

IN THE SUPREME COURT OF THE STATE OF NEVADA

WESLEY ALLEN LEWIS,

Appellant,

v.

MARIA DANIELA LEWIS,

Respondent

Supreme Court Case No. SC-16-00497  
District Court Case No. PD-16-427054  
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**APPELLANT'S SUPPLEMENTAL APPENDIX – VOLUME I**

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*Anna L. Johnson*  
CLERK OF COURT

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EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

MARIA DANIELA LEWIS

Plaintiff,

v

WESLEY ALLEN LEWIS

Defendant.

CASE NO. D-10-427054-D

DEPT. T

BEFORE THE HONORABLE GAYLE NATHAN,  
DISTRICT COURT JUDGE

TRANSCRIPT RE: EVIDENTIARY HEARING - DAY 1

TUESDAY, JULY 29, 2014

APPEARANCES:

The Plaintiff:  
For the Plaintiff:

MARIA DANIELA LEWIS  
FRANCES-ANN FINE, ESQ.  
Fine & Price Law Group  
8975 S. Pecos Road #5  
Henderson, Nevada 89074

The Defendant:

WESLEY ALLEN LEWIS  
In Proper Person

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1 LAS VEGAS, NEVADA

TUESDAY, JULY 29, 2014

2 P R O C E E D I N G S

3 (THE PROCEEDING BEGAN AT 13:51:23.)

4 THE COURT: This is the Lewis matter, D-10-427054.

5 Counsel, your appearance.

6 MS. FINE: Good morning, Your Honor -- good afternoon,  
7 Your Honor. Fran Fine, Bar No. 25, present with the  
8 plaintiff, Maria Lewis Perdomo, now it's something else.

9 THE PLAINTIFF: Fuente.

10 THE COURT: I have Wesley present, Wesley Lewis.

11 All right. In your pre-evidentiary hearing, Ms.  
12 Fine, you stated that you're asking for some relief because  
13 Mr. Lewis failed to participate in discovery, is that right?

14 MS. FINE: Right, he did not, Judge.

15 In your Order Setting Evidentiary Hearing it is  
16 silent tending Motion in Limine. However, it states that any  
17 failure to file and exchange the pretrial memo on the  
18 designated date shall result in sanctions. Said sanctions may  
19 include striking the complaint or answer or counterclaim  
20 vacating the trial date -- which we don't want -- or monetary  
21 sanctions.

22 Wesley failed, besides not responding to  
23 interrogatories and requests for production, not timely  
24 responding to request for admissions, not filing and

1 exchanging witness lists and not delivering tabbed exhibits to  
2 chambers and to Counsel, to serve and file a pretrial memo,  
3 we're asking that his pleadings be stricken, if any, as among  
4 the listed sanctions, in essence, the taking of a default  
5 against the offending party. And basically we're asking that  
6 his request for admissions be deemed admitted.

7 THE COURT: All right.

8 Wesley --

9 First let me swear both the parties in, please, Ms.  
10 Boyle.

11 THE CLERK: Please raise your right hands.

12 You do solemnly swear the testimony you're about to  
13 give in this action shall be the truth, the whole truth and  
14 nothing but the truth so help you God?

15 MR. LEWIS: I do.

16 THE PLAINTIFF: I do.

17 THE COURT: All right.

18 So, Mr. Lewis, why didn't you respond to any of Ms.  
19 Fine's discovery requests?

20 MR. LEWIS: If I could address The Court in a statement?

21 THE COURT: Yeah -- just, no. I just asked you a  
22 question. Why didn't you respond to any of the discovery  
23 requests?

24 MR. LEWIS: We did -- we did respond to the requests. We



1 --

2 THE COURT: Where's your copies of what you -- how you  
3 responded?

4 MR. LEWIS: Would it be the discovery, correct?

5 I am -- I am -- I beg for The Court's mercy. I am  
6 representing myself. I -- I --

7 THE COURT: Ms. Fine, did you get a copy of this  
8 document?

9 MS. FINE: I'm so sorry if I did I didn't get it like  
10 that. I got some documents --

11 THE COURT: How did you --

12 MS. FINE: -- from him.

13 THE COURT: -- how did you --

14 MS. FINE: But not --

15 THE COURT: -- how did you deliver that to Ms. Fine?

16 MR. LEWIS: Mail.

17 MS. FINE: Your Honor, I got some documents from him. I  
18 did not get a package like that. I wish I had. If I had, I  
19 would tell you right off the bat. Let me --

20 THE COURT: They're dated June 26th.

21 MS. FINE: And, Your Honor, they were due -- they were  
22 sent out...

23 A request for production was sent to him on May  
24 28th. Our request for admissions were sent out on May 28th.

1 THE COURT: So he would have gotten them in right under  
2 the wire.

3 MS. FINE: But I don't --

4 THE COURT: If in fact he mailed them to you.

5 MS. FINE: This is what I received, Judge. I received a  
6 bunch of documents that were loose and I received his response  
7 and/or objection to Plaintiff's first request for admissions.  
8 This is it. I got a bunch of loose documents, nothing  
9 organized like that. I wish I had, but I did not. And that  
10 was received, Judge, on July 24th, 2014. Not on --

11 THE COURT: Okay.

12 MS. FINE: -- June 26th.

13 THE COURT: July 24th you received --

14 MS. FINE: Yes, Judge, I can --

15 THE COURT: -- something?

16 MS. FINE: -- show you.

17 THE COURT: What did you receive on July 24th?

18 MS. FINE: His response to request for admissions, and  
19 that was all, besides a bunch of documents that were just  
20 loosely in a folder -- I mean, in an envelope. Nothing  
21 organized. But I certainly didn't receive anything on June  
22 26th, Judge, because if I had, I would not lie to The Court.  
23 But this is what I received on --

24 THE COURT: Okay. I don't need to see it.

1 MS. FINE: -- July 24th.

2 THE COURT: It'd be, you know.

3 MS. FINE: The request for admissions. And if I could  
4 see that document so I could see when it was mailed to me, and  
5 if he has a proof, because he sent me receipts and all sorts  
6 of other things.

7 THE COURT: Do you have any proof of mailing, Mr. Lewis?

8 MR. LEWIS: Yes, we do. I am hard-pressed to be able to  
9 find it amongst my paperwork, but I can reproduce those if  
10 needed.

11 THE COURT: And what is your proof of mailing?

12 MR. LEWIS: A receipt.

13 THE COURT: What kind of receipt?

14 MR. LEWIS: The U -- UPS.

15 THE MARSHAL: (Indiscernible) in court.

16 MR. LEWIS: It would be a receipt from the -- the mailing  
17 receipt, documentation for special, like, first-class mail.

18 MS. FINE: Your Honor, I received some of these papers,  
19 but they certainly weren't like this. And so I would ask that  
20 we proceed, I guess, on -- and then give me the -- since we  
21 have another hearing coming, we have another day, that I'd be  
22 permitted to at least review this.

23 THE COURT: Okay.

24 MS. FINE: But I need a copy of it, because I certainly

1 don't have this.

2 THE COURT: Okay.

3 MS. FINE: And some of these documents are familiar just  
4 because I --

5 THE COURT: I'm not making a copy.

6 MS. FINE: -- I've seen the emails from my client.

7 THE COURT: Um-hmm (in the affirmative).

8 MS. FINE: But my client hasn't seen these. So may we  
9 could get a copy? I'm so sorry.

10 THE COURT: Well, I mean, that's like fifty pages, isn't  
11 it?

12 MS. FINE: Well, then I'm happy to take it back to --

13 THE COURT: Okay.

14 MS. FINE: -- my office.

15 Do you have another copy, Wesley?

16 MR. LEWIS: Um --

17 THE COURT: Do you have another copy of that?

18 MR. LEWIS: I don't believe I have another copy on -- on  
19 me. I --

20 THE COURT: Well, you're ordered to deliver a copy --

21 MR. LEWIS: I -- I --

22 THE COURT: -- to Ms. Fine -- excuse me, Mr. Lewis?

23 MR. LEWIS: I'm sorry.

24 THE COURT: You're ordered to deliver a copy to Ms.

1 Fine's office by noon tomorrow.

2 MR. LEWIS: By noon tomorrow?

3 THE COURT: Yeah --

4 MR. LEWIS: Okay.

5 THE COURT: -- by noon tomorrow.

6 MR. LEWIS: Yes, Your Honor.

7 MS. FINE: But this doesn't have a receipt --

8 THE COURT: Let's --

9 MS. FINE: -- of copy on the back.

10 THE COURT: Okay.

11 MS. FINE: It has no --

12 THE COURT: All right.

13 MS. FINE: -- points and authorities --

14 THE COURT: Next -- onto the next --

15 Ms. Fine, he'll get you a copy by noon tomorrow or  
16 none of those documents will be --

17 MS. FINE: Some of them he did. I mean, I have seen some  
18 of them. I'm not going to lie to you, Judge.

19 THE COURT: Okay.

20 MS. FINE: Now if I could have --

21 THE COURT: You still didn't file a pretrial. You still  
22 didn't follow any of my orders. You didn't file a pretrial  
23 memorandum, did you?

24 MR. LEWIS: I have a list of everything that was --

1 that's been filed in -- in the court case. I had it printed  
2 out.

3 THE COURT: Did you file a pretrial memorandum?

4 MR. LEWIS: I don't believe I filed a pretrial  
5 memorandum.

6 THE COURT: No, you didn't. I just went through  
7 everything. I just read your motions, your oppositions, the  
8 reply. I just went through everything. The Court order was  
9 to file a pretrial memorandum so I knew what your case was  
10 about.

11 Ms. Fine, did you ever see this document he titled  
12 -- Mr. Lewis titled Opposition to Notice of Entry of Order and  
13 Order filed 7/2/2014?

14 MS. FINE: Yes, I received it a few days ago. And when I  
15 reviewed it, Judge, I couldn't make head nor tail of it. So  
16 there were a lot documents that were included with it.  
17 Nothing was stapled, nothing was organized. I tried to read  
18 it. I tried to understand it. I saw that there was an --  
19 interestingly, Judge, he's provided this discovery, but he did  
20 not respond to the interrogatories and he didn't respond in  
21 order -- in an organized fashion to the request for  
22 production. What he did is give me a hodgepodge of documents  
23 which is what that is.

24 THE COURT: Okay.

1 MS. FINE: A hodgepodge of documents, exhibits --

2 THE COURT: All right.

3 MS. FINE: -- he says they're exhibits. I'm going to  
4 have to go through them, now that they're somewhat organized,  
5 I guess, and see if they relate to his request for production  
6 -- my request for production.

7 THE COURT: Have you received this document, handwritten,  
8 entitled Motion to Declare Item or Material Obscene and Obtain  
9 Injunction for Dismissal?

10 MS. FINE: Again, I received something like that, that's  
11 what I received. But not an order, not attached, not stapled.  
12 Just a bunch of documents that I couldn't -- that I went  
13 through as best I could. And when I -- when he did mail us  
14 responses to the request for admissions at the end of last  
15 week it was a month late. In our pretrial memo we gave notice  
16 to The Court about our desire for all of this.

17 It was -- nothing was in order and nothing was in  
18 response to the organized discovery that we've asked for.

19 And I don't mean to be mean. I mean, I'm try -- I  
20 really wanted to work with this and be able to get through  
21 this case quickly.

22 THE COURT: Well, you don't have to -- I gave him two  
23 days. Isn't it -- I'm not rushing anybody here.

24 The Opposition to Notice of Entry of Order, as far

1 as The Court can tell, is a fugitive document. It wasn't  
2 authorized. An opposition is either to -- is to a motion.

3 MR. LEWIS: This is --

4 THE COURT: I --

5 MR. LEWIS: I'm sorry.

6 THE COURT: What was your intent filing this paper?

7 MR. LEWIS: In the filings of -- of what I have filed, I  
8 believe that -- well, I know that I submitted things  
9 incorrectly. A motion has to be filed before -- or  
10 declaration there -- there are procedures that I...am not a  
11 lawyer. I -- but I am trying my best with my -- my family's  
12 support to get everything filed.

13 I knew on July -- as early as --

14 THE COURT: I'm asking you, what was your intent with the  
15 Opposition to Notice of Entry of Order?

16 MS. FINE: Do you remember? I'm sorry.

17 MR. LEWIS: My intent was to show -- my intent was to  
18 show a case.

19 THE COURT: Okay. The Opposition to Notice of Entry of  
20 Order and Order filed 7/2/2004. The Court deems to be a  
21 fugitive document and is stricken from the record. There's no  
22 authorization for such document. We'd already had motion  
23 practice, motion opposition, and Ms. Fine filed a reply. I  
24 had an order -- I had a hearing, I made some temporary orders



1 re custody and then set it on today for a change of custody  
2 and an order to show cause. That's a fugitive document.

3 All right. Ms. Fine, we're going to proceed  
4 Plaintiff's case on Motion for an Order to Change Custody.  
5 We'll do the custody first, then we'll do the Order to Show  
6 Cause. And...put on your proof. And if you finish before  
7 five, we'll continue it to the next day. And I'll hear you  
8 more on what if anything -- what sanctions you would ask The  
9 Court for Mr. Lewis' failure to participate. And then he can  
10 put on his case if I permit him to.

11 MS. FINE: And about the -- may I ask about the request  
12 for admissions? Do -- I mean, I know that that would have to  
13 go in my contempt part probably, but I did ask for a request  
14 for admissions and they came on July 24th.

15 THE COURT: I'm going to grant that relief, Mr. Lewis.

16 You know, this time frame -- you're not new to the  
17 court. This is not the first time you're walking into court.  
18 You had a trial for custody, then there was an evidentiary  
19 hearing not too long ago. So you are not new to court at all.  
20 And so --

21 MR. LEWIS: If Your Honorable please permit me to speak?

22 THE COURT: Well, you didn't respond to Plaintiff's  
23 request for discovery right?

24 MR. LEWIS: I -- I was producing a -- a lot of material.

1 There were other things that were being asked during these  
2 past three months. I think the major -- most major issue that  
3 I've had with producing the documents -- actually on July 24th  
4 is a date to be brought up, is the day I had to go to the IRS  
5 to -- cause in -- on June 1st my corporate office called me in  
6 to inform me that the IRS was going to start to put a levy on  
7 my wages due to the tax year of 2010.

8 I had to go to the IRS to even be able to produce my  
9 tax returns for 2013 and that -- and a tax return that I filed  
10 in 2012 was denied due to complications of someone else's  
11 filing.

12 THE COURT: Okay. But --

13 MR. LEWIS: And I have the documentation with me that I

14 --

15 THE COURT: Were we --

16 MR. LEWIS: -- of the days that --

17 MS. FINE: What does that have to do --

18 MR. LEWIS: -- I went there and --

19 THE COURT: All right.

20 MS. FINE: -- with the price of tea in China?

21 MR. LEWIS: -- and the IRS' levy.

22 THE COURT: All right. Your response to The Court's  
23 question is not persuasive on anything.

24 Ms. Fine compounded requests for admission to you on

1 or about May 28th, 2014. So you had the entire month of June  
2 to respond to those requests. And you're telling me that's  
3 some event in July. That's not really helpful --

4 MR. LEWIS: No, I -- in --

5 THE COURT: -- to The Court.

6 MR. LEWIS: -- on June 1st I found out about the levy. I  
7 had more -- it became a bigger case than just -- I had more on  
8 my -- on -- on my shoulders, Your Honor.

9 THE COURT: Yeah, but this is just sitting down for maybe  
10 two hours and going through this and writing up a response to  
11 it.

12 MR. LEWIS: It --

13 THE COURT: There were eighteen requests for admissions.  
14 It wasn't a hundred, it wasn't even fifty or twenty-five,  
15 eighteen. And you just didn't -- you just ignored it.

16 MR. LEWIS: I hon -- honestly -- or, Your Honor, I did  
17 not ignore anything. There were -- there is a -- I've been in  
18 court for a year-and-a-half I have been here. You're right.  
19 I agree wholeheartedly.

20 THE COURT: Well --

21 MR. LEWIS: With that comes paperwork and it becomes over  
22 mounting, it becomes --

23 THE COURT: All right. Plaintiff's request to admit --  
24 what is it -- to deem the admissions on admitted is granted.

1 I think we have to read each one of these into the  
2 record, Ms. Fine?

3 MS. FINE: Fine.

4 THE COURT: I'll give you that pleasure.

5 You can have a seat, Mr. Lewis.

6 MS. FINE: Sometimes I think I'm being organized and I  
7 put them in the very back of the notebook.

8 THE COURT: Do you have it sep -- do you have your  
9 original request for admissions so I can --

10 MS. FINE: I do.

11 THE COURT: -- mark those as -- let's mark those as  
12 Plaintiff's Exhibits then.

13 MS. FINE: Okay. I (indiscernible) one of my exhibits,  
14 Judge.

15 THE COURT: Are they? All right.

16 I think I'm getting ahead of myself.

17 MS. FINE: I think they are -- where is my exhibit book.

18 THE COURT: All right. That's Plaintiff's Exhibit 1,  
19 Plaintiff's first request for admissions that's admitted as  
20 evidence today. Those admissions are deemed admitted because  
21 of Defendant's failure to respond to them in a timely fashion  
22 or even to communicate with Ms. Fine on the issue of an  
23 extension.

24 MS. FINE: Admit -- so I go ahead?

1 THE COURT: You know what? It's an exhibit.

2 MS. FINE: Okay. Great.

3 THE COURT: I'm not going to admit each and everyone.

4 All right. Are you ready to call your first  
5 witness?

6 MR. LEWIS: Your Honor, if I --

7 THE COURT: Yeah?

8 MR. LEWIS: -- if I may?

9 On -- on June 27th I did -- or June 26th I did have  
10 a motion or declaration to -- in support of order to extend my  
11 time to answer on June 27th.

12 MS. FINE: Yes, he did.

13 MR. LEWIS: And I --

14 THE COURT: And --

15 MR. LEWIS: -- I -- I knew I was behind the gun early on  
16 to answer everything correctly.

17 THE COURT: Right. And The Court denied that.

18 All right. Your first witness, please.

19 MS. FINE: Mr. Lewis, please.

20 THE COURT: Well, you had said in your --

21 MS. FINE: Okay.

22 THE COURT: -- (indiscernible) you had --

23 MS. FINE: Ms. Perdomo. Let me do Ms. Perdomo.

24 THE COURT: Yeah. You said you had the counselor, you

1 said you had someone from -- you said you had someone from  
2 Kumon Tutoring, you said you had her teacher, you had Warren  
3 Wheatley --

4 MS. FINE: And they're all coming because they -- none of  
5 them were available today, but they're all available on the  
6 next -- the next hearing date.

7 THE COURT: All right. Okay.

8 MS. FINE: So should I call Ms. Perdomo then we'll call  
9 Mr. Lewis, if you'd like. But I would only call Mr. Lewis for  
10 the Order to Show Cause and you want to do that last?

11 THE COURT: Who's the other one, Mr. who?

12 MS. FINE: Mr. Wheatley and the teacher. The person from  
13 Kumon will only testify as to how much was paid and who paid  
14 it, and my client can testify to that.

15 THE COURT: I'm sorry, Ms. Fine. I'm probably not being  
16 clear. Who's available today?

17 MS. FINE: Both the parties.

18 THE COURT: Just the parties?

19 MS. FINE: Yes, Your Honor.

20 THE COURT: All right. Go ahead.

21 Just put your case on.

22 MS. FINE: Ms. Perdomo, if you'd take the stand, please.

23 THE PLAINTIFF: Sure.

24 THE COURT: You're ready sworn in, so you can have a

1 seat.

2 THE WITNESS: Oh, I'm sorry.

3 (Indiscernible) the exhibits.

4 MS. FINE: I'll -- you sit down.

5 THE WITNESS: Oh, I'm sorry. I apologize.

6 MS. FINE: And I will ask The Court if I can give her a  
7 copy of the --

8 Madam Clerk, can I give her a copy of the exhibits?

9 THE COURT: You just brought in one set?

10 MS. FINE: No, I brought in two.

11 THE COURT: Oh, okay.

12 MS. FINE: Always two.

13 THE COURT: Okay.

14 MS. FINE: And I already gave you a set, Mr. Lewis,  
15 correct?

16 MR. LEWIS: I believe so.

17 MS. FINE: May I -- if Mr. Lewis' dad is going to  
18 testify, then I do need to (indiscernible) Exclusionary Rule  
19 invoked.

20 THE COURT: Yeah, I'm not sure at this point if he's  
21 going to.

22 But is there a possibility you're going to ask  
23 anyone sitting in the courtroom to testify on your behalf, Mr.  
24 Lewis?

1 MR. LEWIS: My parents are -- are the ones that have been  
2 with me -- the only ones that have been with me throughout the  
3 trial and -- and know it's -- know it in it's entirety. I --  
4 I'm would call, would one of them.

5 THE COURT: Okay. If they're even possible witnesses,  
6 Ms. Fine has invoked the Exclusionary Rule, which means I have  
7 to ask them to leave the courtroom because they might be  
8 called to testify.

9 MR. LEWIS: Okay.

10 THE COURT: Okay? So I'm sorry.

11 MR. LEWIS: That's fine. (Indiscernible.)

12 THE COURT: I know you want to be here to support --

13 MS. FINE: But if only one of them is going to testify, I  
14 mean --

15 THE COURT: Well, are one or both of them possible  
16 witnesses?

17 MR. LEWIS: One.

18 MR. LEWIS' FATHER: (Indiscernible.)

19 MR. LEWIS: Both?

20 MR. LEWIS' FATHER: (Indiscernible.)

21 MR. LEWIS: Both.

22 THE COURT: Okay. They'll have to leave the courtroom.  
23 I'm sorry.

24 MR. LEWIS: Okay.



1 THE COURT: One of those pesky trial rules we have.

2 MARIA PREDOMO FUENTE (LEWIS)

3 having been called as a witness by the Plaintiff and being  
4 first duly sworn, testifies as follows:

5 EXAMINATION

6 BY MS. FINE:

7 Q Would you state your name for the record.

8 A Sure. Maria Perdomo.

9 Q And your address, Ms. Perdomo?

10 A 595 South Green Valley Parkway, Apartment 923,  
11 Henderson, Nevada, 89012.

12 Q And Mr. Lewis, the defendant, is your ex-husband; is  
13 that correct?

14 A Yes, that's correct.

15 Q And the two of you have a daughter?

16 A Yes.

17 Q We've been through this, but just for foundation,  
18 what is her name and birth date?

19 A Isabella Sara Lewis, and her birth date is August  
20 10th, 2006.

21 Q You and Wesley were divorced when?

22 A The Decree was filed in July of 2011.

23 Q At the time of your divorce did you and Wesley reach  
24 an agreement regarding Isabella's custody?

1 A Yes.

2 Q What was that agreement?

3 A To have legal, joint and physical -- joint custody.

4 Q Is Bella Isabella's nickname?

5 A Yes.

6 Q Do you remember participating in an evidentiary  
7 hearing in this case last year?

8 A Yes.

9 Q Do you remember The Court's various rulings from  
10 that evidentiary hearing?

11 A Yes.

12 Q Did you receive an order reflecting This Court's  
13 written order reflecting This Court's rulings?

14 A Yes.

15 Q At last year's evidentiary hearing were you seeking  
16 a change of custody?

17 A No.

18 Q What relief were you seeking?

19 A I was seeking in terms of the decree, to -- in terms  
20 of the decree to hold Wesley's obligations and to provide  
21 tutoring for Isabella. Sorry, I was --

22 Q Why would you not ask for a change of custody at  
23 that time?

24 A It wasn't needed.

1 Q Would it have been needed if he didn't comply?

2 A Yes.

3 Q So...let's address the matter of Bella's tutoring.

4 When and where did Bella begin receiving tutoring?

5 A She started tutoring with Ms. Flores in October,

6 2012. And --

7 Q And then what?

8 A -- and then I enrolled her in tutoring with Kumon's

9 in March, 2013.

10 Q Who arranged for Bella to begin tutoring?

11 A I did.

12 Q Why?

13 A She was struggling in school.

14 Q Did you talk to Wesley about it?

15 A Yes.

16 Q And when did -- was he supportive of the tutoring?

17 A He knew about it. He thought she was fine and she

18 would catch up herself.

19 Q Did she catch up by herself?

20 A No.

21 Q When did last year's evidentiary -- when did last  
22 year's evidentiary hearing conclude?

23 A October 8th, 2013.

24 Q Did The Court in its rulings address the issue of

1 Bella continuing to receive tutoring at Kumon?

2 A Yes.

3 Q What was The Court's order regarding the payment of  
4 fees for Kumon for tutoring?

5 A That Wesley had to pay November, 2013, the two  
6 hundred dollars. And then after December, 2013, we would  
7 share the costs and -- by half. So he would have to pay a  
8 hundred and I would have to pay a hundred.

9 Q As a result of that ruling, did he pay the two  
10 hundred dollars for November of 2013?

11 A No.

12 Q And has he paid one hundred dollars per month as and  
13 for half of Isabella's tutoring fee?

14 A No.

15 Q Okay. Did I ask you what the monthly fee was?

16 A It's two hundred dollars.

17 Q Who has paid for Kumon each month?

18 A I have.

19 Q And how do you pay it?

20 A I have a credit card on file and it's charged  
21 monthly for the sum of two hundred.

22 Q And do you ask Wesley to contribute?

23 A Not directly. I just made the payments and I hope  
24 that he would go in and make his payments.

1 Q Directing your attention to what has been marked as  
2 Plaintiff's Proposed Exhibit 8, do you recognize this  
3 document?

4 A Yeah, these are --

5 THE COURT: Wait.

6 MS. FINE: You have to say yes --

7 MR. LEWIS: Are we --

8 MS. FINE: -- and then I have to say --

9 THE WITNESS: Yes.

10 MS. FINE: -- what is it.

11 MR. LEWIS: I'm sorry, Ms. Fine. Are we on --

12 MS. FINE: Exhibit A, yes.

13 MR. LEWIS: Exhibit A.

14 MS. FINE: Then I gave you some more today.

15 MR. LEWIS: Yes, thank you.

16 BY MS. FINE:

17 Q Okay. So you've seen that document?

18 A Yes.

19 Q What is it?

20 A These are Kumon's monthly tuition payments.

21 Q Monthly tuition payments?

22 A Um-hmm (in the affirmative).

23 Q Okay.

24 MS. FINE: And I would move to admit that document if I

1 could.

2 THE COURT: Mr. Lewis, do you have any objection to 8  
3 coming in?

4 MR. LEWIS: The only objection I have is that I was never  
5 shown these documents prior to it being submitted. I was  
6 never a -- these Kumon's -- a monthly statement has never been  
7 submitted to my persons ever.

8 MS. FINE: Court's indulgence.

9 THE COURT: All right. Let me see what Ms. Fine's  
10 response is.

11 MS. FINE: If you look at my Motion to Modify Custody, to  
12 Enforce Order of December 27, 2013 and Award of Attorney's  
13 Fees, dated March 19th, 2004, it is right here. And unfor --

14 THE COURT: Okay.

15 MS. FINE: It's Exhibit 2.

16 MR. LEWIS: March 19th, 2004?

17 MS. FINE: Yeah, it was the motion that we're here for  
18 today. It's Exhibit 2.

19 MR. LEWIS: But you -- this is for 2013, correct?

20 MS. FINE: (No audible response.)

21 MR. LEWIS: The one that we're looking at?

22 UNIDENTIFIED SPEAKER: Yes.

23 THE COURT: Okay. Mr. Lewis, Ms. Fine is pointing out  
24 that Exhibit 8 was attached as an exhibit to her motion that

1 she filed that got us here today. So you have been given a  
2 copy of it in a pleading.

3 MS. FINE: And --

4 MR. LEWIS: But not during the -- not during the moment  
5 or letting me or talking to me about payment.

6 THE COURT: You got it in the motion, and you filed an  
7 opposition to her motion.

8 MR. LEWIS: I -- I underst -- I understand that, Your  
9 Honor.

10 THE COURT: All right. 8 is admitted.

11 (PLAINTIFF'S EXHIBIT 8 ADMITTED.)

12 MS. FINE: Thank you.

13 May I admit exhibit -- Proposed Exhibit 13, which is  
14 the Motion to Modify Custody to Enforce Order of December 27th  
15 and Award of Attorney's Fees?

16 THE COURT: Motion to Modify?

17 MS. FINE: Yeah, the one that we're here for today. May  
18 I submit that, because it has all kinds of attachments and  
19 exhibits that support this motion to show that he has received  
20 these documents ahead of time.

21 THE COURT: All right. I'm going to admit the motion.  
22 It's a pleading. It's already on file. There's no surprise.

23 MS. FINE: It's Proposed Exhibit 13.

24 MR. LEWIS: Was it something I received today? Just

1 today, correct?

2 THE COURT: Exhibit 13, you were given the motion and you  
3 filed an opposition to it on April 24th, 2014.

4 MR. LEWIS: I'm sorry, Your Honor. I just received it  
5 from her today. I'm -- I'm -- wasn't --

6 THE COURT: You didn't just receive it. The motion,  
7 Exhibit 13, you received --

8 MR. LEWIS: Just a copy of it?

9 THE COURT: -- the motion --

10 MS. FINE: And you received this.

11 MR. LEWIS: No, I understand.

12 THE COURT: -- and you filed an opposition to it.

13 MR. LEWIS: I just received a copy.

14 THE COURT: Ms. Fine, don't.

15 MR. LEWIS: It wasn't --

16 THE COURT: Ms. Fine, don't.

17 MR. LEWIS: I'm sorry. I'm sorry. I'm sorry.

18 THE COURT: Go ahead, Ms. Fine.

19 MS. FINE: Thank you.

20 THE COURT: 8 is admitted.

21 THE COURT: Thank you.

22 BY MS. FINE:

23 Q And you also paid Kumon since February of 2014?

24 A Yes.



1 Q And have you -- you paid February. What other  
2 months?

3 A I paid February, March, April, May, all the way  
4 through July, 2014.

5 Q So --

6 A I'm current.

7 MS. FINE: This is not part of the Order to Show Cause,  
8 Judge. I guess, I don't know if it is or not, it's just to  
9 show arrears. So it's kind of -- they're kind of overlapping.  
10 BY MS. FINE:

11 Q So out of that amount, how much was Wesley to pay?

12 A He was to pay -- I paid eighteen hundred and he was  
13 to pay a thousand.

14 Q And that includes the two hundred dollars in  
15 November that he was to pay?

16 A Yes.

17 Q Starting in December, 2013, Wesley has not paid any  
18 of it; is that correct?

19 A Yeah, that's correct.

20 Q Has Bella continued with her tutoring each and every  
21 month this year?

22 A Yes.

23 Q Do you recall The Court's order last year as to how  
24 long Bella's tutoring at Kumon would continue?

1 A Yes.

2 Q What was that ruling?

3 A The ruling was that she -- the only way she could  
4 finish with Kumon's is that she would be tested above her  
5 grade level, or if Wesley and I agree that we would end with  
6 the tutoring.

7 Q Has Bella tested at or above her grade level?

8 A No.

9 Q Did The Court order Wesley to do anything regarding  
10 Bella's tutoring other than pay half of its costs?

11 A Yes.

12 Q What was that?

13 A He was to take her -- or he was ordered to take her  
14 to Kumon's after school on Monday's.

15 Q Why?

16 A Because that was his days. He has Bella on Mondays  
17 -- on Mondays from nine a.m. to Thursdays at nine, so it's his  
18 custodial time to take her on Mondays.

19 Q That's been modified though temporarily; isn't that  
20 true?

21 A Yes.

22 Q So what did he have temporarily?

23 A He has Monday nine a.m. to Wednesday at six thirty.

24 Q P.M?

1 A P.M.

2 Q And has Bella only had tutoring on Mondays?

3 A No, she also has tutoring on Thursdays.

4 Q And what -- who arranged for her to attend  
5 Thursdays' tutoring?

6 A I did.

7 Q Since the Court ordered him to do so, has Wesley  
8 always taken Bella to her tutoring on Monday afternoons?

9 A No.

10 Q Directing your attention to what's been marked as  
11 Plaintiff's Proposed Exhibit 5, and these are -- do you  
12 recognize this proposed exhibit?

13 A Yes.

14 Q And can you identify -- what is it?

15 A Yeah, this is an email from me to Wesley asking him  
16 why Bella was absent from Kumon's on Monday, May 5th, 2014.

17 MS. FINE: And I would move to admit that exhibit.

18 BY MS. FINE:

19 Q And does he have a response on that?

20 THE COURT: On May -- what date, May what?

21 THE WITNESS: May 5th, 2014.

22 THE COURT: May 5th, 2014.

23 BY MS. FINE:

24 Q An email between you and Wesley. And did he

1 respond?

2 THE COURT: All right.

3 I didn't admit 5 yet. Is there more --

4 MR. LEWIS: Where --

5 MS. FINE: No.

6 MR. LEWIS: -- are we at?

7 THE COURT: Hang on a second.

8 MR. LEWIS: I'm sorry. I'm sorry. I'm sorry.

9 THE COURT: As to Exhibit 5, is it just one email, Ms.  
10 Fine?

11 MS. FINE: No, it's several.

12 THE COURT: Okay.

13 MS. FINE: It's from -- between --

14 THE COURT: Are you still laying the foundation for the  
15 rest of them?

16 MS. FINE: Yes.

17 THE COURT: Okay. Go ahead.

18 THE WITNESS: He did not res -- sorry (indiscernible)  
19 just making sure, I mean. He did not respond to...

20 BY MS. FINE:

21 Q And then on May 21st --

22 A Oh, yeah, sorry.

23 Q Okay.

24 A Sorry. He did respond, yes.

1 Q And what did he say?

2 A He said that this was a special occasion, a daddy-  
3 and-daw -- daddy-and-daughter roller skating event held on  
4 Monday, May 5th.

5 Q And how did you learn that she was not at tutoring  
6 on May 5th, if it wasn't hearsay?

7 A Kumon's emailed me and notified me and was asking  
8 why she didn't go.

9 Q Do you have to pay if she doesn't go?

10 A No, they don't take an extra fee. But she will miss  
11 out -- she will get behind.

12 Q So what was Wesley's response besides the parent-  
13 teacher -- I mean the daddy-daughter event?

14 A I mean, there's really no other response in that.  
15 I'm sorry, I don't --

16 Q No. Okay. Let me ask you --

17 A -- understand the question.

18 Q -- so I would move, since his response is in there  
19 and you did it, I would move to admit it and then I'll ask you  
20 some more questions.

21 A Okay.

22 THE COURT: All right.

23 So, Mr. Lewis, Ms. Fine is moving to admit Exhibit  
24 5, do you have any objection? Those are emails.

1 MR. LEWIS: The only objection I have is that I did send  
2 it with a image, like .jpeg images that show me and Isabella's  
3 activity during that day.

4 THE COURT: I'm asking you if you have any objection to  
5 Exhibit 5 being admitted.

6 MR. LEWIS: I -- I guess the only thing I would object to  
7 is that it's not admitted in its entirety.

8 THE COURT: I don't know what that means.

9 MS. FINE: That means that the -- he --

10 MR. LEWIS: The pictures aren't in there that I submitted  
11 within the email, just -- just the words.

12 THE COURT: Did Mr. Lewis give you pictures of him roller  
13 skating that were part of the emails?

14 THE WITNESS: Yeah. On page four and five here, the  
15 images. But for some reason they were unable to open.  
16 There's the download (indicating).

17 MS. FINE: So --

18 MR. LEWIS: They are pictures of --

19 THE COURT: Oh, these -- okay, so these little --

20 THE WITNESS: Yeah.

21 THE COURT: -- blocks that show images?

22 THE WITNESS: Yeah.

23 THE COURT: And what were those images of?

24 THE WITNESS: It was Bella skating with another of her

1 classmate and there was a flier --

2 MS. FINE: Okay.

3 THE WITNESS: -- of the event --

4 BY MS. FINE:

5 Q And so that was the picture?

6 A Yes.

7 Q The flier?

8 A It was the flier.

9 Q Is there a possibility you could get a copy of that  
10 flier?

11 THE COURT: I don't -- I just need her testimony. I  
12 don't --

13 MS. FINE: Okay. Well, I was going to ask a question  
14 about it.

15 THE WITNESS: Yeah, the flier said that the event was  
16 from six p.m. to nine p.m. And that's why it really bothered  
17 me, because Kumon's is open from two thirty all the way to six  
18 thirty. So he had enough time to take her to Kumon's.

19 I had birthday parties that I had to -- Isabella had  
20 to attend and I always make Kumon's a priority. If she didn't  
21 go to Kumon's she couldn't do these extra activities.

22 THE COURT: Okay. So one image was her skating with  
23 another child, another image was the flier, what was the third  
24 image?

1 THE WITNESS: I think it was the skating ring. There was

2 --

3 THE COURT: Okay. All right.

4 All right. So those images have been explored, Mr.  
5 Lewis. Any other objection to 5 coming in?

6 MR. LEWIS: No.

7 THE COURT: Okay. 5 is admitted.

8 (PLAINTIFF'S PROPOSED EXHIBIT 5 ADMITTED.)

9 MS. FINE: Thank you, Judge.

10 BY MS. FINE:

11 Q So did Wesley provide you with any prior notice that  
12 he was taking Bella roller skating on May 5th rather than to  
13 her tutoring?

14 A No.

15 Q Has this Exhibit 5 concerned itself with any other  
16 tutoring lessons that Bella missed in May of 2014?

17 A She was also absent on -- yes -- Monday, May 19th.

18 Q And when you emailed Wesley about this absence, what  
19 was his email response, and is that part of Exhibit 5?

20 A He was concerned about the traveling time, because

21 --

22 Q What does it say? Could you quote it, what he says?

23 THE COURT: He can't -- she can't read from it. You  
24 know, Ms. Fine --



1 MS. FINE: Oh --

2 THE COURT: -- until it's admitted there --

3 THE COURT: -- I'm sorry.

4 MR. LEWIS: What --

5 THE COURT: Is it in the --

6 MR. LEWIS: -- I'm sorry, what (indiscernible)?

7 MS. FINE: It is admitted.

8 THE COURT: Okay.

9 MS. FINE: You admitted it.

10 THE COURT: I'm sorry. It's in --

11 Mr. Lewis, do not speak to The Court or to Ms. Fine  
12 unless it's your turn. Do you understand me?

13 MR. LEWIS: Yes, I do, Your Honor.

14 THE COURT: Next time you do that I'm going to sanction  
15 you two hundred dollars.

16 MR. LEWIS: Yes, Your Honor.

17 THE COURT: All right.

18 I'm sorry, Ms. Fine. I didn't read every email in  
19 here. Which page is it on?

20 MS. FINE: It's on the third page of the exhibit, May  
21 22nd. Let's see -- I'm sorry.

22 THE COURT: That's the roller skating part.

23 MS. FINE: Oh, no, I'm sorry. It's part of Exhibit -- I  
24 have to admit Exhibit 6. It's -- I apologize.

1 THE COURT: Okay.

2 THE WITNESS: Sorry. Me, too. I was like, I'm going  
3 blank.

4 THE COURT: All right.

5 MS. FINE: All right.

6 BY MS. FINE:

7 Q Directing your attention to Exhibit 6, do you  
8 recognize that document?

9 A Yes.

10 Q And can you tell us what that is?

11 A Yeah, this is an email when I asked Wesley about  
12 this other day, the -- May 19th that she was absent, and this  
13 was his response to why Isabella did not attend.

14 Q And in that email, the first one's dated June 2nd.  
15 Do you also, again, reiterate to him the summer hours?

16 A Yes. I -- I wanted to remind him of the hours and  
17 that she would still be attending to Kumon's during the  
18 summer.

19 MS. FINE: I move to admit Exhibit 6.

20 THE COURT: All right, Mr. Lewis. Any objection to  
21 Exhibit 6 coming in as evidence?

22 (PAUSE WHILE DEFENDANT PERUSES DOCUMENT)

23 MR. LEWIS: June 2nd was the last day of school -- or was  
24 the last week of school. There was no more school to be

1 intended.

2 THE COURT: Okay. That's not really a proper objection.  
3 The objection is to the emails themselves.

4 MR. LEWIS: There -- the emails I have no objection to.

5 THE COURT: Okay.

6 MR. LEWIS: I mean --

7 THE COURT: Emails --

8 MR. LEWIS: -- I haven't read them in their entirety, but  
9 my last email?

10 THE COURT: Exhibit 6 are admitted.

11 (PLAINTIFF'S PROPOSED EXHIBIT 6 ADMITTED.)

12 MS. FINE: Thank you.

13 BY MS. FINE:

14 Q Pursuant to Exhibit 6, Wesley did not take Bella to  
15 Kumon on Monday, May 19th; is that correct?

16 A Yes.

17 Q When you emailed Wesley about this absence, what was  
18 his email response?

19 A Okay. He was really concerned about his traveling  
20 time, that he did not, since --

21 Q What does it say, what does the email say?

22 MR. LEWIS: (Indiscernible) --

23 BY MS. FINE:

24 Q He said, quote --

1 A Oh.

2 Q -- I emailed you --

3 A I email you -- I'm sorry -- I email you on Monday  
4 morning after I picked up Isabella and left your place. But  
5 Isabella wasn't going to attends to Kumon's due to the  
6 extensive travel time. Due to Twitchell being off of school,  
7 this is something you already knew. Have a great morning.

8 Q Did he email you on Monday morning?

9 A I -- I recall that he emailed me after --

10 Q After what?

11 A After the Monday. Here it says Thursday, May 22nd.

12 Q He said he emailed you on Monday. Did he email you  
13 on Monday, May, whatever it was, to tell you that he wasn't  
14 taking your daughter to Kumon's?

15 A Yes.

16 Q Where is it? Show me?

17 May 19th. Monday --

18 A Oh, no. No.

19 Q -- the Monday --

20 A No. Sorry. Sorry, no. I apologize.

21 Q Is this the sort of response you all too often get  
22 from Wesley?

23 A Yes.

24 Q Directing your attention to Plaintiff's Proposed --

1 that's also it -- the summer -- not directing your attention.  
2 Back to Exhibit 6, do you recognize that in that you already  
3 testified that you advised him about the summer hours?

4 A Yes.

5 Q Did he agree -- did you agree that she wasn't going  
6 to go in the summer?

7 A No, we didn't. We agreed that we were still going  
8 to take her. She --

9 Q And does that email state that?

10 A (No audible response.)

11 Q Does that email stated that --

12 A Yes.

13 Q -- you -- between you --

14 A Isabella has not --

15 Q -- (indiscernible) --

16 A -- progressed and she must attend on Mondays and  
17 Thursdays during the open hours.

18 Q And did you --

19 A Between --

20 Q -- is that your email or his?

21 A That's my email --

22 Q And did he respond?

23 A -- to him.

24 No, not of this email, he did not.

1 Q Has Wesley taken Bella to all of the Monday tutoring  
2 -- to all of the Monday tutoring lessons at Kumon this summer?

3 A No.

4 Q Has he missed -- what days has he missed?

5 A All of them.

6 Q He hasn't taken her to one --

7 A She's been absent.

8 Q -- since school's been out?

9 Has he advised you why?

10 A No.

11 Q Did he notify Kumon?

12 A No.

13 Q How do you know that she's not been at tutoring?

14 A Isabella, she told me and the staff that her dad was  
15 not going to take her to Kumon's anymore.

16 Q Okay. And you confirmed this at Kumon's?

17 A Yes.

18 Q What is the result of her not going to her tutoring  
19 on Mondays?

20 A It's really frustrating, because now -- the way  
21 tutoring work -- the tutoring works, it has to be two days,  
22 because they split the work to keep the consistency. And now  
23 whatever she missed on Monday gets piled up into my days. And  
24 so I have to overload her with this work and she gets

1 frustrated. Be -- instead of going two books a day, sometimes  
2 I have to break it apart into, you know, four -- four books,  
3 and I have to divide two at night and two in the morning.  
4 Sometimes I think it's a little bit too much for her.

5           You know, I always encouraged her to do it, but it's  
6 -- it's extremely frustrating, because she's only seven and  
7 she has to do all this work. They can't be separated  
8 throughout the whole week. And so I think it's building up  
9 frustration on her to get it done because it has to be during  
10 my days only.

11           Q     And how many workbooks do you have to do with her  
12 each week if he doesn't take her to Kumon's?

13           A     It will -- becomes eight and ten books.

14           Q     And are --

15           A     And these --

16           Q     -- these the books?

17           A     -- I bought the book -- I bought some of the books  
18 that we've done together. I would like to see them. They're  
19 about five pages each book, back and for -- back and -- front  
20 and back.

21           Q     How many books has Wesley done with her?

22           A     To my knowledge, every time I look at the -- the  
23 case at Kumon's, I don't see the work being done. Most of the  
24 time the book is left undone. So then we just, you know,

1 Scott disregarded the book and we just focus on my package,  
2 so.

3 Q So this decision not to go to Kumon's was  
4 unilateral, you wanted her to continue tutoring; is that  
5 correct --

6 A That's correct.

7 Q -- for the summer?

8 So it's the end of the year now. Can Bella go into  
9 the second grade?

10 A Yes.

11 Q And we -- The Court will recall that she was held  
12 back the first grade.

13 A Yeah, she had to repeat first grade.

14 Q Is she getting straight A's, is that --

15 A She started with straight A's.

16 Q When?

17 A The first tri -- trimester -- first semester, so I  
18 (indiscernible) --

19 Q Last August?

20 A The last August. And then all of a sudden we saw a  
21 decline in her grades, they went from A's to B's. And as it  
22 got a little bit harder for her, she just kept steady B's. So  
23 I'm definitely concerned about second grade, that's why I  
24 wanted to make sure that she did Kumon's.



1           Also, if we look at the report card, Mrs. Burgess  
2 said we have to help her with time management. Isabella is  
3 unable to sit down and do her homework. She fidgets, she  
4 looks around. It's because she doesn't have that consistency.

5           MS. FINE: So I have a bunch of questions that have to do  
6 with child support and arrears and the Order to Show Cause.  
7 So I'm going to not go through that now.

8           THE COURT: Well, do you know what? As long as you're  
9 prepped for it, go ahead and go through those questions.

10          MS. FINE: Really fast.

11 BY MS. FINE:

12          Q       Let's go back to last year's evidentiary hearing and  
13 The Court's orders that were issued from it.

14                 Did The Court order Wesley to pay you current child  
15 support?

16          A       Yes.

17          Q       In what amount?

18          A       At eighty-one dollars starting --

19          Q       A month?

20          A       -- October --

21                 Yeah, a month, starting October, 2013, so.

22          Q       Did you receive any current child support from  
23 Wesley in October of 2013?

24          A       No.

1 Q The order specifically pay it in 2013?

2 A Yes.

3 Q October?

4 A (No audible response.)

5 Q Did you receive any current child support from  
6 Wesley in November of 2013?

7 A No.

8 Q Did you receive any current child support from  
9 Wesley in December of 2013?

10 A No.

11 Q Did you receive any current child support from  
12 Wesley in January of 2014?

13 A No.

14 Q After the evidentiary hearing, did The Court order  
15 Wesley to pay you an amount as his share of the cost of health  
16 insurance for Bella?

17 A Yes.

18 Q What was he ordered to pay?

19 A Fifty dollars.

20 Q He was ordered to pay you fifty dollars per month?

21 A Yes, per month.

22 Q And you pay a hundred dollars per month for health  
23 insurance for your daughter?

24 A That's correct.

1 Q Did you receive any payment for health insurance in  
2 October, 2013?

3 A No.

4 Q How about November, 2013?

5 A No.

6 Q How about December of 2013?

7 A No.

8 Q January of 2013 (sic)?

9 A No.

10 Q Do you recall whether at the conclusion of last  
11 year's evidentiary hearing The Court found that Wesley owed  
12 you child support arrears?

13 A Yes.

14 Q What was The Court's ruling on that issue?

15 A That he had to pay a hundred dollars --

16 Q No.

17 A No. Sorry.

18 Q What was the total arrears the Judge found  
19 approximately, if you remember?

20 A Was it fourteen --

21 Q No.

22 A Nine thousand?

23 Q No. It was --

24 A It was nearly nine thousand dollars.

1 Q It was approximately nine thousand.

2 A Nine thousand without --

3 Q The --

4 A -- excluding penalties and --

5 Q Interest.

6 A Interest.

7 Q Look at the order, you'll -- which you can't do  
8 because you don't have it, but the Judge does.

9 MS. FINE: Judge, I have to apologize to you. I found  
10 his discovery that he sent, but it wasn't responsive to the  
11 interrogatories and it wasn't responsive to the request for  
12 production. It was just a bunch of documents that were in the  
13 same order. I just --

14 THE COURT: Just things he wanted you to have?

15 MS. FINE: He wanted me to have. But I have no idea what  
16 they are.

17 THE COURT: Okay.

18 MS. FINE: And so I went through some of them and I did  
19 pull some of them out.

20 THE COURT: All right.

21 MS. FINE: So I apologize.

22 THE COURT: All right. Thank you.

23 MS. FINE: I really do apologize.

24 THE COURT: I appreciate your disclosure, Ms. Fine.

1 THE COURT: So you don't have to bring them to me.

2 I just want to find the order.

3 I'd ask The Court to take judicial notice. It was  
4 approximately -- oh, here it is.

5 THE COURT: Which order are you looking for? The one for  
6 --

7 MS. FINE: The findings of facts, conclusions of law.

8 THE COURT: Right.

9 MS. FINE: And your written notice of entry.

10 You indic -- you found that there was approximately  
11 nine thousand --

12 Let me find the order, it's --

13 THE COURT: I found nine thousand twelve dollars and  
14 thirty-eight cents through August of 2013.

15 MS. FINE: Correct.

16 THE COURT: The child support arrears.

17 BY MS. FINE:

18 Q And that nine thousand twelve thirty-eight through  
19 August, which would mean that -- so it's approximately nine  
20 thousand twelve dollars through August, and then we had  
21 September and October that were added on. But I believe that  
22 your child support -- ]

23 A (Indiscernible.)

24 Q -- of ninety-one started in October of 2013,

1 correct? Okay.

2 A Correct.

3 Q So going back to that. Not counting the interest  
4 and penalties, was Wesley ordered to make any payments to you  
5 on those arrears?

6 A Yes.

7 Q And do you remember how much he was supposed to pay  
8 you on those arrears?

9 A A hundred dollars a month.

10 Q Did you receive any arrears payment from Wesley in  
11 October of 2013?

12 A No.

13 Q November of 2013?

14 A No.

15 Q December of 2013?

16 A No

17 Q January of 2014?

18 A No.

19 Q When did you take The Court's order to Family  
20 Support as was ordered -- as you were instructed to do in the  
21 Findings of Fact?

22 A As soon as I received them I took them over.

23 Q Was that in December of 2013?

24 A It was in December, yes.

1 Q Do you know how the process works over at Family  
2 Support?

3 A What I did is I submitted the order to the  
4 receptionist. And then she takes it in, she stamps it, and  
5 then they audit and then they make the changes. And then once  
6 that goes through, what they did is they took the wages off  
7 his paycheck.

8 Q Okay.

9 A So a month --

10 Q And when did that start?

11 A That started February, 2013.

12 Q So are you aware of the new audit?

13 A Yes.

14 Q And were you able to get a copy of it?

15 A Yes.

16 Q Were you able to get a copy of it, when were you  
17 finally able to get a copy of it?

18 A Today.

19 Q Just today?

20 A At twelve.

21 Q And do you know what the arrears are stated on the  
22 new audit?

23 A Fourteen, the new arrears --

24 Q Does that include the contempt?

1           A     Yes, it -- yeah, because they all added up, so it's  
2     probably up to nine thousand --

3           Q     Don't guess.

4           A     I don't know --

5           Q     So --

6           A     -- to be honest with you. I'm sorry.

7           Q     -- if I can refresh --

8     MS. FINE:   Can I refresh her memory, Your Honor?

9     THE WITNESS: Yes.

10    THE COURT:   Five hundred six, right?

11    MS. FINE:    Yes.

12    THE COURT:   Ms. Boyle?

13    THE CLERK:   I'm sorry?

14    THE COURT:   I admitted 6, right?

15    THE CLERK:   You did, yes.

16    THE COURT:   Are you looking at Exhibit 4, Ms. Fine?

17    MS. FINE:    No. Exhibit 4 is a pay stub to show that he  
18    provided to show what he paid.

19    THE COURT:   Okay.

20    MS. FINE:    It's from him.

21    THE COURT:   All right. So you want to refresh your  
22    witness' memory, go right ahead.

23    MS. FINE:    Just with the payment record that she --

24    THE COURT:   Um-hmm (in the affirmative).



1 MS. FINE: -- picked up today, if I might?

2 THE COURT: Yes.

3 BY MS. FINE:

4 Q Is it on here?

5 A On the last page? (Indiscernible.)

6 Q (Indiscernible) not this week. I mean like now.

7 A I might have it.

8 Fourteen thousand five hundred and thirty-five  
9 dollars and thirty-five cents.

10 THE COURT: Say it again.

11 Fourteen thousand --

12 THE WITNESS: Fourteen thousand five hundred and thirty-  
13 five with thirty-five cents.

14 THE COURT: Which includes child support arrears?

15 MS. FINE: And the --

16 THE WITNESS: Yes.

17 BY MS. FINE:

18 Q And contempt?

19 A And contempt.

20 Q Which was fifty-five hundred?

21 A (Indiscernible.)

22 THE COURT: All right.

23 MS. FINE: So it would be fourteen five thirty-five point  
24 thirty-five minus fifty-five hundred.

1 THE COURT: Through what date, please?

2 MS. FINE: Through today.

3 THE COURT: Do you know what, Ms. Fine? We need to mark  
4 that as an exhibit even though you're just using it to refresh  
5 her memory.

6 MS. FINE: It also has penalties and interest accrued on  
7 it, and I need to get a copy of this to Mr. -- it's only four  
8 pages. Could I get a copy of it?

9 THE COURT: Yeah.

10 Mr. Hooper, can we make a copy and then I want a  
11 copy marked, please?

12 MS. FINE: I'm sorry, marshal.

13 THE MARSHAL: (Indiscernible.)

14 BY MS. FINE:

15 Q So do you -- I don't know if I've asked this, did  
16 you receive any payments on those arrears?

17 A No.

18 Q Well, after February of --

19 A After --

20 Q -- 2014 --

21 A -- yes.

22 Q -- you did, correct?

23 A Yes.

24 Q But -- I'm sorry -- in October -- in 2013 did you

1 receive that hundred dollar payment?

2 A October of 2013, no.

3 Q November?

4 A November, no.

5 Q December?

6 A No.

7 Q January?

8 A No.

9 Q Starting in February, you started receiving it,

10 correct?

11 A Yes.

12 Q Did the Findings of Fact, Conclusions of Law and

13 Notice of Entry of Order written -- and written -- order, to

14 the best of your recollection, state that even if The Court --

15 the Family Support Court had not yet automated those payments

16 he was to pay them?

17 A Yes.

18 Q When you didn't receive any of these ordered

19 payments what did you do?

20 A I called you and notify you.

21 Q What did we do --

22 A And then --

23 Q -- if you remember?

24 A -- we ra -- we wrote a demanding letter or --

1 Q Did you receive any money from him then?

2 A Um, no.

3 Q Well --

4 A We -- sorry, I can't recall.

5 Q You don't recall?

6 A (No audible response.)

7 Q Just say you don't recall if you don't recall. It's  
8 okay.

9 A Sorry.

10 MS. FINE: So this is now 15, Judge, Exhibit 15?

11 THE COURT: Yes, Exhibit 15. It's just marked because  
12 you just got it today, marked for refreshment. Would it  
13 refresh the recollection.

14 BY MS. FINE:

15 Q Directing your attention to what has been marked at  
16 Exhibit 4, had you ever seen that document before?

17 A Yes.

18 Q Did you receive it from Wesley?

19 A Yes.

20 Q And it is -- can you identify it?

21 A Yeah, it's the payment record for the child support  
22 enforcement.

23 Q And what does it show his first payment was to you?

24 A First payment --

1 Q After the evidentiary hearing, I'm sorry.

2 A It was on February 26th, 2014, for fifty dollars.

3 Q And what was the next one?

4 A February 26th, 2014, of a hundred and fifty dollars.

5 THE COURT: Are you moving to admit --

6 MS. FINE: Yes, Your Honor.

7 THE COURT: -- Exhibit 4?

8 Mr. Lewis, do you have any objection to 4 coming in?

9 MR. LEWIS: No, I do not.

10 THE COURT: Okay. 4 is admitted.

11 (PLAINTIFF'S PROPOSED EXHIBIT 4 ADMITTED.)

12 BY MS. FINE:

13 Q Directing your attention to Proposed Exhibit 10, do  
14 you recognize this document?

15 A Yes.

16 Q What is it?

17 A This is my Financial Disclosure Form.

18 Q Dated what?

19 A July 22nd, 2014.

20 MS. FINE: I move to admit, unless This Court wants to  
21 take judicial notice of it. I just want to make it easy for  
22 The Court.

23 THE COURT: Okay. I'm sorry. I was looking at your 4.  
24 What are you looking at now?

1 MS. FINE: Her Financial Disclosure Form, Exhibit 10.

2 THE COURT: Okay.

3 Mr. Lewis, any objection to 10 coming in?

4 MR. LEWIS: (No audible response.)

5 THE COURT: It's already a filed document.

6 MR. LEWIS: I understand. No, I have no problems.

7 THE COURT: It's admitted.

8 (PLAINTIFF'S PROPOSED EXHIBIT 10 ADMITTED.)

9 MS. FINE: Thank you.

10 BY MS. FINE:

11 Q Now leaving aside the issue of Wesley's failure to  
12 comply with The Court's financial orders, have there been  
13 continuing problems with him in terms of co-parenting Bella?

14 A Yes.

15 Q Do you consider his failure to take Bella to Kumon's  
16 a problem?

17 A Yes.

18 Q Directing your attention to what has been marked as  
19 Plaintiff's Proposed Exhibit 9, do you recognize this  
20 document?

21 A Yes.

22 Q What is it?

23 A This is an email that I wrote to Wesley in regards  
24 to Isabella's cell phone usage.

1 Q What was the topic of that email, besides, what was  
2 the substantive issue?

3 A I was extremely concerned because Isabella was not  
4 able to use the phone, even though I provide it for her.  
5 Wesley was turning off -- turning off the phone, not charging  
6 it or putting it on silent, so she was not able to communicate  
7 with me through the cell phone.

8 Q Did he respond, yes or no?

9 A No.

10 MS. FINE: I move to admit Exhibit 9.

11 THE COURT: Any objection, Mr. Lewis?

12 MR. LEWIS: I -- are we on 9? I'm sorry. 9 --

13 THE COURT: 9.

14 MR. LEWIS: Well, I will bring notice to the very end of  
15 9 stating how she is when she responds to me in these emails.  
16 It says I will be picking up Isabella in about twenty minutes,  
17 so please, there's no need for you to make a call me after you  
18 receive this email.

19 THE COURT: See -- okay. As to the emails themselves, do  
20 you have any objection to then being admitted?

21 MR. LEWIS: They can be admitted. I don't agree with  
22 what is stated in them.

23 THE COURT: All right. The emails are admitted.

24 (PLAINTIFF'S PROPOSED EXHIBIT 9 ADMITTED.)

1 BY MS. FINE:

2 Q When Bella is with you does she speak to her dad?

3 A Yes.

4 Q How regularly?

5 A They text pretty frequently, everyday, say, or every  
6 other day, depending how busy we are with the weekend. But  
7 she checks her phone a lot.

8 Q And when you're -- when she's with her dad, does she  
9 text you?

10 A Barely. It's like a miracle if she texts me. Like  
11 she does not, you can just tell, she disconnects completely  
12 from the cell phone.

13 Q And are you accusing Wesley of hiding the phone or  
14 not charging it?

15 A Well, when I've talked to Isabella about it, she  
16 says that he takes the phone from her.

17 Q So have there been any other issues with respect to  
18 co-parenting recently?

19 A Yes.

20 Q Let me direct your attention to Exhibit 7. Do you  
21 recognize that document?

22 A It's a -- yes, I recognize it.

23 Q What is it? And just tell me what it is, don't  
24 describe it. Just tell me what it is.



1           A     A dentist appointment that Wesley made for Isabella.  
2     It's an email.

3           MS. FINE: I would move to admit Exhibit 7.

4           THE COURT: It's 7.

5                     Mr. Lewis, any objection to 7?

6           MR. LEWIS: No objection

7           THE COURT: 7 is admitted.

8                             (PLAINTIFF'S PROPOSED EXHIBIT 7 ADMITTED.)

9     BY MS. FINE:

10           Q     Has he ever made an appointment for Bella in the  
11     past?

12           A     No.

13           Q     Has he ever made a dental appointment for Bella in  
14     the past?

15           A     No.

16           Q     So in this email he tells you -- what does he tell  
17     you?

18           A     That he's inviting me to attend at a dental  
19     appointment that he made for Isabella for a teeth cleaning --

20           Q     All right.

21           A     -- and he sent it the day before at seven twenty-  
22     five p.m. on a Sunday. And the appointment was for the next  
23     day at nine forty.

24           Q     Okay.

1 A However, he's -- did include --

2 Q In that email does he tell you the name of the  
3 dentist?

4 A No. There's --

5 Q Does he tell you the address?

6 A No.

7 Q He invited you, correct?

8 A Yes.

9 Q Aside from the fact that he's informing just the  
10 evening before this appointment at nine forty a.m., were there  
11 any other problems with this notification?

12 A Yeah, no address. No -- how can I attend if there's  
13 no contact information?

14 Q Did you receive a response from him when you asked  
15 him?

16 A No.

17 Q Have you received anything from the insurance  
18 company confirming she went to the dentist?

19 A No.

20 Q Was there a time when Bella was receiving coun --

21 Oh, let me ask you this. So this was after our  
22 motion was filed, correct?

23 A Correct.

24 Q So -- okay.

1           Was there a time when Bella was receiving counseling  
2 at Oasis Counseling?

3           A     Yes.

4           Q     Can you tell The Court why?

5           A     Isabella was -- was extremely aggressive and she was  
6 biting her classmates and fighting in school. She was  
7 misbehaving. She was also not motivated. She didn't -- she  
8 was going through a phase where she didn't want to do  
9 anything. She seemed depressed, she seemed sad. And I  
10 couldn't really get her excited about anything.

11           We noticed a change in class (indiscernible). She  
12 loves to read. Bella loves reading. And normally she likes  
13 to share the books in class. Ms. Burgess noticed it, too.  
14 There was like no interest in anything. Isabella was just  
15 grey and sad.

16           Q     So what did you do?

17           A     I --

18           Q     Did you call Wesley?

19           A     Yeah, I let him know and we went to -- to see her  
20 pediatrician and he referred us to Warren Wheatley.

21           Q     So in our Motion to Modify, that's been admitted,  
22 which is Exhibit 13, is there anything in there from Oasis?

23           A     (Searching through documents.)

24           Q     There are photographs in there. Have you found

1 those photographs of your daughter?

2 A Huh-uh (in the negative).

3 Q It's Exhibit 7, the Oasis Counseling.

4 A Oh, I thought it was 13.

5 Q Exhibit 7 of 13, dear.

6 A Oh.

7 Q Exhibit 7 of 13.

8 MR. LEWIS: Exhibit 7 of 13.

9 THE WITNESS: 7 of 13.

10 BY MS. FINE:

11 Q So we have Exhibit 13, that's the underlying motion  
12 for why we're here today. But attached to Exhibit 13 is  
13 Exhibit 7, which is the letter from the Oasis Counseling.

14 A (No audible response.)

15 Q Do you see that?

16 MR. LEWIS: Dated February?

17 MS. FINE: Yes, February 19th, 2014.

18 May I assist her, please?

19 THE COURT: Yes.

20 (MS. FINE ASSISTS WITNESS.)

21 MS. FINE: This is Exhibit 7.

22 BY MS. FINE:

23 Q Attached to Exhibit 7 from Mr. Wheatley are some  
24 photographs, I believe, some pictures?

1 A Yes.

2 Q And those were her pictures that she presented; is  
3 that correct?

4 A That's --

5 Q That she drew?

6 A Yes, that's correct.

7 Q So in that letter -- Mr. Wheatley is testifying at  
8 our next hearing; is that correct?

9 A That's correct.

10 Q And Mr. Wheatley can bring this document in  
11 additionally, also. But is she still -- how long did she go  
12 to counseling?

13 A She went to counseling since September, 2013.

14 Q And when you told Wesley about the problems that you  
15 were observing, how did he react?

16 A His response was that he didn't think anything was  
17 wrong with Isabella, that whatever -- whatever I expressed to  
18 him that she was doing, she wasn't doing that with him, that  
19 she was probably misbehaving due to my parenting skill, like  
20 it was my fault that -- why she was acting like that.

21 Q So you found someone at Oasis Counseling and the  
22 person's name is Warren Wheatley?

23 A Warren Wheatley, yes.

24 Q And what was your understanding of Bella's condition

1 then?

2 A She was diagnosed with depression and anxiety.

3 Q And how often were the scheduled appointments to  
4 help Bella?

5 A He scheduled her weekly and we went every Saturday.

6 Q Did Bella appear comfortable with Mr. Wheatley?

7 A Yeah, they actually had a connection. They bonded  
8 very quickly.

9 Q Was your involvement requested by the therapist?

10 A Yes.

11 Q In what way?

12 A To assess Warren had different questions and --  
13 about like her habits at home and also if any -- there's  
14 anything that Isabella needed to share with me, she had any  
15 feelings towards me that we needed to resolve, then I was to  
16 be there present in therapy.

17 So sometimes he would invite me to the therapy when  
18 I needed to hear Isabella's feelings or if something really  
19 bothered her, he made sure that I was there so I would  
20 acknowledge her and resolve those issues.

21 Q Did she have issues, do you know -- do you know  
22 whether or not there were issues with Wesley and whether or  
23 not Wesley participated as well?

24 A Yes, there were issues with Wesley, but he never

1 attended to therapy.

2 Q How do you know?

3 A Isabella share, you know, her sad feelings for the  
4 divorce. That was obviously something that was affecting her.  
5 But because we weren't together, she felt that separation.  
6 She expressed that in therapy.

7 Q But what did Mr. Lewis do? Did he attempt to work  
8 with Mr. Wheatley at all?

9 A I know he missed his appointment at the beginning  
10 and he wanted to get it rescheduled. And I gave him the --  
11 the contact information for him, because you can't just -- he  
12 can't just call me and -- it would just be -- it would just  
13 get too complicated. So I wanted him to call and talk  
14 directly. He never attended until the end, after he was  
15 served. And --

16 Q With this motion?

17 A Yeah.

18 Q So you don't know whether or not he ever met with  
19 the counselor?

20 A No. I wasn't present or invited.

21 Q Okay. Was there any out-of-pocket expense for you  
22 associated with Bella's counseling?

23 A Yes.

24 Q Was Wesley made aware of that fact?

1 A Yes.

2 Q How and when if you know?

3 A It was by email, when I sent all that contact  
4 information, where was it, who -- information history about --  
5 little biography about Warren and all that, it was included in  
6 there that the therapy was a hundred dollars.

7 Q And how did he react?

8 A He didn't respond.

9 Q During the course of Bella's counseling, did you  
10 observe improvement in her?

11 A Yes.

12 Q Can you tell us in what way?

13 A When she was able to tap into her feelings and  
14 express them, she kind of like lib -- it was like something  
15 lifted off her shoulders and she became herself again. She  
16 was reading again. She became interested in gymnastics again.

17 So it -- it seemed like she just felt like -- her  
18 bookshelf was empty. It was seemed like all these feelings  
19 were taking her down. And for -- it kind of like liberated  
20 her and it gave -- Warren gave her skills to deal with those  
21 feelings.

22 And it was also helpful for me as well because then  
23 I could assist her at home, and to understand a different  
24 perspective from her, because she's so tiny. You know, she's



1 not going to sit there and give you a full conversation of our  
2 feelings. But there's certain things that we were able to  
3 notice to help her at home as well and continue the therapy.

4 Q Okay. Tell me what those are?

5 A We were supposed to play games with her. There was  
6 a game where we asked her certain things that she liked and  
7 what she was interested in. And so she had to talk -- talk  
8 about her likes. And that was really neat, because then I got  
9 to -- to know her in a different level as her own person and  
10 identity. So she became more confident about herself and she  
11 became more vocal about what she wanted.

12 Q How much have you spent on Mr. Wheatley so far?

13 A I spent a total of two thousand dollars.

14 Q Do you have proof of that?

15 A Yes.

16 Q Is Mr. Wheatley going to be bringing that as well?

17 A Yes, he will be bringing those.

18 Q So we'll get that admitted through him.

19 When you filed your motion on March 19th, 2014, you  
20 alleged that Wesley had been neglecting Bella's medical needs.  
21 Can you provide This Court with some details regarding those  
22 matters?

23 A Yeah. Isabella first had a case of eczema on her  
24 skin. Her skin became really dry, itchy, bumpy, leatherly.

1 And --

2 Q Leatherly?

3 A I don't --

4 Q Leather-like?

5 A Leather-like. Sorry. Leather-like.

6 Q I liked leatherly. It's a new word.

7 (Indiscernible.)

8 A It doesn't feel good though. It's very painful.

9 And so when I picked her up on Thursdays at school  
10 she would be scratching. So I knew this was affecting her at  
11 school. That was one of the reasons why she couldn't maintain  
12 -- maintain seated at her seat and she would, you know, be all  
13 over the place. Because it's -- you can't sit still. And  
14 especially like if you have certain type of fabrics that might  
15 irritate you, that makes it worse. And --

16 Q So did you provide cream for her?

17 A We took her to the doctor because it was that  
18 serious.

19 Q Whose we?

20 A Me and my husband.

21 Q Did you call Wesley?

22 A Yes, he was notified. Because also the doctor gave  
23 a specific directions in fact.

24 I e him -- email him all the information and what he

1 should do. All the instructions were there. And, in fact, I  
2 gave him some links to different websites letting him know  
3 that this was not going to go away, that it's only  
4 preventable. And so we would have to deal with this probably,  
5 you know, for a long time --

6 Q Did you --

7 A -- for the rest of her life.

8 Q -- include those documents in the motion that we  
9 filed?

10 A Yes.

11 Q And --

12 THE COURT: I'm sorry. I might have missed this  
13 (indiscernible) minute here making my notes. You notified Dad  
14 about the doctor's appointment about her skin?

15 THE WITNESS: Yes.

16 THE COURT: Did he go?

17 THE WITNESS: He -- no, he didn't.

18 THE COURT: Okay.

19 BY MS. FINE:

20 Q Did you provide him with the prescription that the  
21 doctor gave you?

22 A Yeah.

23 Q And what was that prescription?

24 A It was Amox -- no, it was hard -- Hydroxic --

1 Hydroxicone (phonetic)?

2 Q It was a cream?

3 A It was a cream, yeah.

4 Q And so did you provide the cream to Wesley?

5 A Yeah. In fact I got two bottles. And I bought for  
6 Dad and I put it in her backpack, and when I saw him I made  
7 sure that he knew that it was in the bag.

8 Q When was --

9 A And also the nurses knew at school that I was --  
10 because you have to notify if you're going to send some type  
11 of medication, so.

12 Q So has Bella's eczema continued to be a problem or  
13 is it better now?

14 A No, it's still continued to be a problem.

15 Q Does -- do you know for sure why?

16 A Yeah. Throughout the summer she's been going at  
17 Wet'n'Wild with Dad. He bought a season pass, which is great,  
18 she's having a lot of fun. But the chlorine, if you stay in  
19 the water too long it will, you know, create that reaction  
20 again. And if you don't apply the lotion right away, it just  
21 keeps getting worse and worse and worse.

22 So when I asked Isabella -- because I'm also trying  
23 to make her responsible --

24 Q Responsible.

1 A -- for it. And she's -- she just can't remember.

2 And so there's no one to help --

3 Q Did you send an email to Wesley --

4 A Yes.

5 Q -- saying please don't forget?

6 A Yes.

7 Q And has he?

8 A No.

9 Q What abnormalities has caused you concern before  
10 filing this motion, and have they continued?

11 A Can you repeat that? I'm sorry.

12 Q Okay. Prior to our filing the motion, what other  
13 sicknesses did your daughter have that resulted in our filing  
14 this motion?

15 A She had strep throat twice, and she had fever  
16 throughout the week while she -- she was under Wesley's care.  
17 And he denied to take her over the doctor. I --

18 Q Did he take her to school?

19 A He -- he kept her home. And so I even called and --  
20 and talked to her (sic) dad and told him please to tell Wesley  
21 to take her to the doctor. He was giving in --

22 Q His dad?

23 A Yeah, his dad. Sorry. Grandpa. To take her to the  
24 doctor. I have given him the insurance card. He knew exactly

1 where it was and he just wouldn't take her. He thought -- the  
2 notion that I got is that he thought I was worrying too much,  
3 that when you're just sick with a fever you just stay home.

4 And I just knew that this was something that was  
5 like constantly happen, she was sick all the time, and it was  
6 effecting her schoolwork, she was getting behind. And we just  
7 needed -- I even, you know, spoke to other mothers to see if  
8 something was going on at school, like if, you know, there's a  
9 flu going around.

10 Q So as a result you took her to the doctor?

11 A Yeah, I took her --

12 Q And what happened?

13 A -- to the doctor and she was diagnosed with strep  
14 throat.

15 Q And that was the first time?

16 A That was the first time.

17 Q And what was she given?

18 A She was given Amoxicillin?

19 Q Antibiotics?

20 A And antibiotics, yes.

21 Q Okay. And so that's what Amoxicillin is,  
22 antibiotics, right?

23 A Right.

24 Q So --

1 THE COURT: And excuse me. How many days of school did  
2 she miss?

3 THE WITNESS: She missed about two weeks for both. So  
4 she missed one week --

5 THE COURT: Um-hmm (in the affirmative).

6 THE WITNESS: -- because she needed to get better, and  
7 then -- then when she had the second one she missed another  
8 week. So the school even notified me, because she was getting  
9 to where you have certain amount of absences annually --

10 THE COURT: Um-hmm (in the affirmative).

11 THE WITNESS: -- they're concerned. So even the  
12 principal. But once I filed the paperwork and the absences  
13 from --

14 THE COURT: Okay. But when Dad had her and wasn't taking  
15 her in for a fever, how many days of school did she miss on  
16 Dad's --

17 THE WITNESS: Three.

18 THE COURT: -- time?

19 THE WITNESS: So she would miss Monday, Tuesday and  
20 Wednesday. And then she would go back to school on my day.

21 THE COURT: Okay.

22 BY MS. FINE:

23 Q And is that when you had to take her to the doctor  
24 on Thursday?

1 A Yeah.

2 Q Was she any better?

3 A You could just tell she felt droopy. But I'd ask  
4 her, are you okay. And so you normally we would take her to  
5 -- to the doctor after school.

6 Q So what did you do?

7 A Because there was no communication, you know,  
8 between him and I to say, hey, she's been sick, da, da, da.  
9 Or I can't take her to the doctor, can you pick her up and  
10 take her. There wasn't any communication between both of us.

11 Q When did you take her to the doctor, when she was at  
12 school?

13 A As soon as (indiscernible) right away. I would make  
14 the appointment, and normally they'd schedule me in the  
15 afternoon because that was the only thing that was available.

16 Q So for that afternoon --

17 A But I did take her to the emergency room one time on  
18 a --

19 Q With the strep throat?

20 A On -- yeah, on a Saturday. She had --

21 Q Do you remember when?

22 A No.

23 Q Is that since the last hearing?

24 A Yes.



1 Q Okay. Did you tell Wesley that you're doing that?

2 A Yes.

3 Q And did he show up?

4 A No, but he text'd back.

5 Q He said?

6 A He was concerned about her, yeah.

7 THE COURT: What did -- what was emergency room visit  
8 about?

9 THE WITNESS: She apparently had an allergic reaction to  
10 the Amoxicillin. So when we're having dinner, after she took  
11 it, she was breaking out. And I thought she had chicken pox.  
12 So I called him and I let him -- I let him know we're all  
13 really concerned, because it was something like -- that took  
14 place really fast.

15 And so I took her to the emergency room and then he  
16 -- the doctor was able to look at her skin. And he said that  
17 she was in -- she had an allergic reaction, but he didn't know  
18 to what. He thought it was part of the eczema and didn't tell  
19 us to stop giving her the Amoxicillin. So by the time I took  
20 her to the doctor on Monday, then that's when we were able to  
21 take her off the medicine and give her something else to fight  
22 off the infection.

23 THE COURT: Okay.

24 THE WITNESS: So...

1 BY MS. FINE:

2 Q And did Wesley go with you to the doctor on the  
3 following Monday?

4 A No.

5 Q Did you tell him you were going?

6 A Yeah.

7 Q And Monday's his day, isn't it?

8 A Yeah.

9 THE COURT: Okay, Ms. Fine.

10 EXAMINATION BY THE COURT

11 Q So over -- she had two strep outbreaks and I counted  
12 three doctors' visits. How many doctor visits were there  
13 altogether?

14 A Five, because she also had lice on top of the strep  
15 throat. She was infected with lice. And I didn't know -- I  
16 noticed when (indiscernible) at the -- when I picked her up on  
17 Thursday, when we took her to the doctor, and I'm looking, you  
18 know, rubbing her head, and she was infested with lice on top  
19 of it. This little girl went through so much.

20 Q Okay. Of the five doctor visits, how many did Dad  
21 go to?

22 A Ah, none.

23 Q Did you get an explanation of where the lice came  
24 from? Was there an outbreak in school?

1           A     They said that nobody -- yeah, I notified the  
2 school, because you have to, and they -- they check everybody  
3 in the classroom. And they said that nobody had it, so, that  
4 they were all clear.

5           Q     Um-hmm (in the affirmative).

6           A     So I have no idea. But I know me and my husband  
7 were infected, too. We had to get treated, everybody, and we  
8 had to disinfect the house and do all the proper things to --  
9 but we -- we got a handle on it. But I just feel so bad for  
10 her because she had the strep throat on top of it. And we had  
11 to put the shampoo on her --

12          Q     Um-hmm (in the affirmative).

13          A     -- on her head. She was -- she was -- she went  
14 through a lot.

15          Q     What is your relationship --

16          THE COURT: I'm sorry, Ms. Fine. Just have a couple of  
17 questions while I think of them.

18          MS. FINE: I'm almost done.

19          BY THE COURT:

20          Q     What is your relationship like with Wesley's  
21 parents?

22          A     Um --

23          Q     Is that his father or his stepfather?

24          A     That's his father.

1 Q Okay.

2 A Yeah. Um, well, virtually we don't -- we don't get  
3 along. We used to, and just the relationship isn't good, you  
4 know. They think very differently than I. They're Jehovah  
5 Witnesses. So they don't believe in almost anything. So  
6 anything that I have to celebrate or do or things, they always  
7 try to preach. And so it's really hard --

8 Q Um-hmm (in the affirmative).

9 A -- to -- to have a good -- but they're good people.  
10 They -- they mean well. They're loving. I know they love  
11 Isabella. But like if I were to tell them a concern, they  
12 think I'm overreacting. Like anything that I -- if I try to  
13 tell them it's like they just don't want to hear it. It's  
14 almost like they -- they don't me to be involved and let them  
15 -- it's almost like they want -- they want -- they want  
16 Isabella on the days and then they don't want to hear anything  
17 that I -- if I have to call them or let them know or  
18 communicate.

19 Q Um-hmm (in the affirmative).

20 A You know, I'll let -- they allow me to call the land  
21 line if Bella doesn't answer, but it's really frustrating  
22 because they don't really help out in that aspect. Like if  
23 there's a concern --

24 Q Um-hmm (in the affirmative).

1           A     -- to, you know, try to -- they just -- they're kind  
2 of like defending their son --

3           Q     And is Wesley --

4           A     -- protective.

5           Q     -- was Wesley a practicing Jehovah's Witness when  
6 you were together?

7           A     No. No. He hid it for a while because I wanted to  
8 save the marriage. I went and I had Bible studies.

9           Q     But you said he wasn't practicing.

10          A     He wasn't, but because I wanted to help with the  
11 marriage and so I seek Bible studies. And he never went, so  
12 then I stopped. There was like no point.

13          THE COURT: Okay.

14          BY MS. FINE:

15          Q     So how many absences from school did Bella have  
16 during Wesley's time in the last year, since the last hearing?

17          THE COURT: This -- what's the date of the last hearing?  
18 Let's --

19          MS. FINE: October, 2013.

20          THE COURT: October, 2013?

21          MS. FINE: Yes.

22          THE COURT: Or since I changed custody in -- what was  
23 that, May 1st?

24          MS. FINE: No, it was all before.

1 THE WITNESS: No.

2 MS. FINE: It was all before --

3 THE WITNESS: Yeah, before.

4 MS. FINE: -- May 1st.

5 THE COURT: I'm sorry?

6 MS. FINE: It was all before May 1st.

7 THE COURT: All before May 1st?

8 MS. FINE: Since the last hearing but before May 1st.

9 THE COURT: Okay.

10 BY MS. FINE:

11 Q Do you remember how many absences he had -- she had  
12 -- he -- she had when with her dad?

13 A There was a total of ten.

14 Q And do you know how many absences she had from  
15 school during your time?

16 A Two.

17 Q And do you know how many tardies she had during  
18 Wesley's time?

19 A Something crazy like seventeen.

20 THE COURT: I didn't hear that question or answer.

21 BY MS. FINE:

22 Q Let's not --

23 THE COURT: What was the question?

24 /

1 BY MS. FINE:

2 Q No editorial comment. How many tardies, if you  
3 recall, did Wesley have with your daughter taking her to  
4 school?

5 A It was -- it was high. It was --

6 Q Does fourteen -- does that sound right?

7 A Yes.

8 Q And how many with you?

9 A Probably like four, and it was because she was --  
10 two or fo -- I mean, the most, I'm just giving a some --

11 Q But if you say four that's fine.

12 A Yeah, like if -- if I have to say four and it was  
13 because two times of that she was sick, and, you know, she's  
14 was really hard for her to get out of bed with...

15 THE COURT: Okay.

16 MS. FINE: Do we have that as exhibit -- I'm think -- I'm  
17 trying to remember if we have that as one of the Exhibits.

18 THE COURT: While you're looking for that, Ms. Fine, did  
19 Kumon say whether or not she's now at grade level for second  
20 grade?

21 THE WITNESS: She's not. We have -- we're having issue  
22 with the math. She's barely getting to subtraction. So she  
23 was still adding single-digits at the beginning of July. And  
24 now we -- what they did is they bumped her up and now she's

1 doing double-digits. And she just started with the minuses,  
2 which I think is --

3 Q What?

4 A Minuses.

5 Q Minuses.

6 A Subtraction. Subtraction, sorry. She just started  
7 that. Substra -- my accent, I'm sorry. Subtraction. So I'm  
8 concerned because --

9 THE COURT: Okay. So my question was, was she -- would  
10 Kumon sign off that she's at grade level, and your answer to  
11 that would be no, I take it?

12 THE WITNESS: No.

13 THE COURT: Okay.

14 BY MS. FINE:

15 Q But yet the school has said she can go into the  
16 second grade?

17 A Yes. She's going to go and she's probably going to  
18 be at C. But we're trying to -- I'm trying to get her ready.

19 Q Would you look at Plaintiff's Proposed Exhibit 14  
20 for me, please. Tell me if you recognize that document.

21 A Yes, it's Isabella's daily attendance at Twitchell  
22 Elementary School.

23 Q And it's dated?

24 A May 1st, 2014.



1 Q So can you go through that and see on the Mondays,  
2 Tuesdays, Wednesdays, the absences and tardies --

3 THE COURT: Well, before we can --

4 MS. FINE: Well, first before we do that can we admit it?

5 THE COURT: (No audible response.)

6 MS. FINE: I move to admit it.

7 THE COURT: Any objection, Mr. Lewis, to the attendance  
8 log, Exhibit 14, coming in?

9 (BRIEF PAUSE.)

10 MR. LEWIS: Well, I guess it's not in its entirety for  
11 the entire school year, but go ahead and admit it. It is...

12 THE COURT: 14 is admitted.

13 (PLAINTIFF'S PROPOSED EXHIBIT 14 ADMITTED.)

14 MS. FINE: So I would just --

15 THE COURT: The Court notes the dates go from 8/26/2013  
16 to June 9th, 2014, which in The Court's experience with two  
17 children in the public school system, is a calendar school  
18 year.

19 BY MS. FINE:

20 Q So since we were last in court, have there been  
21 other issues of co-parenting that have developed that cause  
22 you concern?

23 A Yes.

24 Q What do they deal with?

1           A     One is in regards to Isabella's foot, she -- she was  
2 not walking straight. Her foot was going inward. And when we  
3 would go, you know, we would take walks or something, you  
4 could tell she would trip or -- everybody was walking normal  
5 and then you see her go down. So it was like really awkward.

6           So I had shared it with my mom and some of my family  
7 members, and everyone kind of was like, you know, should I get  
8 it checked out. And my mom encouraged to take a look, you  
9 know, to have her take to the doctor's. So I invited Wesley  
10 to this doctor appointment, so we all went together. And the  
11 doctor would say well to look at her foot, he said that he  
12 couldn't see a -- visible her bone structure was fine, her  
13 foot was fine. But when he spoke to both of us, me and  
14 Wesley, Wesley said that he was not concerned at all for  
15 Isabella's foot and made it seem like I'm overreacting and  
16 that we were -- the doctor said that we were obviously not on  
17 the same page.

18           So even though I invited, I felt like he was mocking  
19 the appointment, he was --

20           Q     What did he say about -- what did the doctor tell  
21 you to do with respect to your daughter's foot? Who cares  
22 what he thinks.

23           A     He said just to keep an eye on it. And eventually  
24 for -- if I was extremely certain that he would refer me to a

1 specialist.

2 Q So --

3 A But --

4 Q Yeah?

5 A -- but so far she can correct it. She was just  
6 walking lazy.

7 Q Now that you're aware of it --

8 A Yeah. So I would -- now I can tell her, Isabella,  
9 make sure you walk straight. And then she tries and then she  
10 corrects it.

11 Another -- can I?

12 Q Sure.

13 A Another was we had an issue with Isabella not being  
14 able to sleep in her room. So, we have a two-bedroom. One  
15 bedroom for Isabella, and she's not able to sleep in her bed  
16 by herself. And when we talked about the issue, Isabella  
17 expressed that her father had told her that stuff animals come  
18 alive at night, during night, and that's why she was not able  
19 to sleep by herself. So she would try to go into my bedroom  
20 and try to sleep with me, and we would play that game  
21 constantly, so I have to bring her back.

22 So eventually what I did is I took all the stuff  
23 animals, donated them and give them away. So this was a huge  
24 problem for me because I'm trying to make her independent. I

1 want her to sleep in her room. You know, me trying to make  
2 her room comfortable. And then to hear stuff like this just  
3 makes no sense to me.

4 Q Did you ask Wesley that?

5 A No.

6 Q What, he --

7 A I -- it's hard because I know Isabella's saying  
8 something, and I have to pick and choose my battles with him.  
9 There's a lot of stuff going on. I -- what I try to do is  
10 just make her comfortable, get the stuff animals out of the  
11 room and just deal with the best that I can in the room, but I  
12 did not share that with him directly.

13 Q Do you know, with the sleeping arrangements are at  
14 his house, if you know?

15 A Yes.

16 Q What are they?

17 A Apparently Isabella --

18 Q How do you know, first?

19 A Well, Isabella shares it. She'll -- she'll tell me  
20 that she sleeps with her dad. And --

21 Q In the same bed or in the same room?

22 A I -- I think it's in the same bed.

23 Q But you're not -- you don't know?

24 A You're -- no.

1 Q You're not there. But --

2 A But that makes her co-dependent, just as hard.

3 Q So let's review really quickly.

4 Why is it that you're seeking primary physical  
5 custody of Bella?

6 A Number one, Wesley neglected her medical needs. She  
7 had fever, she had all the signs that she needed to be taken  
8 to the doctor, and he didn't. That was extremely disturbing  
9 for me. We had the health insurance, we have the means. And  
10 even if he couldn't afford it, it was there for him to take  
11 her there. And he just took it lightly. And she got worse  
12 and worse.

13 Isabella struggled through a whole month, you know,  
14 being sick, being itchy. Something that we could just  
15 prevented it. And because of the lack of communication with  
16 him she had to suffer.

17 Q What about -- what else?

18 A (Touching stomach) Sorry, I just got nervous.  
19 I went blank.

20 Q But the reason --

21 A Also the -- the communication with the cell phone.  
22 It's -- I want to be close to my daughter, I want to be able  
23 to communicate, I want her to feel the support from both of  
24 us. I feel that the whole cell phone issue is a joke. Plays

1 games, doesn't allow her to speak to me. I don't understand  
2 why, you know, he should feel proud that we all have a good  
3 relationship. So that's also another concern that I have that  
4 I --

5 Q How about the therapy?

6 A Also the therapy. He was not part of the therapy.  
7 That was extremely important for Isabella, for both of us, to  
8 be in there and to be able to work our issues. And he just  
9 didn't take part on it -- on it at all.

10 Q Anything else?

11 A Her grades. I'm concerned about her grades. I need  
12 to monitor Isabella. I need to make sure she goes to Kumon's  
13 twice a week. I want her to be able to have a good foundation  
14 for her education. If she struggles now, she's going to  
15 struggle throughout the whole -- her whole life. So right now  
16 is the time to dedicate time to her to teach her, to help her  
17 with her homework. If he doesn't want to do it and he allow  
18 me to do it, that'd be different. But he doesn't even allows  
19 me to do what I need to do for her. And I just can't allow  
20 that to happen. She's my only daughter and I love her to  
21 death. I just got --

22 Q Our daughter, remember that.

23 A I'm sorry. Our daughter.

24 Q So are you wanting to take everything away from

1 Wesley? What kind of visitation schedule are you proposing?

2 A Well, maybe we can arrange every other weekend plus  
3 a date night.

4 Q Every week?

5 A Every week.

6 Q And the holidays, of course?

7 A And the holidays.

8 Q And why do you want that kind of a schedule?

9 A That way I can -- I can monitor with her schooling,  
10 monitor her health, make sure she gets taken care of. And he  
11 can just be the Disneyland super-dad that he wants to be. He  
12 wants to be her friend. He wants to, you know, be that nice,  
13 cool dad that I take you here. And I need to be the  
14 responsible parent. And he needs to allow me to do that for  
15 her. It's what's best for her, and that way he can, you know,  
16 do what he needs to do and I can just take responsibility of  
17 her, my daughter.

18 MS. FINE: I pass the witness.

19 THE COURT: Um-hmm (in the affirmative). All right.

20 All right, Mr. Lewis. It's your turn to ask  
21 questions that are relative to the questions that Ms. Fine  
22 asked Ms. Perdomo.

23 MR. LEWIS: I'm sorry, Your Honor, but I just have a lot  
24 of paperwork scattered around me. If you could just -- mind

1 that I just get a second to get them in somewhat order?

2 THE COURT: (No audible response.)

3 (BRIEF PAUSE.)

4 MR. LEWIS: Do you mind if I get -- is it okay if I get a  
5 drink of water, is it possible?

6 THE COURT: Yeah, that's what it's there for.

7 (PAUSE.)

8 You can stay right at your table and have a seat.

9 MR. LEWIS: Yes, yes, yes.

10 THE COURT: Have a seat.

11 MR. LEWIS: Yes, Your Honor.

12 (BRIEF PAUSE.)

13 **MARIA PREDOMO FUENTE (LEWIS)**

14 testifies as follows:

15 **EXAMINATION**

16 BY MR. LEWIS:

17 Q About her behavior, when -- when did you ever inform  
18 me or the -- when did you ever inform the defendant of her --  
19 of her behavioral issues?

20 A There was a day when I called to do a wellness check  
21 on her that you didn't take her to school because you had car  
22 problems. And we had a discussion over the phone that she  
23 missed school. And Isabella was crying in the background.  
24 And I was concerned about --



1 Q But that's really not what I -- when -- when did --

2 A And so --

3 Q -- when did you inform me of her --

4 A I'm going to tell you.

5 Q -- behavioral issues?

6 A So I -- that day when -- when the police was there

7 --

8 THE COURT: What was the date?

9 THE WITNESS: Sorry, I don't remember.

10 MR. LEWIS: February 27th.

11 THE WITNESS: February, okay, twenty-seventh.

12 THE COURT: Of this year?

13 MR. LEWIS: Twenty-sixth, I'm sorry.

14 THE COURT: And when did she go into tutoring -- into  
15 counseling?

16 THE WITNESS: She went before then.

17 THE COURT: Okay. So what he's asking --

18 THE WITNESS: In September.

19 THE COURT: -- you is when did you inform him of her  
20 behavioral issues that lead to the counseling.

21 THE WITNESS: Prior to September. When the emails.

22 BY MR. LEWIS:

23 Q So five months, five months prior?

24 A Yes.

1 Q Okay. So she's been going to counseling.

2 You -- what documentation have you provided me or  
3 anything of how her progress was in counseling,  
4 (indiscernible) knowing that I was -- that I wanted to go to  
5 her counseling with previous emails that even you have  
6 submitted?

7 A Well, the -- the first email where you needed to be  
8 present and you didn't show up.

9 Q What progress reports, what --

10 A None.

11 Q -- updates?

12 A No progress report were --

13 Q Anything?

14 A -- sent to you.

15 Q Anything at all?

16 A No.

17 Q Ever?

18 A You were supposed to contact him.

19 Q Anything that -- even in our modification in the --  
20 in -- not the modification, I'm sorry. In the mediation it  
21 says that one parent, if something happens prior in one week,  
22 if anything of major occurrence happens, you should inform the  
23 other person, the other party within one week.

24 THE COURT: What's your question?

1 MR. LEWIS: My -- my question is what -- there was major  
2 concern being brought from the plaintiff over my -- my  
3 awareness. It's hard for me to be aware when it's not being  
4 given --

5 THE COURT: Okay. The question --

6 MR. LEWIS: -- to me.

7 THE COURT: -- is argumentative.

8 Do you know what, Mr. Lewis? You have joint legal  
9 custody. You were informed as to who the counselor was. It  
10 wasn't her obligation to inform you as to quote, unquote,  
11 progress. It was your obligation as a concerned parent to  
12 inform yourself.

13 Let's go onto the next question.

14 BY MR. LEWIS:

15 Q So -- so February 26th you -- you said we talked.  
16 On that same day of the -- that you came for the wellness  
17 check with the police, I do remember actually talking to --  
18 when we were face-to-face, basically face-to-face, you told me  
19 that she had behavioral issues. That was actually the first  
20 time I -- I had heard that.

21 A Yeah, you were shock.

22 Q And I was shocked. And I actually addressed it to  
23 Isabella in that moment.

24 THE COURT: What were you shocked about?

1 MR. LEWIS: Her behavior of how she -- she treats her  
2 mother.

3 THE COURT: So what's your question?

4 MR. LEWIS: My question, I guess, is why didn't -- why  
5 didn't we or don't we, from her standpoint or our standpoint,  
6 be able to talk about counseling.

7 The counseling that I did attend, when I took it  
8 upon myself, on April 1st, to Mr. Warren Wheatley so I can get  
9 to know him and he can get to know me. I scheduled another  
10 appointment with him that he rescheduled for the next week. I  
11 came in that next week and he said it was a conflict of  
12 interest and he couldn't see me. And I was --

13 MS. FINE: I would object on hearsay. He'll be here and  
14 be able to testify.

15 THE COURT: Yeah, you can ask Mr. Wheatley questions when  
16 he comes in to testify. If you're -- you know, if you were  
17 going in to ask him to give you therapy that would be a  
18 conflict of interest. So I don't know exactly transpired that  
19 day, but we'll find out when he takes the stand.

20 What's your next question? Why don't the two of you  
21 talk, is that your question?

22 MR. LEWIS: No, no.

23 THE COURT: Well, that's the big question for The Court,  
24 why don't the two of you talk. Thirty thousand dollars in

1 legal fees later.

2 MR. LEWIS: Yes. I -- I've -- I've -- I completely  
3 agree.

4 BY MR. LEWIS:

5 Q We've never tried to go to mediation. It -- your  
6 course of action has been direct and right to The Courts. I  
7 didn't intend for anything to be like this. I --

8 MS. FINE: Objection. There's no question.

9 MR. LEWIS: I'm sorry?

10 THE COURT: You have to ask questions, Mr. Lewis, based  
11 upon the --

12 MR. LEWIS: On -- on the questions.

13 THE COURT: -- plaintiff's testimony so far.

14 MR. LEWIS: I understand. I --

15 THE COURT: I mean --

16 MR. LEWIS: -- wrote down as fast as I could.

17 THE COURT: You can give your own testimony when it's  
18 your turn.

19 BY MR. LEWIS:

20 Q When -- when Kumon's -- when Kumon's came to --  
21 after June, in summertime, the Judge's ruling was that I was  
22 to take her after school to --

23 A Correct.

24 Q -- to Kumon's?

1           And I complied. And the -- the days that you put  
2 down on the -- when I took her to the Daddy-Daughter dance  
3 because they -- they pushed the Luau, whatever. They pushed  
4 it to the Crystal Palace Skating Rink.

5           A     Um-hmm (in the affirmative).

6           Q     And then the date...you didn't find it sufficient  
7 that -- or I was under the understanding, since it was from  
8 the ruling from a court, that I would not -- and I did respond  
9 that I would not take her because of the distance, without her  
10 being -- from me picking her up at Twitchell, then taking her  
11 one mile, a mile-and-a-half, just as the Judge pointed out to  
12 me, that it was not too far out of my -- my way to be able to  
13 comply with what you had enrolled her in.

14                  But after the enrollment, and it goes into the  
15 summertime, it -- it turns it into a different travel issue.  
16 And I did express that to you in a -- in a email. Did you not  
17 receive that?

18           A     Yes.

19           Q     Okay. I guess, for me, I -- I understood what you  
20 were saying and I just wanted to make sure that you understood  
21 when I replied about why I wasn't going to take her?

22           A     Okay.

23           Q     Okay? So we both understood that?

24           A     Yes.

1           Q     As far as the payments to Kumon's. When the order  
2 was put in, I believe in October, the Judge made a ruling  
3 October 8th, and it was mailed to both -- both of us, I  
4 believe, and I received a copy of it in December. It -- it  
5 gave a judgment for the ruling -- for the months of October,  
6 November, December, which had already passed, which you  
7 testified for me being deficient in not paying.

8           You did not put that order in yourself and you  
9 didn't walk it to the Family Support Division until February  
10 for me to start paying, because I -- I actually went to them  
11 to make -- to see when I should start paying because nothing  
12 was being taken from my check. Whether any efforts from you  
13 to make a coordinated effort to help me understand how to pay  
14 Kumon's?

15          A     It was your responsibility, okay.

16          MS. FINE: I'm going to object. I don't see -- I don't  
17 know what the question is.

18          THE COURT: Shh.

19                The question is, what efforts did mom make to tell  
20 dad how to pay for tutoring.

21          MS. FINE: All right. Okay.

22          MR. LEWIS: She could tell --

23          THE WITNESS: I'm sorry --

24          MR. LEWIS: Oh, I'm sorry.

1 THE WITNESS: -- but you -- you want me to --

2 THE COURT: That's your quest --

3 Wait a sec. Don't --

4 THE WITNESS: Sorry.

5 THE COURT: That's your question, right?

6 MR. LEWIS: Yes. Yes, Your Honor.

7 THE COURT: All right.

8 Can you answer that question?

9 THE WITNESS: Yeah. I'm -- I'm not here to be your mom.  
10 You're -- you already know. You're taking her in. You know  
11 Scott. You know the whole staff for Kumon's. You -- you can  
12 ask them, how much is it. You can ask me, did you send me an  
13 emails. I'm -- I can't be constantly asking you for money. I  
14 have a commitment, put my credit card and paying it. When you  
15 decided to go in there and be involved and you say, okay, I  
16 want to pitch in, I want to give this, did you ever contact  
17 me? I --

18 THE COURT: Okay. You don't ask him questions.

19 THE WITNESS: Sorry.

20 THE COURT: So your answer is, he's taking your child  
21 there, he knows the people who are there, he knows where to  
22 go, all he has to do is ask them how to pay?

23 THE WITNESS: Exactly.

24 THE COURT: That's your answer?



1 THE WITNESS: Yes.

2 THE COURT: Okay.

3 That's your answer.

4 BY MR. LEWIS:

5 Q My involvement with Kumon's is -- was every week, it  
6 was every Monday. And you stated you are very troubled with  
7 her attendance and how much I help with Kumon's?

8 A Yes.

9 Q And the two days that you bring up that she missed,  
10 I replied to why she missed those two days of Kumon's. Is  
11 there any other reference points to days that I missed taking  
12 her to her Kumon's?

13 A Summertime you have not been taking --

14 Q As I --

15 A -- Isabella.

16 Q -- as I just talked to you just previously, the  
17 email that I sent to you informing you and adhering to the  
18 Judge's ruling to take her to Kumon's after school I would  
19 completely comply with. But after school got out for the  
20 summertime, the travel distance became greatly enhanced.

21 A I email you and told you that you can pick her up at  
22 two fifteen to alleviate that.

23 Q So were you trying to change the judgment without  
24 going --

1 MS. FINE: Objection. Stating facts not in evidence and

2 --

3 THE COURT: And it's --

4 MS. FINE: -- misrepresenting the order.

5 THE COURT: Sustained. It's argumentative.

6 And just to be clear, the order, page eight of  
7 eleven from the 10/8/13 hearing is this, that defendant shall  
8 take Bella to her Kumon tutoring class on Mondays immediately  
9 after school. Bella shall continue to receive tutoring  
10 services until she's testing at or above grade level as tested  
11 by Kumon or plaintiff and defendant mutually decide to  
12 terminate the tutoring. If Bella is testing at or above grade  
13 level and one parent wishes to continue the tutoring, that  
14 shall be at the parent's sole expense. If Bella needs  
15 tutoring again in the future, based upon her grades, her  
16 teacher recommendation, the cost of the tutoring will be  
17 equally borne by the parties. That's the order.

18 MR. LEWIS: Your Honor.

19 BY MR. LEWIS:

20 Q Now Bella, you said, didn't test to her grade level?

21 A In math, no.

22 Q In...(mumbles to self)...I have it here...

23 (PAUSE.)

24 Now for her report cards and -- and everything, all

1 of her testing throughout the year that you said she started  
2 out with straight A's, which she did, her second trimester she  
3 was A -- A/B and the third she was A/B as well. And there  
4 were no C's. She tested -- and this is just from her report  
5 cards, not from the actual tests that they get to her being  
6 above not just her grade level, but meeting Twitchell's  
7 standards as well, which are exceptionally higher than the  
8 Clark County School Districts -- you would say she was --

9 THE COURT: Objection sustained. That's facts not in  
10 evidence as to Twitchell's standing in this case. And my  
11 order is very clear, that it's based upon Kumon's testing and  
12 not what the School District is saying in her report cards.

13 MR. LEWIS: When I read it, Your Honor, I thought it  
14 stated --

15 THE COURT: I'll read it again. Bella shall continue to  
16 receive tutoring services until she's testing at or above  
17 grade level as tested by Kumon.

18 MR. LEWIS: And if Kumon's is not tested -- wasn't there  
19 -- I thought -- I'm sorry, Your Honor, I thought there was one  
20 more part to that.

21 THE COURT: In parenthesis, Or if Kumon -- it says does  
22 test. That might be does not test by the CRT's administered  
23 by the Clark County School District.

24 CRT's are standardized testing not the report cards.

1 MR. LEWIS: Correct, the standardized testing. That's  
2 actually what I was referencing that I'm -- not the -- the  
3 report cards --

4 THE COURT: Well, you're waving report cards in your  
5 hand.

6 MR. LEWIS: I -- I'm -- I am -- I am definitely sorry,  
7 Your Honor, that I have paperwork everywhere and I'm trying my  
8 best to find everything.

9 THE COURT: Did she take CRT's last year?

10 THE WITNESS: She did.

11 THE COURT: She did?

12 THE WITNESS: And they --

13 THE COURT: Well, she --

14 THE WITNESS: -- do it every year.

15 THE COURT: -- would have taken them in the spring. Have  
16 they been made available yet?

17 THE WITNESS: I -- I think they are. I just --

18 THE COURT: Did you see them?

19 THE WITNESS: Not that I can remember, to be honest with  
20 you.

21 THE COURT: Do you have her CRT's?

22 MR. LEWIS: Yes, I have them with me, Your Honor.

23 THE COURT: Did you produce them in discovery?

24 MR. LEWIS: I am -- about to check.

1 THE COURT: Because you didn't give me any of Kumon's  
2 testing.

3 MR. LEWIS: I've never had it -- like I've never underst  
4 -- I never had the testing from Kumon's.

5 THE COURT: Okay. I'm just looking for the CRT's right  
6 now.

7 MR. LEWIS: This would be one of them.

8 (Indiscernible) sit down.

9 On the --

10 THE COURT: Show it to Ms. Fine first. See if she has a  
11 copy of it.

12 MS. FINE: Is that what you gave me?

13 MR. LEWIS: (Indiscernible.)

14 MS. FINE: No Bate stamps though, so I've just got to  
15 find it. Let me see if I can find it.

16 What exhibit is it, can you tell me that, sir? If  
17 you can tell me what exhibit is it I can find it.

18 MR. LEWIS: I believe it'd be under Exhibit 5.

19 MS. FINE: A -- so you have A6?

20 MR. LEWIS: A5.

21 MS. FINE: Okay. So why don't you ask her if she has  
22 seen this document and what it is.

23 MR. LEWIS: I do not --

24 MS. FINE: To me it's hearsay, because I don't know --

1 MR. LEWIS: I don't know if I'm allowed to stand and show  
2 it to her or if I'm supposed to hand it to it --

3 THE COURT: Take it out of that stack that you have in  
4 your hand. We'll give it to the clerk to mark as your first  
5 exhibit.

6 It's just the one-page document, the CRT?

7 MR. LEWIS: This is -- it's for math. There's one for  
8 math and one for English or reading and writing.

9 THE COURT: Do you have the whole packet for the CRT's?

10 MR. LEWIS: (No audible response.)

11 THE COURT: Do you have math and English on one page?

12 MR. LEWIS: They're on two separate pages. I -- I have  
13 the math on -- on me -- in my person's -- I --

14 THE COURT: You don't have the math?

15 MR. LEWIS: I do, that's the one I just handed --

16 THE COURT: And do you have the other one?

17 MR. LEWIS: I -- I most likely -- I most likely do.

18 MS. FINE: Have you seen what the date of this is? March  
19 16, 2014.

20 THE COURT: Is that the one- or two-page document please?  
21 It's a one-page document?

22 THE MARSHAL: (No audible response.)

23 THE COURT: Do you have a two-page document there, Ms.  
24 Fine, or a one-page?

1 MS. FINE: I have a bunch of documents. This is --

2 THE COURT: I know, but as to a CRT.

3 MS. FINE: No, I have this -- one page it says dad, then  
4 I have a report card, and then I have the comments. And then  
5 I have --

6 THE COURT: Okay.

7 MS. FINE: -- on the first page of the exhibit is --

8 THE COURT: I'm just interested in the CRT.

9 All right. Let's show it to the witness, see if she  
10 can identify it.

11 MS. FINE: So you -- first you have to ask her if she's  
12 ever seen that document.

13 THE WITNESS: I don't remember.

14 THE COURT: Have you ever seen that before?

15 THE WITNESS: I don't remember. I think I saw it for the  
16 first year.

17 MS. FINE: There's a date up in the upper, lefthand  
18 corner, Maria. Look at the date.

19 THE WITNESS: 2013/2014. March 16, 2014.

20 THE COURT: Does it say when it was administered?

21 THE WITNESS: Generated March 16, 2014.

22 MS. FINE: It was generated. But the school -- for the  
23 school year 2013 to 2014.

24 THE WITNESS: 2013/2014. So it was last year. But I --

1 I don't even know how to read this.

2 THE COURT: Last year she was in first grade, right?

3 THE WITNESS: Yes.

4 THE COURT: So they wouldn't --

5 THE WITNESS: So she would --

6 THE COURT: -- have tested her in kindergarten?

7 THE WITNESS: No.

8 THE COURT: All right.

9 But you can't -- all right. We're going to have to  
10 wait until Mr. Lewis can take the stand and he can see to  
11 admit it himself.

12 MS. FINE: Or we've got the teacher who's coming in.

13 THE COURT: All right. Or the teacher.

14 MS. FINE: That's good.

15 THE COURT: Okay. Can you make a copy of that so he can  
16 have it -- a copy back?

17 All right. Mr. Lewis, she doesn't recognize it, so  
18 we can't admit it through Ms. Perdomo. So ask your next  
19 question.

20 MR. LEWIS: Okay, Your Honor.

21 (BRIEF PAUSE.)

22 BY MR. LEWIS:

23 Q When Isabella was sick --

24 THE COURT: Which time?



1 MR. LEWIS: It's -- actually, for her being sick it's  
2 almost a brick of time, Your Honor. It's -- it really bran --  
3 I wholeheartedly agree with Maria.

4 THE MARSHAL: I think you misunderstood. When you do  
5 things like that you leave my courtroom.

6 MS. FINE: What'd he do?

7 THE MARSHAL: Apparently passing up notes and making  
8 contact with you.

9 MS. FINE: No, he's just trying to help me.

10 THE MARSHAL: It wasn't a first time that I've noticed.

11 MS. FINE: I apologize. I -- he was just trying to  
12 remind me of things.

13 THE COURT: Is he with your office?

14 MS. FINE: He's her husband.

15 THE COURT: All right.

16 Mr. Hooper, I'm going to let him stay in, but he has  
17 to stop it. It's distracting to The Court, and you see the  
18 level of irritation it causes my marshal, so --

19 MS. FINE: Absolutely. I promise --

20 THE COURT: -- don't --

21 MS. FINE: -- he won't do it again.

22 THE COURT: -- don't do it again.

23 MS. FINE: He was just trying to help me, but I won't ask  
24 for his help.

1 THE COURT: Okay. At some point I'll take a break and  
2 you can catch up with Ms. Fine during the break. Okay? All  
3 right.

4 Okay. Mr. Lewis, ask your question.

5 MR. LEWIS: I'm sorry, I --

6 THE COURT: When she was sick, what?

7 MR. LEWIS: I really had a question and that kind of  
8 blanked it away from my mind. I --

9 BY MR. LEWIS:

10 Q When she was sick, Maria, I definitely --

11 MS. FINE: Can you ask a question? Ask a question,  
12 please.

13 MR. LEWIS: Yes, I can.

14 MS. FINE: You don't testify --

15 BY MR. LEWIS:

16 Q The Amoxicillin that was administered to Isabella  
17 that she had an allergic reaction to, was she in your physical  
18 care during the Amoxicillin treatment?

19 A Yeah, and then there was -- yes.

20 Q Did either party, me or you, have any prior  
21 knowledge to her being allergic to Amoxicillin --

22 A No.

23 Q -- and it causing a rash?

24 A No, this was new. We did not know. We weren't

1     aware.

2           Q     When she had a relapse of strep throat, it was due  
3     to what? What was it due to, was it due to her immune system  
4     from fighting off being from the Amoxicillin and the  
5     treatments that were henceforth?

6           A     The thing with Amoxicillin is we were almost  
7     finished the treatment for her. That treatment was done, and  
8     then she had the reaction right at the last days.

9           Q     Right.

10          A     So I gave her the Amoxicillin.

11          Q     I never gave her the Amoxicillin. She was never in  
12     my care during --

13           THE COURT: Don't argue.

14           THE WITNESS: I was pass --

15           THE COURT: She's giving --

16           THE WITNESS: -- it was --

17           MR. LEWIS: I'm sorry.

18           THE COURT: -- an answer.

19           MR. LEWIS: I'm sorry.

20           THE WITNESS: It was passed onto you, the Amoxicillin was  
21     passed onto you, then she came back. And that's when, you  
22     remember, they lapsed, then on Friday she had the rash still?

23     BY MR. LEWIS:

24           Q     The dates that I have Isabella, Monday, Tuesday,

1 Wednesday, and I drop her off on school on Thursday, the dates  
2 that --

3 MR. LEWIS: Sorry, Your Honor. Just messed up  
4 (indiscernible).

5 BY MR. LEWIS:

6 Q There was a stretch in February --

7 A Um-hmm (in the affirmative).

8 Q -- correct, where she missed a week of school and  
9 you asked -- you asked me if it was okay if she stayed with  
10 you during my time; is that correct?

11 A Yeah, she did not want to go to your home.

12 Q I'm just as --

13 A She asked --

14 Q -- I'm just asking. Is --

15 A -- she asked you if she could stay with me, and you,  
16 yes --

17 Q Because --

18 A She stayed with me throughout the whole week.

19 Q Correct.

20 Was I defiant in -- in -- was I -- I was concerned?

21 A Um-hmm (in the affirmative).

22 Q I was concerned?

23 A Yes, you were. And you allowed her --

24 Q And I --

1 A -- to stay with me.

2 Q -- because that's what she asked, she requested that

3 --

4 MS. FINE: Asked and answered. Let's move on, please.

5 Sorry.

6 BY MR. LEWIS:

7 Q As well as the next time that she missed an extended  
8 period of time due to being sick, was she in my physical  
9 custody?

10 A No, I took her to the doctor.

11 Q When you take her to the doctor, what days do you  
12 take her to the doctor?

13 A On my custodial time.

14 Q Is it right away when you notice something?

15 A Yeah.

16 Q Now what days would those normally be?

17 A Thursday or Friday.

18 Q And have you ever taken her on, say, on a later date  
19 on a Monday during my time or on a Sunday or a Saturday and --

20 A No, it was on --

21 Q -- then not informed me?

22 A It was -- no, you were -- I tried to email you. I  
23 emailed you, you weren't informed, or I text'd you and let you  
24 know.

1 Q When --

2 A I backed -- try to backed it up with an email. The  
3 only time --

4 Q Would it be prior?

5 A -- I took her to --

6 Q -- would it be prior or -- or after you've already  
7 taken her to the doctor?

8 A It was in the moment while I was waiting in their  
9 waiting room.

10 Q And then -- and waiting in the doctor's office?

11 A The emergency room, I mean, I couldn't predict it.

12 Q Not just that occurrence, but other -- other  
13 doctors' visits. Do you -- do you let me know to be present  
14 or what is about to happen?

15 A If it's an emergency and it was right there when I  
16 picked her up from school, like Ms. Burgess, for once, she  
17 told me that she had Red Eye and she didn't go to P.E. So  
18 when she got in the car, I looked at her and I took her. You  
19 were informed by email, you were text'd. Obviously you  
20 couldn't probably make it that time. But for the follow-ups  
21 you pretty -- it was email sent out to you so you --

22 Q Did you -- did you provide those emails?

23 A I think on the first.

24 Q I -- there's a lot that had been supplemented to me

1 just today.

2 A Well, the emails --

3 Q 13, 14.

4 A -- were -- were exhibit.

5 THE COURT: What's your next question?

6 MR. LEWIS: Let's just -- I'll just go on to issue of her  
7 telephone since I -- I really am -- I apologize to The Court  
8 and Your Honor for having no experience being an attorney.

9 BY MR. LEWIS:

10 Q The issue with her phone is that you say that you  
11 don't have a opportunity to speak with her. And that's  
12 currently going on, that's what you say?

13 A Yeah, this last weekend I was able to text her.

14 Q Now even --

15 THE COURT: You have to speak up so I can hear you.

16 THE WITNESS: Yeah.

17 THE COURT: You're mumbling.

18 THE WITNESS: This -- yesterday I was able to text her  
19 and the day before I was able to text her.

20 BY MR. LEWIS:

21 Q So that's two days in a row?

22 A Yes.

23 Q And I've -- I've only had her for two days.

24 And prior to that you had her phone number changed?

1 A Which you were --

2 Q And her phone service? I'm just asking, is that --  
3 that's correct, right?

4 A Yeah.

5 Q So there would be a period of time where she didn't  
6 even -- wa -- even wasn't even supplied with a phone during  
7 this -- this summer months?

8 A It -- it was frustrating when the phone didn't work  
9 and there was a lapse, maybe for a week or two, when we  
10 changed the phone number. And you weren't calling her, I  
11 wasn't calling her --

12 Q I actually did call her.

13 A So we --

14 Q And I -- because I didn't understand it.

15 (HANDS CLAPPING)

16 A You had -- you -- you --

17 Q But you did send --

18 THE COURT: Stop it. Stop it, Mr. Lewis. She's  
19 answering the question and you're talking right over her.

20 MR. LEWIS: Your Honor, (indiscernible).

21 THE COURT: What happened with the phone? Why did you  
22 have to change the number?

23 THE WITNESS: Well, I had a prepay. And what I did is I  
24 went to T-Mobile and I changed that. So I wanted a plan --



1 THE COURT: Uh-huh.

2 THE WITNESS: -- a secure plan so I wouldn't have to go  
3 pay the prepay.

4 THE COURT: Okay.

5 THE WITNESS: I want to pay it monthly. So I got her 4,  
6 an iPhone, and, you know, I kind of spoil her with the phone.  
7 And so it was just -- she didn't have to worry about like  
8 paying it -- or I didn't have to worry about paying it, it  
9 would just be locked in.

10 And so what we did is we changed the screen and we  
11 put a code on it so Dad could not touch the phone. She told  
12 me that he was controlling the phone and that's why she  
13 couldn't call me. And every time it was like a stress factor.  
14 So what we did is we put a password and now she's able to go  
15 into it and she can text me. And, you know, we don't talk on  
16 the phone. And I kind of understand it's a hard situation for  
17 her because she feels like she has to listen to him while  
18 she's under his care. But she doesn't feel free on the phone  
19 and she tells me it's an issue that he has. I'm not there. I  
20 can't see it.

21 THE COURT: Okay. But I'm just asking.

22 So you got her a new iPhone?

23 THE WITNESS: Yes.

24 THE COURT: And has communication improved?

1 THE WITNESS: A little bit, yes. She's text'd me.

2 THE COURT: That's just in the few days before this  
3 hearing?

4 THE WITNESS: Well, her birthday's coming up. Yes.

5 THE COURT: The question --

6 THE WITNESS: Two days. Yes.

7 THE COURT: -- is did the communication improve just a  
8 few days before this hearing?

9 THE WITNESS: Yes.

10 THE COURT: But up to that it still hadn't been good?

11 THE WITNESS: No.

12 THE COURT: Okay.

13 All right. So what's your next question?

14 BY MR. LEWIS:

15 Q Well, I believe I -- I believe you submitted  
16 something. I just ran across it looking through it. That an  
17 email and a message that -- that we sent back and forth. This  
18 is on from Frances Fine's 13.

19 MS. FINE: From Exhibit 13?

20 MR. LEWIS: Yes.

21 THE COURT: Okay. So what's your question?

22 MR. LEWIS: Well, it's -- it's going to go into the  
23 phone. Just -- I addressed the phone in February, Thursday,  
24 February 6th, 2014.

1 MS. FINE: Can you show me what you're talking about?

2 MR. LEWIS: It's a --

3 THE COURT: Which exhibit of Exhibit 13 are you referring  
4 to? Let's start with that.

5 MR. LEWIS: There's so many (indiscernible).

6 MS. FINE: I know they're in chronological order, so --

7 MR. LEWIS: I see page -- it's --

8 THE COURT: Each exhibit has a cover sheet telling what  
9 exhibit it is.

10 MR. LEWIS: It's right --

11 MS. FINE: How about --

12 MR. LEWIS: -- after her picture.

13 MS. FINE: Right. And it says -- so it's Exhibit  
14 (indiscernible).

15 THE COURT: Is this the Gmail entitled unable to reach  
16 Isabella?

17 MR. LEWIS: Yes, it -- this is correct.

18 THE COURT: All right. So what's your question?

19 BY MR. LEWIS:

20 Q That -- my question is that from her standpoint,  
21 that she's not able to contact and get in touch with my  
22 daughter --

23 MS. FINE: Our daughter.

24 /

1 BY MR. LEWIS:

2 Q Our daughter, I'm sorry. Our daughter, even though  
3 we have made -- I -- I have definitely made an effort to  
4 establish Isabella being responsible for her phone as well,  
5 but to make sure that she contacts you. Did you not receive  
6 this email or understand that -- that there was -- there was a  
7 party on my -- on my side that I was trying to help, that I  
8 was aware that there were improvements that needed to be made?

9 MS. FINE: She responded to that before.

10 THE WITNESS: Yes, I -- I received that email.

11 BY MR. LEWIS:

12 Q Did you respond to it?

13 A I -- pretty sure I did, but I don't have it in front  
14 of me.

15 MS. FINE: Do you want to give it to her?

16 MR. LEWIS: Sure. Or I --

17 MS. FINE: Well, I can't.

18 MR. LEWIS: -- I'm so --

19 THE COURT: What do you want? What are you trying to do?

20 MR. LEWIS: Show that --

21 MS. FINE: Confirm it.

22 MR. LEWIS: -- that -- confirm that she sent me this  
23 email about it, that I an -- that I answered to it, and that  
24 that was the last of the messages concerning the phone.

1 MS. FINE: Document speaks for itself, and The Court can  
2 take judicial notice since it is a part of the record.

3 THE COURT: It's exhibit attached to Exhibit 13, which is  
4 the motion. It starts with Plaintiff's email to Defendant  
5 Thursday, February 6th at eight thirty a.m. Defendant  
6 responds Thursday, February 6th at two oh two p.m. I just  
7 have these two emails. I don't know if there's anymore emails  
8 that were in this chain of communications.

9 Plaintiff was asked if were there any other emails  
10 from this period of time and she responded I don't recall.  
11 Next email's dated Wednesday, September 25th, 2013, six forty-  
12 two p.m. Well, let's start, yeah. Wesley, I'm trying to  
13 reach Isabella on her cell phone, it's off as it was  
14 yesterday, informed you of the situation on our last email.  
15 And there's another one dated -- that doesn't have to do with  
16 the cell phone. So there's two complaining about cell phone  
17 issues. Okay.

18 All right. What's your next question?

19 BY MR. LEWIS:

20 Q Was there any other times that Isabella -- well,  
21 you've had concerns just recently with her foot and you say I  
22 -- I was present for the doctor's visit. Your concerns were  
23 that they -- that she had a crooked foot or she wasn't walking  
24 straight, incorrectly. You also stated that I was acting a

1 way of making fun of you, is that what you were -- is that --

2 A Yeah. When the doctor --

3 Q -- like I was mocking you?

4 A -- when the doctor came in and he asked you, you're  
5 not on the same page as her, and you're like, no.

6 Q Okay.

7 A And you left.

8 Q Did --

9 A And then --

10 Q Was --

11 Go ahead. I'm sorry.

12 A And then he asked me, you know, so you're the only  
13 one concerned and I said yes. You were kind of like laughing  
14 like, as if I made the -- the appointment to waste time. And  
15 I didn't appreciate that, you know. Like if I invited you,  
16 it's because I'm really concerned she has a --

17 Q Was I not present? Because I wasn't laughing. It  
18 wa -- health is never a laughing matter, it's not an issue to  
19 be made fun of. I wouldn't do that. It's not how I take our  
20 daughter. It is about very much concern.

21 You stated that -- in that doctor's appointment you  
22 stated your concerns. He asked me if I had any concerns, and  
23 my answer was?

24 A No. He said, are you on the same page as her. And

1 you said, no --

2 Q Were there --

3 A -- we don't have to be.

4 Q -- was there anything I provided to the doctor of  
5 activities that we --

6 A Yeah.

7 Q -- both have --

8 A You said that --

9 Q -- so --

10 A -- she played tennis, and while she played tennis  
11 with you she was fine, you never notice anything. I -- I told  
12 the doctor that I was planning on putting Isabella on a soccer  
13 team in September and I wanted to have her look at the foot,  
14 because if she can't run, if she's always tripping. So I  
15 wanted to make sure that she gets her physical, do you  
16 remember, prior to the soccer? Because it's something --

17 Q I'm listening. I'm listening, I'm not  
18 (indiscernible).

19 A -- that's something that I would like to put her in.  
20 She's, you know, very athletic. She loves sports. We done  
21 gymnastic, now we wanted to move forward into soccer.

22 Q Speaking upon gymnastics, the doctor also said  
23 something that I found to be very telling, is that he also  
24 brought up the fact that --

1 MS. FINE: I'm going to object on hearsay. But --

2 MR. LEWIS: Okay. I'm sorry.

3 THE COURT: What is your question for her?

4 MR. LEWIS: It concerns stress to her legs and her feet.

5 MS. FINE: What you could ask is, did the doctor mention  
6 anything about stress that you're concerned about.

7 BY MR. LEWIS:

8 Q Did the doctor mention any stressful activities that  
9 might affect Isabella's --

10 A She said that because you probably --

11 Q He?

12 A -- would not -- sorry, sorry -- that he would not  
13 see, that you might not see that because when she's playing  
14 tennis she'll be okay. But she said that he acknowledged that  
15 I had a concern, because maybe when Isabella did gymnastics,  
16 because she puts pressure and she has to (indiscernible) --  
17 she puts pressure on her feet, that maybe when she did  
18 gymnastics then that was something that, you know, I could see  
19 but that you could not see.

20 Q Has she ever done competitive cheer?

21 A Yes.

22 Q How long?

23 A She did it for about six months.

24 Q Was there a concern by the doctor --



1 MS. FINE: That would be hearsay.

2 MR. LEWIS: Can I ask -- I don't know if I can ask it.

3 BY MR. LEWIS:

4 Q Was there a concern by the doctor or just  
5 acknowledgment of such activities that could put abnormally  
6 stressful things on her, like it was a concern and he just  
7 brought -- he brought it up in just talking?

8 A For -- for cheer?

9 Q For --

10 A No. He --

11 Q He specifically said competitive cheer.

12 A No, because I share what activities she's done in  
13 the past. But he wasn't saying it was because of that.

14 Q In November you took her to the doctor to see -- and  
15 it was over actually her legs?

16 A No, it was -- she had a -- a -- her muscle was tense  
17 in her back.

18 Q And she missed school after that day, right?

19 A Yeah, she woke up in pain. She said her -- her back  
20 -- her lower back was hurting. And she had a competition that  
21 weekend.

22 Q Do you remember -- exactly, I remember that.

23 A Yeah.

24 Q And she went to that competition, did she not?

1 A Yeah, she said she was feeling better.

2 Q Right after, right after, not missing -- going to  
3 the doctor, missing school, then Saturday competitive cheer?

4 A She had competitive cheer that weekend --

5 Q Correct.

6 A -- yeah.

7 Q Okay. And after -- well, you didn't inform me --  
8 you didn't --

9 MS. FINE: Ask a question.

10 MR. LEWIS: I'm sorry.

11 MS. FINE: I'm sorry. I'm sorry. Objection. No  
12 question.

13 THE COURT: I'm much more patient than you, Ms. Fine?

14 MS. FINE: I know you are. I'm not. I apologize.

15 THE COURT: Well.

16 MR. LEWIS: You know, I beg The Court's forgiveness. I  
17 really have to use the restroom. I really honestly do. I --

18 THE COURT: All right. Let's take a break for ten  
19 minutes.

20 MR. LEWIS: Thank you, Your Honor.

21 RECORDING OFF 15:58:38

22 RECORDING ON 16:09:55

23 THE COURT: ...are you just about done here, Mr. Lewis?

24 MR. LEWIS: I -- I hope so, Your Honor. I --

1 THE COURT: I'm sorry?

2 MR. LEWIS: -- I believe so. I believe so, Your Honor.

3 THE COURT: Do you have anymore questions or are you  
4 done?

5 MR. LEWIS: I just have one. I'll make it as fast as  
6 possible.

7 THE COURT: All right. Go ahead.

8 BY MR. LEWIS:

9 Q The last thing I have to address for right now, I'm  
10 sorry, is just -- you said she sleeps not in her own room. At  
11 your residence or at mine?

12 A At your -- well, I don't know. This is what she  
13 says. She's -- she's states she's sleeping with you at your  
14 residence.

15 Q Even -- even though that she's had her own room and  
16 her own bed and -- since the Judge ordered in October for all  
17 of that to be set into place?

18 A Isabella has fear of the dark and stuff animals.

19 Q So --

20 A So she's unable to sleep --

21 Q -- at --

22 A -- by herself at my home --

23 Q At your home?

24 A -- and, according to her, at your home as well.

1 Q And --

2 A She's --

3 Q I'm sorry. Go ahead.

4 A So mostly she sleeps with you.

5 Q She doesn't sleep with me. She sleeps in her -- in  
6 her own room. And you just moved into a -- into a two  
7 bedroom?

8 A Yeah.

9 Q In December 31st? Something --

10 A Yeah, my lease was -- it was in the same complex.  
11 Up -- I upgraded.

12 Q And so prior to that it was just a one-bedroom?

13 A Yeah, I slept on the sofa and she -- I gave her the  
14 bedroom, since -- since I only had her a couple days.

15 Q And how long were you at that residence?

16 A Since November, 2012. A year. The lease was for a  
17 year, until November 2013. And then I upgraded it into the  
18 two bedroom for this year.

19 Q And prior to that?

20 A I had a --

21 THE COURT: This doesn't have to go --

22 MR. LEWIS: I'm sorry.

23 THE COURT: Sustained. We're not going back on --

24 MR. LEWIS: Okay.

1 BY MR. LEWIS:

2 Q So just to establish, and she has just recently  
3 moved into a two-bedroom -- an opportunity to have her own  
4 room?

5 MS. FINE: I don't think December. Just recently.

6 THE WITNESS: It was -- the lease is done in November  
7 31st, so.

8 BY MR. LEWIS:

9 Q When it was -- I just remember when you moved into  
10 --

11 A Yeah

12 Q -- to your new residence and you sent a very  
13 congratulatory email.

14 And I can understand it can be an adjustment for her  
15 over into a different residence. But I just wanted to make it  
16 clear that she -- she does -- she does have her own room and  
17 --

18 A Okay.

19 Q -- and she sleeps in -- and there's no tales of --  
20 of stuffed animals.

21 But of those things that were -- had been addressed  
22 to Warren Wheatley?

23 A What, the bedroom situation?

24 Q The terrifying the hor -- if she's horrified or --

1 A No, this was new.

2 Q This is -- how recent is this?

3 A Like a month. Less than a month.

4 But she's -- she's sleeping now. But the whole  
5 transition, it's like I had to get -- as soon as I got all the  
6 stuff animals she was okay. So it was like -- and then, you  
7 know, it was -- was it an issue that she saw Toy Story?  
8 That's the only thing I could think of. Toy Story or  
9 something that it had that linked. And she was very  
10 particular.

11 And then she was really shy about telling me that  
12 you apparently had told her that stuff animals come alive at  
13 night. And I was just like -- I don't know if it was like a  
14 tale or I don't know what it was, but it really scared her.

15 And then I don't know if that was a way for her to  
16 come and sleep with us, but I can tell Isabella has a  
17 difficulty sleeping by herself and she's scared of the dark  
18 because of something. I don't know what it is. And so I'm  
19 trying to break that habit.

20 Q Okay.

21 MR. LEWIS: Your Honor, I guess that's all I have for  
22 now. I don't know.

23 THE COURT: All right. Thank you.

24 MS. FINE: I can start with Mr. Lewis if you'd like or I

1 can wait till next --

2 THE COURT: Ma'am, if you can sit next to Ms. Fine.

3 MR. LEWIS: I (indiscernible).

4 THE WITNESS: Thank you.

5 THE COURT: No, let's get as much done as we can today.

6 MS. FINE: Okay.

7 THE COURT: Ms. Fine, I'm just curious. Did you get any  
8 session notes from Mr. Wheatley?

9 MS. FINE: He's going to bring them. He wouldn't release  
10 them.

11 THE COURT: Okay.

12 MS. FINE: He said he would bring them.

13 If you want then ahead of time I can get them.

14 THE COURT: No, it's okay.

15 MS. FINE: He asked me if I wanted them. I said I don't  
16 think that I could -- I don't think that would be proper --

17 MR. LEWIS: It's (indiscernible).

18 MS. FINE: -- for HIPPA to make it part of the record.

19 THE COURT: Okay.

20 MS. FINE: But I need some direction on that. Some,  
21 yeah.

22 So, Mr. Lewis, can I have you up on the stand,  
23 please?

24 MR. LEWIS: Yes, but I'm taking all of this.

1 MS. FINE: Okay.

2 THE COURT: Bring a pen and your pad to write on in case  
3 you want to give testimony when Ms. Fine's done questioning  
4 you.

5 MS. FINE: Are you cold?

6 MS. PREDOMO: Si.

7 THE COURT: You've been sworn in. Have a seat.

8 MS. FINE: Well, I guess, you know, I should have taken  
9 her on redirect, but I didn't. Oh, well. I only had a few  
10 questions. Can I just ask her a couple questions from here?

11 THE COURT: Yeah, go ahead.

12 MARIA PREDOMO FUENTE (LEWIS)

13 testifies as follows:

14 EXAMINATION

15 BY MS. FINE:

16 Q Did Mr. Lewis ever ask you to go to mediation?

17 A In the beginning, yeah, we both -- we both had to.

18 Q What beginning?

19 A (No audible response.)

20 Q No, no. Since --

21 A No. No.

22 Q -- October of 2013 --

23 A No.

24 Q -- did Mr. Lewis ever ask you about mediation?



1 A No.

2 Q Okay.

3 MS. FINE: That's all right now. I'm going to ask him  
4 some questions.

5 Court's indulgence.

6 Okay.

7 And now you can help me. I need a paralegal today.

8 **WESLEY ALLEN LEWIS**

9 having been called as a witness by the Plaintiff and being  
10 first duly sworn, testifies as follows:

11 **EXAMINATION**

12 BY MS. FINE:

13 Q So you're Wesley Lewis, right?

14 A This is correct.

15 Q And what's the extent of your formal education?

16 A A high school diploma.

17 Q Okay. And your residential address?

18 A 4650 Idaho Avenue, 89104, Las Vegas, Nevada.

19 Q 89104.

20 And your age?

21 A I just turned thirty-seven.

22 Q And you're living with your folks; is that right?

23 A This is correct.

24 Q And you were formally married to Maria, correct?

1 A Yes.

2 Q And the two of you have Isabella, whose nickname is  
3 Bella, we've already determined that, correct?

4 A Yes.

5 Q I'm directing your attention to what's been marked  
6 as Plaintiff's Proposed Exhibit -- oh, no, they're all  
7 admitted.

8 MS. FINE: The interrogatories, request for production,  
9 are those admitted, Judge?

10 THE COURT: No, not yet.

11 MS. FINE: Okay.

12 BY MS. FINE:

13 Q Directing your attention to what has been marked as  
14 Plaintiff's Proposed Exhibit 2 -- it's in a notebook -- do you  
15 recognize that document?

16 A (Peruses document.)

17 Q Do you recognize --

18 A Yes. No, I --

19 Q -- that document?

20 A -- I -- it's the interrogatory.

21 Q All right.

22 A Inter --

23 Q That's fine. So you recognize --

24 A -- interrogatories.

1 Q -- them as something that came to you in the mail;  
2 is that right?

3 A This is one of the things I received.

4 Q Okay. And you --

5 MS. FINE: And so I would move to admit.

6 THE COURT: Admitted.

7 (PLAINTIFF'S EXHIBIT 2 ADMITTED.)

8 BY MS. FINE:

9 Q You never served upon me or prepared answers to  
10 these interrogatories; is that correct, specifically?

11 A Specifically? I thought I did. I -- I --

12 Q In that document that you provided?

13 A -- I submitted -- I submitted answers to  
14 interrogatories.

15 Q Is that a part of that document that you took up  
16 there with you?

17 A No, this is actually just the copies probably of the  
18 same thing that I have up here.

19 Q Do you have a copy of what you provided to me?

20 A I do at my desk. I just brought up --

21 Q Okay. So you actually think that you provided  
22 answers to interrogatories to me?

23 A And on -- I believe it was July 24th it was brought  
24 to my attention, too, that I hadn't --

1 Q Okay.

2 A -- when I -- when I thought I did. So I did as an  
3 effort as much as possible to answer what I can.

4 Q Okay. And directing your attention to what's been  
5 marked as Plaintiff's Proposed Exhibit 3, do you recognize  
6 that document as being a copy of another document you received  
7 in the mail at the same time as the interrogatories?

8 (BRIEF PAUSE.)

9 A Yes, I -- and the -- yes, I remember -- I do  
10 remember seeing this.

11 Q Okay. And so are the documents in that pile that  
12 you have in your hand, are they in response to this request  
13 for production, even though they're not --

14 A This --

15 Q -- specific?

16 A -- this -- this pile that's in my hand is an exact  
17 copy of what is up here.

18 Q I understand that.

19 Let me do this again. In that response -- in that  
20 request for production of documents, did you take that  
21 document and did you retype it and then -- and for each  
22 question did you respond with what documents you were  
23 attaching? Yes or no?

24 A I did at the end, July 24th, I did what I could,

1 from when I realized I did not answer properly.

2 Q And you're not sure whether or not I received that,  
3 correct?

4 A I sent it -- I sent it in the mail.

5 Q Okay. So you remember the evidentiary hearing that  
6 was con --

7 THE COURT: 3 is admitted by the way.

8 (PLAINTIFF'S EXHIBIT 3 ADMITTED.)

9 MS. FINE: Thank you, Your Honor.

10 BY MS. FINE:

11 Q Do you remember the evidentiary hearing that was  
12 conducted before Judge Nathan last year, right?

13 A In May -- May?

14 Q The one that was held last October?

15 A The -- yes.

16 Q We had an evidentiary hearing, you testified --

17 A October 8.

18 Q -- Maria testified --

19 A October 8.

20 Q What?

21 A October 8th.

22 Q Yeah. Do you remember the various obligations the  
23 Judge imposed upon you in her order following the last year's  
24 evidentiary hearing?

1 A Um, from --

2 Q Yes or no.

3 A (No audible response.)

4 Q Do you remember the obligations, do you remember her  
5 orders that she made --

6 A I remember spithic -- I remember specific statements  
7 she made directly to me in the courtroom.

8 Q Okay. And do you remember getting a copy of the  
9 order?

10 A In December I received a copy.

11 Q Okay. And did you read it?

12 A In -- in December I read -- I read it.

13 Q Okay. And in December you then realized that you  
14 were -- that Bella had been -- and you were aware of the fact  
15 that Bella had been receiving tutoring through Kumon, right?

16 A I --

17 Q You were aware that Bella has been and was receiving  
18 tutoring through Kumon, yes?

19 A Yes.

20 Q And isn't it true that Judge Nathan ordered you to  
21 pay for Bella's tutoring with Kumon for the month of November,  
22 2013?

23 A (No audible response.)

24 Q Yes or no?

1           A     I received the order for the payment in December to  
2 pay for --

3           Q     I understand.

4           A     -- November. I do --

5           Q     But you heard her --

6           A     -- I -- I --

7           Q     -- say it in October?

8           A     She did not say it out loud in October. She -- in  
9 October she told me to make sure, Mr. Lewis, that you do not  
10 miss taking Isabella to Kumon's.

11          Q     Okay.

12          A     The payment was not spoken at that time.

13          Q     Okay. So, but in December then of 2013 you were  
14 then aware that you were supposed to be paying for November,  
15 right?

16          A     When --

17          Q     Yes or no?

18          A     Yes.

19          Q     Okay. Did you pay it?

20          A     In February.

21          Q     You did not pay Kumon's. Do you have proof that you  
22 paid Kumon?

23          A     I -- I do not disagree that Kumon's never received  
24 the payments directly. I distributed them to the Family

1 Support Division. And, as I said in the previous case of the  
2 evidentiary hearing in May -- in May for this hearing, that it  
3 was upon the Judge's ruling that she could --

4 Q Mr. Lewis, you're speaking in hyperbole. Let me see  
5 if I can sort of narrow the issues for you.

6 The money you are paying to the Family Support  
7 Division is ninety-one dollars for your child support,  
8 correct?

9 A I -- I --

10 Q Yes or no?

11 A Yes.

12 Q And fifty dollars a month for your health insurance,  
13 yes or no?

14 A Yes.

15 Q And one hundred dollars a month for your arrearages;  
16 isn't that correct?

17 A Directly taken out of my check.

18 Q And that equals two hundred and twenty dollars and  
19 fifty cents or two hundred and twenty-one dollars a month --

20 A For every month.

21 Q -- isn't that right?

22 And that's what you're paying Family Support, isn't  
23 it?

24 A That's what is taken out of my check every month.



1 Q But you are not paying a penny to Kumon?

2 A I paid monies in bulk to the Family Support  
3 Division.

4 Q No, you brought current the arrears that you were  
5 supposed to pay since October of 2013 through February of  
6 2014, you paid five hundred dollars. You didn't make any  
7 payments in October, you didn't make any payments in November,  
8 you didn't make any payments in December, you made no payments  
9 in January, and in February she got her first payments; is  
10 that correct?

11 A That is not correct.

12 Q Look at the paip -- look at Exhibit 4.

13 A I am going --

14 Q You provided that to me.

15 A -- (indiscernible) 14. The thing is --

16 Q Look at my Exhibit 4. You provided that to me, did  
17 you not?

18 A (Reading to self.)

19 Q Would you look at my Exhibit 4?

20 THE COURT: Okay. Ms. Fine, let's just slow down a  
21 little.

22 MS. FINE: Sorry.

23 BY MS. FINE:

24 Q Did you provide Exhibit 4 to me?

1 A Excuse me?

2 Q Did you provide Exhibit 4 to me?

3 A I went and got this from -- yes, I provided it to  
4 you.

5 Q So look at October 15th, 2013, and tell me what you  
6 paid on October 15th, 2013.

7 A There is no October 15th.

8 Q What is there a payment for in October?

9 A In October the current --

10 Q The seventh, right? October 7th you paid fifteen  
11 dollars and eighty-five cents?

12 A It's what -- what -- it's what was currently being  
13 taken out of my check as -- as the order.

14 Q And you see that nothing was taken out from October  
15 7th, 2013 to February 26th, 2014; isn't --

16 A Well, I --

17 Q -- that right?

18 A -- I took the -- I was concerned that nothing was  
19 being taken out of my checks.

20 Q And?

21 A I went into there on my own account. And when I  
22 talked to them on the twenty-sixth, they said that Maria had  
23 just barely been into the office to put in the new order. So  
24 I paid them monies that day.

1 Q Okay. Let me read this to you. This is the order,  
2 Judge's order, dated -- let's see.

3 MS. FINE: What's the date of your order, Judge?

4 The date of your order is December 27th, 2013.

5 BY MS. FINE:

6 Q But the minutes were rendered on October 28th, 2013,  
7 which you received. And in that it said, the Judge stated,  
8 the defendant shall pay plaintiff the full two hundred and  
9 forty-one dollars in October by October 31st, 2013, commencing  
10 November, 2013, and continuing until there is a wage  
11 assignment in place. Continuing until there is a wage  
12 assignment in place. So you were obligated by this order to  
13 pay Maria regardless of whether or not there was a wage  
14 assignment in place. Did you not read this?

15 A Where -- where are you on?

16 Q Page ten of the Findings and Fact. Look at Exhibit  
17 13, my Exhibit 1 to Exhibit 13. It's the underlying motion.

18 A This is what was filed on 3/19?

19 Q What?

20 A This is what was filed on 3/19, is what I'm looking  
21 at? I'm sorry.

22 Q It was filed -- yes, March 19th I filed the motion  
23 to modify custody. If you will go to the attachment, which is  
24 Exhibit 1, is the Findings of Facts, Conclusions of Law and

1 order from This Court. And then you go to page ten in the  
2 first paragraph -- second paragraph, I apologize.

3 A In a nutshell?

4 Q Page ten of eleven it says --

5 A Oh, I've got --

6 Q Page ten --

7 A -- six of fifteen.

8 Q Just go to Exhibit 1 please.

9 A I think I found it.

10 It is further ordered that defendant shall pay?

11 Q Yes, page ten, eleven? Okay.

12 It is further ordered that defendant shall pay  
13 plaintiff the full two hundred and forty-one dollars in  
14 October by October 31st, 2013, commencing November of 2013 and  
15 continuing until there is a wage assignment. And continuing  
16 until there's a wage assignment in place, you would pay to  
17 Maria one hundred and twenty dollars and fifty cents on the  
18 fifth day of the month and one hundred and twenty dollars and  
19 fifty cents on the twentieth day of the month. A failure by  
20 you, a failure by defendant to make any one payment is a  
21 contempt of court and plaintiff may submit an order to show  
22 cause with the supporting affidavit/declaration detailing the  
23 missed payments to obtain an evidentiary hearing regarding  
24 contempt.

1           We did that, did we not?

2           A     I -- I'm -- I'm --

3           Q     Do you not understand this paragraph?

4           A     I understand the paragraph.

5           Q     Do you not see it?

6           A     I saw the paragraph. I saw all -- like I'm -- I'm  
7 not saying that what you're saying is -- is wrong. I'm saying  
8 that when I received this I was already in the wrong.

9           Q     Got it.

10          A     Regardless of what had happened.

11          Q     You weren't in the wrong, Sir. You were in court on  
12 October 8th, were you not?

13          A     Yes, when no financials were -- had -- nothing had  
14 been ordered on that day --

15          Q     And The Court --

16          A     -- financially.

17          Q     -- The Court took the matter under advisement,  
18 correct?

19          A     I put --

20          MS. FINE: I would ask The Court to look at your registry  
21 of actions and tell me whether or not we came back on October  
22 27th for a decision or whether or not you issued a minute  
23 order, Judge.

24                He had counsel. He had Patricia Marr.

1 I believe you took it under advisement and then you  
2 issued --

3 THE COURT: I made a minute order on October 14th  
4 (indiscernible) findings and order after evidentiary hearing.

5 MS. FINE: Our Findings of Facts, Conclusions of Law are  
6 a mirror image of that finding or you never would have signed  
7 or it never would have been signed by This Court.

8 THE COURT: Right.

9 MS. FINE: So you knew about this in October and you --

10 THE WITNESS: I --

11 MS. FINE: -- chose to ignore it.

12 THE WITNESS: -- no, I did not know about it in October.  
13 I do not --

14 MS. FINE: Well, Ms. Marr knew.

15 THE WITNESS: -- I'm not bla -- I'm not blaming my -- I  
16 am -- I'm -- I did not know about this in October.

17 MS. FINE: Okay.

18 Your Honor, I'm not going to beat a dead horse. It  
19 is what it is. The facts are...

20 THE WITNESS: If Ms. Marr was here with me we would have  
21 a --

22 MS. FINE: Let me go back to --

23 THE WITNESS: -- I would have an attorney.

24 /

1 BY MS. FINE:

2 Q So we've dealt with the fact that Judge Nathan  
3 ordered you to pay for Bella's tutoring with Kumon. You did  
4 not pay it independently; is that correct?

5 A I did not pay it independently.

6 Q And the order speaks for itself what you were  
7 obligated to pay?

8 A (No audible response.)

9 Q Monthly fee for Bella's tutoring is two hundred  
10 dollars a month; is that correct?

11 A That is what is -- I see as the --

12 Q Is that a yes --

13 A -- the receipts --

14 Q -- or a no?

15 A Yes, I believe they are.

16 Q Thank you.

17 And did you make any effort to pay any of that to  
18 Maria?

19 A I did not make an effort to pay it directly to  
20 Maria.

21 Q Okay. And you told Maria that you were not going to  
22 take her for the summer because it was too far to travel; is  
23 that correct?

24 A Yeah, that is correct.

1 Q And that was your unilateral decision, you didn't  
2 get an agreement from Maria; isn't that correct?

3 A It was --

4 Q Yes or no?

5 A That is correct. I did not wait be --

6 Q And the order --

7 A -- due to the --

8 Q -- says that you are not allowed to make unilateral  
9 decisions, does it?

10 A Unless that -- unless the child was testing above  
11 grade average.

12 Q And you haven't provided any documentation to  
13 support that?

14 A I -- I just provided one.

15 Q And it wasn't admitted.

16 THE COURT: All right. Where is that exhibit? Let's  
17 show him that exhibit now so I can admit it and take a look at  
18 it.

19 What is that, Defendant's A?

20 THE CLERK: Yes, Your Honor.

21 THE COURT: It's Defendant's A. Do you recognize that,  
22 Mr. Lewis?

23 THE WITNESS: Yes, I do.

24 THE COURT: What is it?



1 THE WITNESS: This is the Common Core math grade. It's  
2 -- it's the standardized scholastic testing that they take  
3 twice a year, once in the beginning and once in the end. They  
4 do one for math, they do one for English.

5 THE COURT: Which one is that for?

6 THE WITNESS: This is for math.

7 THE COURT: And you don't know --

8 THE WITNESS: This --

9 THE COURT: -- where the one for English is?

10 THE WITNESS: I -- I can -- I know I have it. I have --  
11 I have multiple of these. They send -- as you see, it says  
12 dad up on the top corner. One is issued to me and one is  
13 issued to Maria every time.

14 THE COURT: And what is your understanding of the  
15 interpretation of the results you have in your hand?

16 THE WITNESS: The understanding of the results that I  
17 have in my hand, if you look -- well, you don't -- you can't --  
18 -- or do you have one (indicating)?

19 THE COURT: No, I don't have one.

20 THE WITNESS: Um...

21 THE COURT: Well, first of all, I'm going to admit it.

22 MS. FINE: Fine.

23 THE COURT: A is admitted.

24 (DEFENDANT'S EXHIBIT A ADMITTED.)

1 THE WITNESS: If you see the test bars, the student is  
2 the triangle, the school is the square, and the district is  
3 the diamond. The district falls well below both my daughter  
4 and the school, and Isabella's above -- and this is in the  
5 third test towards the end of the school year where she's  
6 testing above the school's average, which is above the school  
7 district's average for her grade level.

8 THE COURT: All right. Thank you.

9 Mr. Hoover, can I get that from him, please?  
10 (MARSHAL RETRIEVES EXHIBIT FROM WITNESS AND DELIVERS TO  
11 BENCH.)

12 All right, Ms. Fine, your next question.

13 MS. FINE: I would kind of like to look at it, Judge, so  
14 that I can --

15 THE COURT: Oh, I thought we gave you a copy.

16 MS. FINE: Well, I have a copy stuck in here, but I don't  
17 have -- I would have to find it again. Can I -- if The Court  
18 made copies of it?

19 THE COURT: I thought we did.

20 THE WITNESS: I thought you did, too.

21 THE COURT: Didn't we make three -- two copies?

22 THE MARSHAL: (Indiscernible.)

23 THE COURT: No?

24 THE MARSHAL: (Indiscernible.)

1 THE COURT: All right. Let me just --

2 MS. FINE: Your Honor, I can find it. I got it. I'm  
3 sure it's right here. Amazing.

4 THE MARSHAL: (Indiscernible.)

5 THE WITNESS: Thank you, Sir.

6 MS. FINE: Oh, it's right here.

7 THE MARSHAL: (Indiscernible), Counsel?

8 MS. FINE: No, you can't.

9 THE MARSHAL: (Indiscernible.)

10 MS. FINE: Just kidding.

11 (MS. FINE AND PLAINTIFF CONFER.)

12 Well, I don't understand how to read it.

13 THE WITNESS: I can explain it.

14 MS. FINE: I think that Judge Nathan knows how to read it  
15 better than anybody.

16 THE WITNESS: Correct.

17 BY MS. FINE:

18 Q But when was that?

19 A March 16th.

20 Q Okay. So it's admitted.

21 So you admitted -- acknowledged that, in your  
22 emails, that you did not take Bella to her tutoring class  
23 although ordered by The Court to do so, correct?

24 A On the specific day.

1 Q Yeah, May 5th; isn't that right?

2 A That is correct.

3 Q And isn't it true that instead you went roller-  
4 skating with Bella for a daddy/daughter roller-skating event?

5 A There was one event a year for dads and daughters.  
6 It fell on that day. We had one day's -- it was that day's  
7 notice because --

8 Q It was from six to nine, correct?

9 A It was from six o'clock to nine o'clock.

10 Q You couldn't take her at two thirty, you couldn't  
11 take her three, you just couldn't take her that day; isn't  
12 that right?

13 A This is right after the order from -- from The  
14 Court?

15 Q The order from The Court was in December.

16 A To -- to modify my -- my time with my daughter. My  
17 -- it was the first -- it was the very first time that I was  
18 going to pick up my daughter after the temporary modification.  
19 It was the -- it was the first time I saw my daughter after  
20 the temporary modification of the -- of custody.

21 Q And you couldn't?

22 A I picked her up to take her home to change her, to  
23 go -- that's -- that's all I did, and I -- I informed the  
24 plaintiff.

1 Q So -- and then again --

2 THE COURT: (Indiscernible.)

3 BY MS. FINE:

4 Q -- additionally, the next time --

5 A On the nineteenth.

6 Q -- you said it was just too far for you to drive?

7 A Yeah, she was out of school. She's -- the school --  
8 there was no school that day. It was a Clark County ordered  
9 teacher -- whatever, teacher --

10 Q So she was having fun with you and, therefore, no  
11 tutoring, right?

12 A I just -- all I did was pick her up, brought her  
13 back to my house. It was her day off. I do not have my  
14 daughter normally on --

15 Q It's not my daughter, it's our daughter.

16 A -- our daughter, I normally don't have our daughter  
17 on a day off.

18 Q So you and Maria did not agree to discontinue the  
19 tutoring, you unilaterally chose to stop it, right?

20 A I did not unilaterally choose to stop it until after  
21 the -- The Court which had ordered me to take her after school  
22 until --

23 Q Where does it say --

24 A -- the testing --

1 Q -- and where did it say that the school, that  
2 summer, there's no tutoring?

3 A It also said about the testing.

4 THE COURT: No, you're -- no. You stopped taking her  
5 because it was too far to drive; is that right?

6 THE WITNESS: (No audible response.)

7 THE COURT: Isn't that correct?

8 THE WITNESS: (No audible response.)

9 THE COURT: Once school is out of session --

10 THE WITNESS: Once the school was out --

11 THE COURT: -- you just didn't --

12 THE WITNESS: -- that session.

13 THE COURT: -- want to drive that --

14 THE WITNESS: Well, it was a --

15 THE COURT: -- do that drive?

16 THE WITNESS: -- it's a -- it is a very long drive, Your  
17 Honor. We're talking a forty-mile --

18 BY MS. FINE:

19 Q Excuse me. You live in 89104; is that right?

20 A I live at 4650 Idaho Avenue, 890 --

21 Q Which is where?

22 A -- 89104. I live on the east side of Las Vegas.

23 Q And where is that?

24 A Right down the street.

1 Q Where?

2 A On Pec -- it's on Charleston and Lamb.

3 Q Okay. And -- Charleston and Lamb and you have to go  
4 to Green Valley?

5 A I have to past Green Valley. It's in --

6 Q It's on Eastern.

7 A And --

8 Q And it's not forty miles.

9 A Eastern and what?

10 THE PLAINTIFF: Horizon Ridge.

11 THE WITNESS: And Horizon Ridge. Eastern and Horizon  
12 Ridge. I actually did --

13 MS. FINE: The Court can take judicial notice or whatever  
14 it wants to, but it's not forty miles.

15 THE WITNESS: It is thirty-six miles.

16 BY MS. FINE:

17 Q So, between -- again, I don't want to beat a dead  
18 horse, but between October, November and December and January,  
19 you had no monies taken out of your paycheck and you paid no  
20 monies to Maria; is that right?

21 A (No audible response.)

22 Q Yes or no?

23 A Between --

24 Q In October, 2013 and January of 2013 (sic), you had

1 no monies taken out of your paycheck; is that correct?

2 A I'm -- actually, you know what? I'll be honest, I  
3 did not know if monies were being taken out of my checks. I  
4 -- they actually stopped sending us paper pay stubs, and they  
5 went to all an electronic system, ADP -- ADP electronic pay  
6 stubs. And I did not have access to my pay stubs to see if  
7 they were taking monies out. From the -- from the looks of  
8 how much I was getting in my -- coming back to me I thought  
9 monies were being taken out.

10 Q But that Exhibit 4 accurately depicts the payments  
11 you've made --

12 A Yes.

13 Q -- to Maria from October -- from --

14 A Yes.

15 Q -- from October, 2013 through --

16 A Yes.

17 Q -- June 2nd of 2014?

18 A Yes.

19 Q Okay. That document speaks for itself.

20 A Yes.

21 Q And you've had the same job since last October,  
22 right?

23 A Yes.

24 Q And you're employed with Marshall's?



1 A Yeah, the Marshall Retail Group.

2 Q All right. And you don't work forty hours per week  
3 still; is that correct?

4 A I was hired in as part-time associate, and I have  
5 managed to work myself back up into the high twenty-eight to  
6 thirty hour -- it's -- they're obligated to give me medical  
7 insurance if I go over a crest of like thirty-two hours, and  
8 they keep me right under that crest.

9 Q You are a thirty-seven year old man; isn't that  
10 right?

11 A This is correct.

12 THE COURT: Do you know what, Ms. Fine?

13 MS. FINE: Yeah?

14 THE COURT: I already imputed income to him --

15 MS. FINE: Okay.

16 THE COURT: -- at the last order, so we don't need to  
17 (indiscernible) for this.

18 MS. FINE:

19 Q So, but you haven't apply -- okay.

20 THE COURT: I made findings as to his income, I made  
21 findings as to his commission. And if I end up granting the  
22 request for change in custody, I'll fall back on those  
23 findings. They were just six months ago.

24 THE WITNESS: (Indiscernible.)

1 THE COURT: It's eight months ago.

2 BY MS. FINE:

3 Q So if I were to ask you, since October of 2013 --  
4 first of all, you have not submitted a Financial Disclosure  
5 Form?

6 THE COURT: That is my next question, right.

7 MS. FINE:

8 Q You have not submitted your Financial Disclosure  
9 Form, which is -- you're required to do by the law?

10 A I -- I bel -- I did -- how I -- you know, I think I  
11 tried to -- to print out my stubs and get them in yesterday,  
12 and that is -- I take full knowledge that I did not try to get  
13 -- I didn't receive your Financial Disclosure Report until  
14 July 22nd. It was mailed. I don't believe I got it till the  
15 twenty-fourth, when I was with the IRS, to even respond.

16 Q So since October of 2013, you don't know, since  
17 you've gone a computer thing, what your average monthly take-  
18 home is; is that right? That's what you said.

19 A I said during those months I had no access --

20 Q October, November --

21 A November --

22 Q -- December --

23 A -- December --

24 Q -- January?

1 A -- and January.

2 Q You were just spending your money and --

3 A It's not --

4 Q -- as long as you didn't bounce anything you had  
5 plenty, right?

6 A I don't have plenty. And, no, I wasn't flaunting  
7 anything.

8 Q So you knew how much money had to come out, you knew  
9 how much money was there. Did you check your bank statements?

10 A I -- once again, I don't have a bank account. I do  
11 not have a statement.

12 Q So where'd the money go for your paycheck?

13 A It goes straight to a debit, straight to a debit  
14 card.

15 Q And you can't check the debit card?

16 A I can check the -- I can't check how much was  
17 deposited. And there's in -- there's a fee that goes along  
18 for anytime I ever check anything.

19 Q Oh, my gosh.

20 A I could provide --

21 Q (Indiscernible.)

22 A -- all those documents if needed.

23 Q Okay. So by living at home with your parents you  
24 keep your expenses pretty low, right?

1 A (No audible response.)  
2 Q Do you --  
3 A I --  
4 Q -- pay rent?  
5 A -- I have to keep them low. I don't make a lot.  
6 Q But you are a grown man and you could go find a  
7 second job just like all of us, right?  
8 A (No audible response.)  
9 Q How many jobs did Maria have when you weren't paying  
10 her anything? She had three? You can't go get a side job?  
11 You're not a stupid man, you're a smart man. Look at you,  
12 well-dressed, handsome.  
13 A This --  
14 Q Couldn't you --  
15 A -- does not --  
16 Q -- even --  
17 A Is this --  
18 Q -- go look?  
19 A What -- what is the question?  
20 Q Can't you go get a side job and help support your  
21 daughter?  
22 A I do help support my daughter.  
23 Q Yeah. Okay. Is it --  
24 A Our daughter.

1 Q -- is it your testimony that you didn't have the  
2 money to start paying ninety-one dollars per month current  
3 child support commencing in October?

4 A I would have -- if they --

5 MS. FINE: I'm beating a dead horse here. I'll stop,  
6 Judge, I guess. He's going to keep saying he didn't know he  
7 had to pay it. It's very clear. I'll let the Judge -- Court  
8 make its decision.

9 BY MS. FINE:

10 Q When did you learn that Bella was receiving  
11 counseling at Oasis Counseling?

12 A When I received an email from Maria.

13 Q And did you contact Mr. Wheatley?

14 A I tried.

15 Q And did he tell you that he couldn't counsel with  
16 you?

17 A No, I did not talk to Mr. Wheatley. The numbers I  
18 was provided were apparently not to his office. I left  
19 messages. I was a little frustrated. I believe there are  
20 emails in the plethora of --

21 Q There were.

22 A -- of paperwork that we have upon us that --

23 Q All right. So you learned that there was counseling  
24 going on, you tried to make a phone call, you weren't able to

1 reach him, but yet he does indicate that you testified I think  
2 earlier, you asked questions earlier of Maria, if I recall --

3 A Excuse -- say that again. I'm sorry. I -- I'm -- I  
4 was --

5 Q You asked a question of Maria --

6 A -- trying to follow.

7 Q -- isn't it true that I tried to work with Dr.  
8 Wheatley and to counsel with him? Didn't you ask her that and  
9 then the Judge said that would have been a conflict?

10 A That was -- but that was after -- that was after the  
11 October time that I'm talking about. This is in -- that was  
12 in April of this year.

13 Q It still would be a conflict, wouldn't it? You're  
14 not going to --

15 A No.

16 Q -- counsel with the same person your daughter's  
17 counseling with.

18 A It -- I wasn't counseling with him. I wanted him to  
19 get -- I just wanted to get to know him. And then it was  
20 ordered upon -- from The Court to make -- to ensure that she  
21 continued to go. I asked my daughter if she had -- had been  
22 going recently, she said no. I -- so I just made an  
23 appointment, and he did not see me.

24 Q Did you --

1 A And he can --

2 Q -- asked to be --

3 A -- he -- he can -- he can attest to all this.

4 Q All right. Well, I'll ask him.

5 Did you initiate contact with Oasis Center or  
6 Bella's therapist after learning that she was in counseling or  
7 how long after?

8 A I tried to contact him right away.

9 Q But you never got through?

10 A I never got through.

11 Q Did you --

12 A They changed --

13 Q -- notify Maria?

14 A Yes, I did.

15 Q And what did she say?

16 A She said too bad.

17 Q Really? Okay.

18 A It's in the emails I believe.

19 Q You also know that Mr. Wheatley submitted a letter

20 --

21 A Is it --

22 Q -- back in February, of this year, that's attached  
23 to our March motion that was filed with The Court saying that  
24 he had tried on several occasions to get you to come into

1 therapy with Bella with no success.

2 A He couldn't contact me.

3 Q Did you read that letter?

4 A He couldn't contact me without my real telephone  
5 number.

6 Q So is Mr. Wheatley lying?

7 A That he couldn't contact me?

8 Q Right.

9 A Most --

10 Q No, he said --

11 A -- likely not.

12 Q -- he said that he had tried on several occasions to  
13 get you to come into therapy.

14 A How would he con -- how would he get me to go into  
15 therapy if he never contacted me?

16 Q When did you finally --

17 A If he never left a message, if he never was able to  
18 speak to me. If he -- if there was no lines of communication  
19 how would he speak to me?

20 Q When did you finally communicate with Mr. Wheatley  
21 about Bella's counseling?

22 A When I talked to him on April 1st.

23 Q This is now July.

24 Describe the communication between you and Mr.



1 Wheatley.

2 A I liked Mr. Wheatley. I think he was a nice -- a  
3 nice guy, a nice doctor. We had a pleasant time. We -- we  
4 talked. And it was mainly just from reading the letter that  
5 you asked for him to provide from the February letter, which I  
6 -- I had no knowledge of how many times she was seeing the  
7 doctor at that time. I was not being kept in the loop. Maybe  
8 I should have been super more proactive. But I have been in  
9 court for a year-and-a-half. I sometimes am tentative.

10 Q Isn't it true that you ignored Bella's counseling  
11 and had to be told by Maria in June that it had ended?

12 A No. That -- that's completely untrue. That --  
13 When did that --

14 Q And isn't it also true that when your daughter was  
15 ill and you kept her home, instead of taking her to the  
16 doctor, you went to see Mr. Whortley (sic)?

17 A No.

18 Q Wheatley.

19 A That's -- that's not true.

20 Q When in the last two years have you taken Bella to  
21 the doctor?

22 A I just took her to the dentist on my own account.  
23 That's the only time. I -- without --

24 Q And she's seven?

1 A Excuse me?

2 Q And what was the dentist's name?

3 A Dr. Park.

4 Q And where is he located?

5 A I have the card --

6 Q You took her. You don't remember where it is?

7 A It was -- it's right near Maria's residence. It's

8 down the street.

9 Q Does Bella take baths when she's in your custody?

10 A No, she takes showers ever -- after being requested

11 from Maria.

12 Q At your house?

13 A At my house.

14 Q When she is in your custody does Bella take baths?

15 A She takes showers.

16 Q In your custody?

17 A While in my custody.

18 Q Okay. And does she have eczema?

19 A I have never -- I really haven't literally touched

20 her skin when I'd seen the eczema. When I picked up Isabella

21 after her rash the very first time, she had -- Marie had just

22 finished with the cream, the cream treatment. And she told

23 me, there -- there's an email specifically stating the times

24 that the cream should be applied. Then right before I was to

1 pick her up, she sent an email saying I finished with the  
2 treatment, don't worry about it, it's gotten better.

3 Q Would you show me the email, please?

4 A Sure.

5 Q I'll tell you what --

6 A I mean, if that --

7 Q -- we're coming back in a month -- or a week. Can  
8 you please --

9 MS. FINE: Is it a week?

10 THE COURT: I don't know.

11 UNIDENTIFIED SPEAKER: No, it's August 5th.

12 BY MS. FINE:

13 Q Will you bring that email for me, please?

14 A (No audible response.)

15 Q What do you do to treat it while she's in your care?  
16 She's never had an outburst? Her --

17 A She's never had --

18 Q -- skin isn't leathery?

19 A -- an out -- she's never had an outburst --

20 Q Oh, right.

21 A -- of -- of -- or outbreak of eczema. I have -- I  
22 have listened to try and to put creams, lotions, the type of  
23 lotions that -- that the homeopathic, I believe, from what  
24 Maria's asked.

1 Q Did Maria give you a tube of the --

2 A I bought my own actually, as well.

3 Q And what have you been told by any doctor to do  
4 about it, use those creams?

5 A I haven't been told by a doctor to do -- to do  
6 anything.

7 THE COURT: Why did you buy a homeopathic remedy if she  
8 hasn't had an outbreak in your care?

9 THE WITNESS: It's because that it's the same kind that  
10 she -- she had. It was just to have -- have some of that  
11 cream just in case an outbreak would have happened. I --

12 THE COURT: But she gave you a container of it of what  
13 she had, didn't she?

14 THE WITNESS: It was -- the -- the little thing of cocoa.

15 THE PLAINTIFF: I gave you the cocoa, meanwhile, and then  
16 we got the prescription. And I put one --

17 THE WITNESS: But I never --

18 THE PLAINTIFF: -- in your --

19 THE WITNESS: -- got a prescription.

20 THE PLAINTIFF: (Indiscernible) and you would send it  
21 back and forth when I said that's yours. There's two tubes I  
22 bought, you and one for me.

23 THE WITNESS: I did not receive -- I -- I did receive  
24 cream. I did not receive a medication. The medication was

1 applied by her and it was told to me that it was done.

2 BY MS. FINE:

3 Q Is there a reason why, instead of going to the  
4 doctors and working with her, that, you know --

5 MS. FINE: The Court's -- I'll pass the witness.

6 THE COURT: Is there anything else you want to tell The  
7 Court about what's been put on the record today?

8 THE WITNESS: Me? Excuse me, Ma'am? Your Honor?

9 THE COURT: Is there anything else that you want to tell  
10 me, The Court, about what's been put on the record today?

11 THE WITNESS: Is that --

12 THE COURT: Didn't -- okay. You didn't pay your child  
13 support until you got the order, until there wage assignment,  
14 right?

15 THE WITNESS: No, I didn't make an effort. I did in  
16 February --

17 THE COURT: What does that mean --

18 THE WITNESS: I -- I --

19 THE COURT: -- I made an effort?

20 THE WITNESS: -- I walked in --

21 THE COURT: Did you make a check out and hand it to her?

22 THE WITNESS: No, I made a check out and I handed it to  
23 Family -- Family Support Division off on Flamingo.

24 THE COURT: But you -- and what month did you do that?

1 THE WITNESS: February 26th.

2 THE COURT: Okay. But between October and February you  
3 didn't make any payments?

4 THE WITNESS: I -- no, I did not. I really thought that  
5 something would be pulled from my check, and I wanted to make  
6 sure.

7 THE COURT: All right. And you didn't make any payments  
8 to Kumon, right?

9 THE WITNESS: Not to Kumon's directly, no.

10 THE COURT: Okay. And I haven't heard any explanations  
11 or denials that child missed ten days of school while in your  
12 care.

13 THE WITNESS: That I would deny.

14 THE COURT: You would deny it?

15 THE WITNESS: Yes, because it was in her mother's care.  
16 She -- like I -- like in the line of questioning that I kind  
17 of asked to her is that while she was sick she asked to stay  
18 with her mother. Those would be the excused absences shown on  
19 the calendar.

20 It's in 14. It probably would be in 14. On 2/10,  
21 Monday, Tuesday, of, two, three, four, five, six, seven.  
22 Seven of those days with two others. Those are not in my  
23 physical care. Both of those occasions are with her mother.  
24 And there are emails backing -- backing those up that we have

1 both provided. I -- I --

2 THE COURT: What about the tardies listed here?

3 THE WITNESS: Now I will say there's -- there are  
4 occasions when, like I said prior, it is a distance. There  
5 are some times that we are tardy.

6 I drive eighteen miles one way, and we almost had it  
7 down to a science. I've taken her for two years to this  
8 location. I have no problems taking my daughter. And just as  
9 the plaintiff said sometimes, and she lives two minutes away  
10 from the school, she's been tardy four times, twice, three  
11 times. I -- I have the majority of the days, four where I  
12 drop off, and some of them --

13 THE COURT: Do --

14 THE WITNESS: -- the tardies are the teacher's fault,  
15 because they don't get the tardy pass.

16 THE COURT: Do you know what that vacation was that's  
17 listed under April 14th?

18 THE WITNESS: Those are just the vacation days. Well --  
19 I'm sorry, April 14th. That's spring vacation.

20 THE COURT: Okay.

21 THE WITNESS: Where she went to California with her mom.

22 THE COURT: All right. Those were my only other  
23 questions.

24 Anything else, Ms. Fine?

1 MS. FINE: Is that -- I just want to go through this  
2 thing.

3 MARIA PREDOMO FUENTE (LEWIS)

4 testifies as follows:

5 EXAMINATION

6 BY MS. FINE:

7 Q So there are fifteen tardies for him. Right? On  
8 your days? And there are two tardies for mom on her days. Is  
9 that what this report says on fourteen?

10 THE COURT: Well, let me ask this question. Until we had  
11 the hearing in October -- or excuse me, until we had the  
12 hearing in May, what was your timeshare? When did you have  
13 Bella?

14 MS. FINE: He had Monday, Tuesday, Wednesday, and he  
15 returned her Thursday morning to school.

16 THE WITNESS: I would have her Sunday, every alternating  
17 weeks I would have her on a Sunday. I'd pick her up Sunday  
18 night, I'd drop her off at school Monday, Tuesday, Wednesday,  
19 and drop her off at school on Thursday. And then the next  
20 week I'd pick her up from school on a Monday.

21 THE COURT: Okay. So through Thursday mornings. So, all  
22 right. So we have one two --

23 (SOMEONE SNEEZES.)

24 THE PLAINTIFF: Bless you.



1 MS. FINE: Sorry.

2 Thank you.

3 THE COURT: -- (indiscernible) five, six, seven, eight,  
4 nine, ten, eleven, twelve, thirteen, fourteen, fifteen,  
5 sixteen.

6 I'm counting sixteen tardies.

7 THE WITNESS: In --

8 THE COURT: So --

9 THE WITNESS: -- in its entirety?

10 THE COURT: -- your explanation for sixteen tardies is  
11 what?

12 THE WITNESS: Well, I make no explanations for every  
13 single tardy. I -- I will say probably sixty percent of those  
14 are legitimate two-minute late tardies. Two -- like nothing  
15 excessive. We drive a long way. Sometimes if we hit -- we  
16 hit traffic on the flip around the 215. If we catch traffic  
17 right, getting off it slows us down just a couple minutes. It  
18 is very minimal. It is nothing that affects her ability to  
19 function in school.

20 Some days -- on Wednesdays I -- I volunteer, so some  
21 days you'll see tardies and it's because I'm signing in and  
22 I'm actually typing into the computer and getting -- printing  
23 out a sticker to volunteer. So there are sometimes that she's  
24 tardy on -- like that as well.

1 THE COURT: All right.

2 All right. Those were my only questions, Ms. Fine.

3 MS. FINE: Okay. And nothing else that I can think of  
4 right now. I mean, I'm just exhausted.

5 THE COURT: All right. Yeah.

6 We're going to wait to continue this matter to --

7 When's the next court date, Ms. Boyle?

8 THE CLERK: August 5th at one thirty.

9 THE COURT: August 5th at one thirty. And we'll pick up  
10 with Plaintiff's witnesses, and then Defendant will put on his  
11 case.

12 MS. FINE: Thank you, Judge.

13 THE COURT: All right. Thank you, Mr. Lewis. You can go  
14 back to your table.

15 THE WITNESS: Thank you, Your Honor.

16 Is this your copies?

17 THE MARSHAL: (Indiscernible) goes over here.

18 THE WITNESS: Yes, Sir.

19 THE COURT: All right. Thank you.

20 THE PLAINTIFF: Thank you, Your Honor.

21 MS. FINE: Thank you.

22 (THE PROCEEDING ENDED AT 16:57:02.)

23 (MATTER CONTINUED TO AUGUST 5, 2014.)

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\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed the digital proceedings in the above-entitled case to the best of my ability.



SHELLY AJOUB,  
Transcriber II