

November 10, 2008

VIA FACSIMILE AND FIRST CLASS MAIL

Ms. Lynn A. Prather
Kurtz and Blum
16 West Martin Street
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Raleigh, North Carolina 27601
Facsimile: (919) 832-2740

Ms. Deborah Sandlin
Sandlin and Davidian, P.A.
5617 Departure Drive, Suite 109
Post Office Box 58569
Raleigh, North Carolina 27658-8569
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Re: Rentz, et al. v. Cooper
Wake Co. File No.: 08 CVD 12310

Dear Lynn and Debbie:

Enclosed please find *Plaintiffs' Motion in the Cause (Temporary and Permanent Child Support and Attorney's Fees) and Motion for Temporary Restraining Order and Preliminary Injunction* in the above-referenced matter.

Sincerely,

THARRINGTON SMITH, LLP



Jill G. Nelson
Paralegal to Alice C. Stubbs

ACS/jgn
Enclosure
cc: Garry and Donna Rentz (via email)
Krista Lister (via email)

NORTH CAROLINA

WAKE COUNTY

GARRY D. RENTZ AND DONNA A.)
RENTZ AND KRISTA C. LISTER,)
Plaintiffs,)

v.)

BRADLEY COOPER,)
Defendant.)

FILED
2008 NOV 10 PM 4:44
WAKE COUNTY, C.S.C. 08 CVD 12310

**MOTION IN THE CAUSE
(Temporary and Permanent Child
Support and Attorney's Fees)**

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

NOW COME Plaintiffs, by and through their undersigned counsel, and hereby move this Honorable Court for an order of temporary, permanent and retroactive child support for the minor children, attorney's fees and a temporary restraining order and preliminary injunction. In support of their motion, Plaintiffs respectfully show the Court the following:

1. Plaintiffs Garry and Donna Rentz are residents of Alberta, Canada.
2. Plaintiff Krista Lister is a resident of Ontario, Canada.
3. Defendant is a resident of Wake County, North Carolina and has been for the six months next preceding the filing of this action.
4. Defendant is the biological father of the minor children, Isabella Cooper ("Bella"), born on February 23, 2004, and Gabriella Cooper ("Katie"), born on July 23, 2006. Nancy Cooper is the deceased biological mother of the minor children and the deceased wife of Brad Cooper.
5. Plaintiffs Garry and Donna Rentz are the biological father and biological mother, respectively, of Nancy Cooper. Plaintiffs Garry and Donna Rentz are the biological maternal grandparents of the minor children.
6. Plaintiff Krista Lister is the identical twin sister of Nancy Cooper and the biological maternal aunt of the minor children.

7. Since July 16, 2008, the date that this Court entered an Ex Parte Emergency Custody Order awarding legal and physical custody of the minor children to Plaintiffs, the minor children have resided with Plaintiffs.

8. Upon information and belief, Defendant is currently employed by Cisco. Defendant was to receive a raise from Cisco this fall, and he received a raise earlier this year. Upon information and belief, Defendant's gross annual income exceeds \$150,000.

9. The minor children are in need of financial support from the Defendant. Defendant is capable of contributing to the support of the minor children.

10. The minor children's health insurance is currently provided through Defendant's employer.

11. Plaintiffs hereby request that the Court enter an order requiring Defendant to pay temporary and permanent child support to Plaintiffs, provide health insurance for the minor children and provide for payment of the minor children's medical and dental expenses that are not covered or reimbursed by insurance. Defendant currently has no living expenses. Plaintiffs hereby give notice that, at any child support hearing in this matter, Plaintiffs intend to introduce evidence of the minor children's needs and the parties' abilities to pay.

12. Defendant has refused to provide support which is adequate under the circumstances existing at the time of the institution of this action. Plaintiffs are interested parties acting in good faith. Plaintiffs do not have sufficient means to defray the expense of this suit. Plaintiffs are entitled to the payment by Defendant of reasonable attorney's fees pursuant to N.C. Gen. Stat. § 50-13.6.

13. On October 27, 2008, Defendant was indicted by a Grand Jury and charged with first-degree murder in the death of Nancy Cooper. Brad Cooper currently is being held without bond in the Wake County Jail.

14. Upon information and belief, Defendant is still receiving income from his employer.

15. Upon information and belief, Defendant owns the former marital residence of Defendant and Nancy Cooper located at 104 Wallsburg Court, Cary, North Carolina. Plaintiffs request that the Court enter an order prohibiting Defendant from incurring any additional debt secured by the marital residence and that the Court order that if the residence is listed for sale pursuant to a Court Order, that the net proceeds from the sale be held in the trust account of Tharrington Smith, LLP pending the entry of a child support order.

16. Upon information and belief, Defendant owns two (2) BMW automobiles. Nancy Cooper drove one of the BMWs prior to her death. Upon information and belief, Brad Cooper's BMW does not have a lien against it.

17. Upon information and belief, Nancy Cooper and Defendant owned valuable artwork. This artwork remains in the former marital residence of Nancy Cooper and Defendant.

18. Upon information and belief, Defendant maintains retirement accounts through his employer, including a 401(k). Defendant may also maintain other retirement accounts.

19. Upon information and belief, Defendant maintains banking and savings accounts through Wachovia and brokerage accounts through Citi and Ameriprise.

20. Upon information and belief, Defendant possesses Nancy Cooper's jewelry, including her diamond pendant necklace.

21. Upon information and belief, Defendant has instructed his family on how to dispose of and liquidate his remaining assets. It is unknown at this point the extent to which Defendant's family has carried out his plan.

22. Upon information and belief, Defendant has wasted significant assets held by Defendant and Nancy Cooper. Defendant has used these assets for his personal benefit. These assets could be used for, among other things, support of the minor children while Defendant remains in jail charged with the murder of their mother and while the minor children are in the custody of Plaintiffs.

23. Plaintiffs are in danger of immediate and irreparable injury by Defendant's actions and plans, and, pursuant to Rule 65 of the North Carolina Rules of Civil Procedure, a temporary restraining order and preliminary injunction are necessary to preserve the status quo pending the outcome of Plaintiffs' claim for child support. There is probable cause that Plaintiffs will prevail on their claim for child support on the merits.

24. The threat of harm to Plaintiffs and their claim for child support is so imminent that it will likely occur before Plaintiffs can schedule a hearing on their Motion for Preliminary Injunction; as such, Plaintiffs move the Court for a temporary restraining order.

25. The issuance of a temporary restraining order and preliminary injunction on the aforementioned assets will result in no harm to Defendant and will not prejudice him as he is in jail and has court-appointed counsel.

26. Defendant will have an opportunity to be heard regarding the temporary restraining order and preliminary injunction on November 21, 2008, within ten (10) days of the temporary restraining order.

27. Plaintiffs have given Defendant's counsel notice of their intent to file this motion and seek a temporary restraining order.

WHEREFORE, Plaintiffs respectfully pray that the Court:

1. Consider this verified motion of Plaintiffs as an affidavit for all purposes upon which the Court may base any and all of its orders in this case;
2. Enter an order setting an appropriate amount of adequate ongoing child support, both temporary and permanent, payable from Defendant to Plaintiffs, for the benefit and use of the minor children;
3. Enter an order requiring Defendant to pay retroactive child support to Plaintiffs, dating back to July 16, 2008;
4. Enter an order requiring Defendant to reimburse Plaintiffs for a portion of the minor children's uninsured medical and dental expenses, including counseling sessions;
5. Enter an order granting Plaintiffs' request for attorney's fees in prosecuting this child support motion;
6. Enter a temporary restraining order and a preliminary injunction restraining Defendant from concealing, liquidating, assigning, transferring, selling, encumbering or otherwise wasting or disposing of any and all of his remaining assets;
7. Enter a temporary restraining order enjoining Defendant from withdrawing, cashing out, transferring, encumbering or otherwise disposing of any of his remaining assets, including but not limited to, the former marital residence, the BMWs, his

checking and savings accounts, his 401(k) through Cisco, his brokerage accounts, and all other bank, stock and retirement accounts, all artwork, all jewelry and all other personal property located at the former marital residence or that were once owned by Nancy Cooper and/or Defendant.

8. Enter a temporary restraining order enjoining Defendant from withdrawing any funds on an equity line, line of credit or credit card secured by one of the aforementioned assets set forth in paragraph 7 immediately above;

9. Order Defendant to immediately produce to Plaintiffs, through his attorneys, all financial records and records of any transactions regarding any of the aforementioned assets from July 16, 2008 through the present, and to continue to provide Plaintiffs with such records on an ongoing basis pending further orders of the Court;

10. Order Defendant to immediately provide an accounting to Plaintiffs of all funds received for assets having a value in excess of \$200.00 which he has disposed of since July 16, 2008;

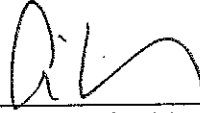
11. Enter an order transferring possession and ownership of the forever marital residence to Plaintiffs, as child support; alternatively, enter an order requiring that any received from a court-ordered sale of the marital residence be held in the trust account of Tharrington Smith, LLP pending further order of the Court; alternatively, that the Court appoint a receiver to manage the assets pending the entry of a child support order;

12. Order that this preliminary injunction remain in effect pending further orders of the Court; and

13. Grant unto Plaintiffs such other and further relief as the Court deems just and proper.

This the 10th day of November, 2008.

THARRINGTON SMITH, LLP



Alice C. Stubbs
Attorney for Plaintiffs
NC State Bar # 19294
Tharrington, Smith LLP
Post Office Box 1151
Raleigh, North Carolina 27602-1151
Telephone: (919) 821-4711

VERIFICATION

AND, I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

DECLARED before me at
the Town of Oakville in the
Province of Ontario this
10th day of December 2008.

Diana Lister
Notary Public, Province of Ontario


Krista Lister

Diana Lister

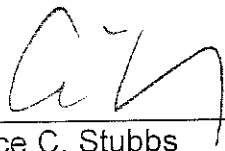
CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Motion in the Cause and Motion for Temporary Restraining Order and Preliminary Injunction** was served upon Defendant via facsimile and by placing a copy in the United States Mail, first-class postage prepaid, to the following attorneys of record:

Ms. Lynn A. Prather
Kurtz and Bloom
16 West Martin Street
10th Floor
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(F) (919) 832-2740
Attorney for Defendant

Ms. Debbie Sandlin
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Suite 109
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Attorney for Defendant

This the 10th day of November, 2008.



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Attorney for Plaintiffs
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