s complaint as “husband’s CraigsLists” (sic) ads have nothing to do with Husband whatsoever as shown on the face of the documents each with a different personal number and location. None are remotely connected to Husband. For wife and her attorneys to publicly allege the salacious miscellaneous postings for sexual advertising on a national website which have no factual connection with Husband is nothing short of completely irresponsible and malicious. Husband requests through a separate motion that sanctions issue against Wife and her attorneys for such irresponsible and defamatory acts and he reserves the right to request damages from this court or another court for invasion of privacy, outrageous conduct and abuse of process.

As to unnumbered paragraph 7, Section 11, page 5 of Wife’s Complaint for Divorce, Husband denies that a restraining order is necessary or appropriate except as is statutory in all divorces in Tennessee. Husband would state and show that since he has not engaged in such conduct as maliciously and frivolously alleged by Wife, that the request and issuance of an ex parte restraining order is unwarranted. Further, Husband

specifically denies that a restraining order is merited for (a) “physically abusing” Wife. Husband states not one single factual contention is contained in Wife’s complaint, yet the restraining order submitted to the court includes such unsupported language of restraint. All other alleged “abuse” or harassment is denied in this Answer as Wife’s characterization of disagreement with her.

(b) The request for a restraining order from excessive consumption of alcohol is further unsupported by sufficient factual evidence and the use of alcohol is a practice undertaken by the parties together.

(c) The request for a restraining order preventing removal of the children to Oregon is without merit and fails to inform the court that the children have a home in Oregon, live there half the year, and consider Oregon to be their home.

(d) The request in (d) is further without sufficient merit as the single exposure to such material was accidental and involved both parties entertainment together. Not a single other fact has even been alleged.

ANSWER TO WIFE’S AMENDED AND SUPPLEMENTAL  
COMPLAINT FOR DIVORCE

12. As to paragraph twelve in the Amended Complaint page 1, Husband is without sufficient knowledge or belief to admit or deny the statements. Husband incorporates by reference his Answer to paragraphs 1 through 11 herein.

13. Paragraph thirteen is admitted.

14. As to paragraph fourteen, Husband admits this language is in essence contained in the Williamson County Court form Temporary Restraining Order entered ex parte on October 12, 2006.

15. As to paragraph fifteen, Husband lacks sufficient evidence to admit or deny the allegations herein as he has not been served with process in this matter to date.

16. As to paragraph sixteen, Husband denies the allegations set forth therein and demands strict proof thereof. Husband would state and show that each party contributed to the accumulation of marital assets. Husband denies that John R. Sayles is “Wife’s” financial advisor and would state and show he has served in that capacity for both parties in the development of assets of their jointly and equally held corporation, CLS Management, dba Gingerdog, Inc. Husband admits it has been the custom and practice of the parties to submit all expenses of both parties to John R. Sayles for payment whether such expenses were incurred in Tennessee, Oregon or any temporary location.

17. As to paragraph seventeen, Husband adamantly denies the allegations set forth therein and demands strict proof thereof. Husband would state and show that he had no knowledge whatsoever that Wife filed for divorce on October 12, 2006, the day following a dinner together on October 11, 2006 at which time Husband discovered Wife’s intimate relationship with another man not her husband and an argument ensued between the parties. Thereafter, the following day Husband contacted his attorney, was advised to secure funds and to maintain an accounting thereof with plans to file for legal separation, not divorce, on October 13, 2006. Husband denies violating any restraining order of this Court, having no knowledge that same existed and no notice thereof. Further, no restraining order applies to expenditures to maintain the marital standard of living and reasonable costs of this cause T.C.A. 36-4-106(d). Husband admits that following advice of counsel, he relocated funds as might be necessary for his use for

necessities and legal representation. Husband denies the characterizations set forth in each count in paragraph 17, however some funds are being safely held in Oregon pending further order of the Court.

Now having fully answered herein all allegations in Wife's Complaint for Divorce and Wife's Amended and Supplemental Complaint for Divorce, Husband specifically denies any allegation not admitted or denied herein and requests that this complaint be dismissed for failure to state a cause of action upon which relief may be granted and requests costs of defense.

Now, therefore, Husband assumes the role of Counterpetitioner and would plead in the alternative as follows:

### **COUNTERPETITION FOR LEGAL SEPARATION**

Comes the Husband, Craig Schelske, by and through counsel and files this counterpetition for legal separation pursuant to T.C.A. 36-4-102.

1. Husband adopts the statistical information as set forth in paragraph 1(a) through (g) and (i) through (t) in wife's Complaint for Divorce.

2. Husband would state and show that no other custody proceedings exist with regard to the three minor children who live approximately one half the year in Williamson County, Tennessee and approximately one half the year in their home in Aumsville, Oregon.

3. Husband alleges the grounds for legal separation are inappropriate marital conduct pursuant to T.C.A. 36-4-101(11).

4. Husband would state and show that the parties have substantial assets and Husband requests the court address such support and property issues necessary for separation if the parties are unable to reach agreement therein.

5. Husband would state and show that the parties have three minor children who love and need both parents. Husband requests this Honorable Court to enter an order providing for the custody, care, maintenance and support of the children with visitation by both parents in the best interests of the children..

PREMISES CONSIDERED, Counterpetitioner Prays:

1. That service of process issue and that Counterdefendant Sara Evans Schelske be required to answer this Counterpetition within the time allowed by law under oath thereto.

2. That the Court provide for child custody, visitation, support and property issues during the legal separation upon motion of either party or by agreement of the parties, all based on the best interests of the children.

3. That the Husband be granted such other equitable relief deemed appropriate by this Court, including but not limited to the right to amend this Counterpetition.

4. The Husband's attorneys' fees and costs be assessed to petitioner for the necessity of this counterpetition.

Respectfully submitted,

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Anne L. Russell (No. 011123)

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Charles F. Gay, Jr. (No. 024851)

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Brad A. Lampley (No. 020864)

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**OATH**

**STATE OF TENNESSEE**            )  
**COUNTY OF \_\_\_\_\_**        )

I, Craig L. Schelske, after first being duly sworn, make oath that I am the Defendant, Husband in the foregoing Husband's Answer to Wife's Complaint and Amended Complaint and Counterpetition for Legal Separation and that the statements contained herein are true and correct to the best of my knowledge, information, and belief and are not made out of levity or collusion with the Plaintiff, Wife, but out of sincerity and truth for the causes alleged in the Counterpetition.

\_\_\_\_\_  
**Craig L. Schelske**

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
**NOTARY PUBLIC**

My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing *Answer and Counterpetition* has been delivered as indicated below:

John J. Hollins, Sr.	<input type="checkbox"/> Hand
John J. Hollins, Jr.	<input type="checkbox"/> Mail
Hollins, Wagster & Yarbrough PC	<input type="checkbox"/> Facsimile
2200 Fifth Third Center	
424 Church Street	
Nashville, TN 37219	

on this the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Anne L. Russell