A I will. So I'm done with that first one. I'm just looking at my declaration, but I think this is just about dinner.

Q And you didn't see anything --

A So yeah, I don't --

Q -- in there, did you, about Josef Karacsonyi and some alleged incident did you?

A Not in this paperwork, no.

Q You can look through the second one if you need to. I don't want to rush you.

A No, that was -- I remember that one. That was most recent.

Q Did you come to Eric's house on Easter to pickup Erica?

A I came to the back of -- I -- I came to -- I picked --

Q Is that a yes?

A -- her up for church. Well, I don't -- I don't know if it's to the house. I came to the back -- the backyard door. I came to -- I picked her up there.

Q So you came to the backdoor -- or the backyard door.

A Yeah, there's a door that exits out onto the main street there. So I --

Q And that's --

A -- picked her up there.

Q -- at Eric's house. Not Erica's house, but at Eric Nelson's house.

A No, Eric lives with Eric.

Q I'm just making sure the Court knows.

A Oh, I'm sorry.

Q Okay. So you came to Eric -- Plaintiff Eric's house to pickup Erica.

A Yes, our daughter. My 24-year-old daughter I came to pickup for church. She went to church with me.

Q Erica has her own car, isn't that right?

A Actually, she doesn't have a car. She drives Mr. Nelson's cars.

Q She has access to a car though, is that correct?

A Most of the time I think she does.

Q So she could have met you at church, isn't that right?

A I suppose she could have.

Q Ms. Nelson, isn't it true that Eric has never been arrested for domestic violence?

A Who?

Q Eric, has never been arrested for domestic violence to your knowledge.

A I don't believe so, no.

Q He's never hit you in 30 years, has he?
A He has held onto me.
Q The question was has he ever hit you?
A No.
Q Has he even spanked your kids?
A I'm sure he has.

MS. FORSBERG: Your Honor, no more questions with her.

THE COURT: No redirect?

MS. PROVOST: None.

THE COURT: Thank you, Ms. Lynita. You can go back to --

THE WITNESS: Thank you. Just leave all this here?

MS. PROVOST: Your Honor, we call --

THE COURT: Yeah, you can leave the exhibits up there in case --

MS. PROVOST: Your Honor, I call Bob Dickerson to the stand.

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

THE WITNESS: I do.

ROBERT DICKERSON

called as a witness on behalf of the Defendant and being first

duly sworn, testified as follows on:

DIRECT EXAMINATION

THE CLERK: Please state your name and spell it for the record.

A My name is Robert Paul Dickerson. Last name D-I-C-K-E-R-S-O-N.

BY MS. PROVOST:

Q Bob, what happened on March 12th, 2014?

A Do you want me to start first with the meeting with -- the meeting at our office?

Q That would be great.

A We had set up a meeting. I think I had actually setup the meeting because I had received an email from Lynita Nelson asking me the status on certain issues that were being handled by the office. The -- the issues that were being handled were issues that were being handled by you and Josef. Each of you handled different aspects of the case. I primarily monitor over those issues. So I had set up the meeting. I believe it started around 4:00 or 4:30. I think it ended around 5:30.

And after that, Ms. Nelson and I went to dinner. You and Josef declined to go. You each had other commitments that evening. And -- and I met Lynita Nelson at Fleming's my recollection probably somewhere around 6:15ish to 6:30.

Q And you've heard Ms. Nelson's testimony about what occurred at Fleming's, correct?

A Yes, I have.

Q Is there anything that Ms. Nelson has said that you believe is untrue?

A No. I mean, the -- I think the sequence of events, I'm -- my recollection with respect to sequence of events may be a bit different. I think -- I could go through those. In many respects, I probably would defer to her recollection, I mean, at the point in time that I -- what was occurring. Obviously, I was in a situation where I think you're -- you have adrenaline going through you that -- you know, I could go through what my recollection of the events were.

Q Can you please go through your recollection of what occurred at Fleming's restaurant on March 12th, 2014?

A At about -- Ms. Nelson and I had dinner. We had finished dinner. They had brought the check. It was about 7 -- 7:30ish, right around the 7:30 point. I saw an individual standing in front of the table. The individual appeared to approach from behind Lynita. We were sitting at a booth in Fleming's as you walk in. You walk in a reception main area and they have the hostess right there as you walk in. Off to the left is the bar. And then they have a divider between the bar. Ms. Nelson and I were in the -- the first row of the

restaurant area. So Ms. Nelson would have been sitting on the east side of the table. I was sitting on the west side of the table.

And I saw an individual approach from what appeared -- you know, this -- from the east walking to the west and stand in front of the table.

Q And did there come a time where you recognized that individual?

A Yes, I did, but --

Q Who was the individual that you approached your table from behind Ms. Nelson?

A It was Eric Nelson.

Q And what occurred when Mr. Nelson walked up to the table?

A My recollection is the gentleman walked up, put out his hand and says how's it going, something to the effect like how are you doing. I didn't know who it was. I put my hand out and shook the hand. And as I shook the hand, I look up and I see it's Eric Nelson. And he says something to the effect like is it date night, are you having -- the two of you on a -- a dinner date or talking about a date.

So his comment at this point, it was very sarcastic. It was in a sarcastic tone. You're enjoying dinner, is this date night and are you on a date with my wife, something to

that effect.

Q And what happened next?

A My response to him was that dinner was fine. I said dinner is fine. When he says are you on a date with my wife, there -- I didn't respond to him. He -- he then at the -- that point, he did stick his hand out to shake Lynita's hand and she didn't shake it. I think actually that occurred he stuck his hand out to Lynita's and then he started talking more about date night, are you -- are you enjoying a date with my wife.

And then he reached over. When I didn't respond to him, which the impression I got is he was angry at me that I wasn't responding. He came over and put his hand just as Lynita demonstrated my -- by my -- on my right shoulder and clamped it.

Q And you were seated at that time?

A Yes, I was.

Q And he was standing.

A Yes, he was. He was standing right directly -- I was at the end of the table, that's -- essentially at the very end of the table. So he reached over, grabbed my -- my neck and I -- so I said Eric, take your hand off me.

Q And did you have the opportunity to read the affidavit that Eric Nelson submitted yesterday to this Court

regarding the incident at Fleming's?

A Yes, I did.

Q And what do you -- what is your opinion of that affidavit?

A I heard Lynita describe it as laughable. I actually did laugh. I couldn't -- I mean, I just thought it was so off base, but it also struck me as being typical of Eric Nelson. I think his credibility has been demonstrated not only in this court but other judges have found him totally not credible.

MS. FORSBERG: Your Honor, objection. Relevance.

THE COURT: Overruled.

THE WITNESS: Now after I asked him to remove -- and I said take your hand -- Eric, take your hand off me, he kept it on. I asked him a second time. Eric, take your hand off me. He then took his hand off, looked at me and -- and said something to the effect as Bob, do you have any children. And I said yes, I have three. And he looks at me and he said well, you used to have three. You won't have none. And I didn't respond to him.

He then looked at me and said would you like to take this outside. I didn't respond. He then said again to the effect how about taking this outside or would you like to take this outside. I could see that it was getting to the point of escalating inside the restaurant which is the last thing I

wanted to do, particularly at a restaurant that I frequent quite often.

So I -- I said sure, we can -- we can do that. I stood up. I stood up. He was still there as I stood up and Lynita then stood up and he walk -- he walked away as Lynita described. Lynita is talking to me and saying to me just leave him alone. He then comes back and said something to the effect are we going to be taking this outside.

So I -- he -- I followed him out. I was approximately two steps behind him. We walked outside and we walked out the front door. And we were face-to-face to each other. He then said to me you have destroyed my family. And I said Eric, I have not destroyed your family. You have destroyed your family. And the problem is is you're so narcissistic you do not understand that.

He then pushed his chest up against me and not with his hands, but with his chest puts his chest up against me and started pushing me up against the wall. And that's when the valet and one server came in and separated the two of us.

At that point in time after they separated us, there was a number of people that were coming out. There were a number including the manager, Jackie Evon. And then she had her supervisor from out of state that was there that evening observing what was going on in the restaurant. I had actually

noticed her earlier in the day early that evening because I did not recognize this woman, did not know who she was, but she was walking around as if she definitely was in charge. And so I asked earlier who the woman was and one of the service told her that that's like the district manager.

But so Jackie was out there, this woman was out there. I think at least been the valet was the one that separated us. And one of the servers then, I believe it was -- the server that separated us was either -- I think it was Brennan (ph), but it might have been Rory (ph), but I think it was Brennan. And so at that point they separated us and Eric went off towards the west. I think Brennan is the one that took him over to the west. My recollection it was either Rory or Brennan that was there with me. And it was -- started to take me back inside, to go back inside the restaurant.

And at that point, a person came out that I don't know who he was, I have never seen the man before, yelling -- I mean, really screaming, a very loud voice. Come on, Eric. Don't -- don't do that, Eric. He -- he's a fucking asshole. Everyone knows he's a fucking asshole. Even he knows he's a fucking asshole. And he repeated that at least -- I would say at least five times, very loud voice. I did not know who he was.

I went back into the restaurant. At that point, I

did not know that Lynita was outside, didn't see Lynita. I went right into the restaurant to get my phone. I left my phone, my coat. I think I might have even left my wallet on the table, because I was just getting ready to pay and I -- I couldn't remember whether I had already signed the check. I wanted to make sure I did or at least let -- leave a tip. But they had already picked it up and said that everything was fine.

And at that point, I walked outside. When I walked back outside, I only saw Lynita. And she was there talking with some people that she then introduced me to. And they were relatives of Bob Martin. And at that point I had valeted my car and the valet had my car there and I drove home -- drove home.

BY MS. PROVOST:

Q In Mr. Nelson's affidavit, he makes the statement I never touched Bob Dickerson in any way. Is that a true statement?

A That is entirely false.

Q He makes the statement we exchanged pleasantries and we left. Would you consider the exchange of words between you and Mr. Nelson in the restaurant pleasantries?

A When the gentleman walked up and struck his hand out to shake hand, my initial reaction was that it was somebody --

it was pleasant in the sense of somebody's walking up which happened several times that -- well, not several. At least twice that evening, people walking up and -- and shaking my hand, primarily the servers who -- who know me, had walked up and say hello and shake the hands.

So I didn't know who it was at first and then it -- initially -- right at -- right from the start it was very sarcastic. It was, you know, is it date night or on a -- on a date with my wife.

Q Now you spoke --

A At that point from -- it -- it -- no, it was not cordial.

Q And you testified that you were a couple steps behind Eric coming out the restaurant, right?

A As we walked out towards the front door, yes.

Q Now Eric's statement says I went to retrieve my vehicle. Do you know where Mr. Nelson's vehicle was parked that night?

A From the direction he was walking when -- I don't know. I didn't see his car, but it appeared to me that he was walking -- he -- I -- I'm almost certain he didn't valet it. He didn't appear to valet it, because he was walking from -- starting to walk around the corner before I walked back in. So I would say there's a Carrabba's there. There's a street

in between Carrabba's and Fleming's and it was -- he was walking in that direction.

Q And Mr. Nelson says I went to retried my vehicle when all of a sudden I was pushed in the back. Did you push Mr. Nelson in the back?

A No, not at all. In fact, I never saw his back. He -- he walked out the door first. He walked out the door first and -- and then was facing me. He walked out the door and let the door go. I had the door with my right hand and he's facing me. And then when the door shut is -- he came face-to-face with me and that's when he told me that I have destroyed his family and what I just went through.

Q When Mr. Nelson says when I turned, I was confronted with Bob Dickerson. Did you confront Mr. Nelson?

A No, I did not.

Q He came up to and got in my face. Did you get in Mr. Nelson's face?

A I would say no, I did not. He took the step towards me, but we were face-to-face -- we were literally nose-to-nose.

Q And it was clear from the alcohol on his breath that he had been drinking. Did you have anything to drink that night?

A I -- I did. I had a -- a glass of wine. Quite

frankly, I don't even know if I finished that wine. I -- Fleming's is one of the restaurants that they don't mind if I bring a bottle of wine myself. And I -- I had a bottle of wine that I wanted several of the servers and -- and one of the managers to try, because I wanted to fool them. This was about a $16 bottle of wine that I would -- I would think that they would think was really a high quality wine and they -- and I basically was sharing it with them and they all thought it was a very expensive bottle of wine and it wasn't.

So I had -- I had one glass. My recolle -- I had -- was having it with dinner. I ordered the wrong dinner though. I ordered a swordfish that wasn't very good and the wine didn't go with it. I don't believe I was finished with -- with even the one glass before Eric came up and --

Q So you weren't drunk that evening.

A No, I was not.

Q Was Mrs. Nelson drinking that evening?

A No, I -- she doesn't drink and that's one of the reasons we were probably sitting in the restaurant area is generally when I go over there I like sitting in the bar area because it's a little bit -- it's a little bit more fun and there's, you know, more people. But with Lynita, I -- whenever -- I can't say ever, because I think there was a time that Melissa and Lynita and the two of you went to Fleming's

for dinner one night and we sat in the bar. But generally when it's Lynita alone, she -- she does not drink and I don't want to put her in that position where she feels uncomfortable, so --

Q Did you and Lynita engaged in any type of relationship other than a professional relationship?

A No, not at all. I consider her a friend. I do consider her a friend. I think she's a -- a very nice woman. And so in that sense, she is more than a client. She is I consider a very good friend.

MS. PROVOST: No further questions, Your Honor.

MS. FORSBERG: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. FORSBERG:

Q You said you feel that the differences between you and Ms. Nelson is sequences of events, correct?

A It's -- it's not necessarily the sequence of -- because I think we have the sequence of events wrong. I don't -- I do know that -- I -- I don't know when she said -- whether she said when Eric stuck his out immediately and what he said. I don't think he stuck his hand out and said are you on a date with my wife. And I think that I would have reacted differently if that were the case.

I recall a hand being stuck out to shake my hand,

how are you. And I immediately shake the hand. I look up, it's Eric. And he says something to the effect is it date night or, you know, you out on a date and -- and are you on a date with my wife, something to that effect.

Q Mr. Dickerson, you said by the time he came up it was at the end of dinner, is that correct?

A Yes, it was. I had -- I had already paid the check.

Q But you hadn't drank even a glass of wine by then?

A No, I -- I had -- I don't believe I finished that glass of wine. I wasn't ready to leave.

Q Was your bottle opened before you got to the restaurant?

A No.

Q You just testified a second ago that Eric was walking facing you as you were --

A Sorry?

Q -- going out the -- the door.

A No.

Q You said Eric was facing you. So he's walking backwards, is that correct?

A No, I didn't say that. It's when he was outside. You -- I was two steps behind him. He went out the door first and immediately turned around. And then I walked out and the door shut and then he took a step towards me and that's when

we were pretty much nose-to-nose.

Q You said that you frequent this place often, correct?

A Yes.

Q Did you bring any of these witnesses you've referenced?

A What witnesses?

Q you talked about all these people that were there to help you.

A I have talked to those people.

Q Are they expected to testify today?

A I don't believe so. I don't believe any of them have -- have any observation of what happened when Eric walked up and that their testimony does not add anything to what either Lynita's testimony is or my testimony.

Q Lynita testified that when Eric walked out of the restaurant you were still seated. That was her testimony. Do you recall that?

A No, that wasn't her testimony. That's not --

Q That was her testimony.

A That's not what I heard, ma'am.

Q I'm sure the Court will double check that Ms. Lynita said that you and her were still seated when Eric left.

THE COURT: Okay.

Q You said that Eric was headed towards his car.

A Now this was after -- after they broke --

Q When you walked out of the restaurant, is that correct?

A No, I didn't say that.

THE COURT: Ms. -- his testimony was that Eric began walking up, then came back towards Mr. Dickerson at the table. Mr. Dickerson at that time was standing up and then Ms. Lynita said she stood in between them and then they proceeded to walk out with Eric walking out and Mr. Dickerson walking behind him. That was her testimony as I recollect it.

Q Mr. Dickerson, have you ever received a letter for me that you can have communication with my client?

A Never.

Q But you followed him out. He didn't follow you out, is that correct? Yes or no?

A I was two steps behind him. You're correct.

Q You stated you couldn't remember if you had paid a tip, is that right?

A I couldn't remember whether I had actually signed the check yet and whether I knew that I had given them my credit card, but I couldn't recall whether I had actually signed the check.

Q You've seen Eric Nelson at other events, is that

correct?

A Seen him at other events?

Q Uh-huh (affirmative). Yes.

A I don't recall any.

Q Have you seen him at UNLV basketball at Kona?

A Where?

Q UNLV basketball game.

A No, I -- I haven't been to a UNLV basketball game this year that I recall.

Q I didn't say -- this has been such a long case.

A I -- I don't recall ever --

Q We've got four years of testimony.

A I -- I don't recall ever seeing --

MS. FORSBERG: So you believe it was this year?

MR. NELSON: Yes.

A I -- I don't recall ever seeing -- I don't recall ever seeing him. I -- I don't have season tickets anymore, so I don't go to very many games. But I would say over the last three years I remember going to a game when they played USC at -- at The Orleans. I don't recall -- I did -- I did go to one basketball game. At least she could have gave me her tickets one time to go to a basketball game as I recall.

Q Was that around Christmas time?

A I -- I honestly don't recall. Would that have been

this year, Christmas --

Q Yes.

A -- and this year? Well, it wouldn't have been Christmas time. I don't think it would be Christmas time, because if I recall in December UNLV generally isn't here in December because they have the rodeo. But it may very well -- I -- it may very well have been this past season.

Q You testified that you met Mr. Martin's parents -- or family, correct?

A Lynita introduced me to what I understood to be his mother first. Actually, she was talking to two people and I don't know who they were, but it was -- she said that this is -- this is Bob Dickerson. I -- I just shook the guy's hand and then it was Mrs. Mart -- the mom was there first and Lynita started talking to her. And the mom -- I do recall the mom didn't seem to recognize Lynita and the younger woman said -- said she's -- the comment she made to Lynita was something about that she's aging and she forgets things.

Q You are aware that it was her -- they were there for her birthday, they did tell you that, right? Lynita told you that they were there for her birthday, correct?

A I --

Q The older woman's birthday.

A Yeah, I think what the -- in the conversation I

overheard and I wasn't -- I -- I had just walked right out, so I was inside, Lynita was talking to these people, I walked up and that's when she introduced me. And I -- I think the younger woman said we're here celebrating Mom's birthday or her birthday.

MS. FORSBERG: The Court's indulgence, Your Honor.

Q Is it your testimony Mr. Dickerson that the employees at Fleming's are all allowed to drink on the job?

A No. Yeah, actually, they do. They -- I don't know -- I don't know what their policy is, but I know that I have shared wine even with the manager of -- you know, they'll take a sip of wine and try it, yes.

Q Mr. Dickerson, have you advised -- well, strike that, Your Honor. It's hard not to question you on things when you go down that path. Mr. Dickerson, have you ever swore at Mr. Nelson?

A You know, it came up -- he says that I swore at him at a -- a deposition. Or not -- I don't think it was a depo. It was a mediation that we were having at Bob Gaston's and he -- he said that I -- I swore at him. I -- I don't recall me swearing at him. What I do recall is him jumping over the table --

Q Your Honor -- it's a yes or no question.

A Well, I -- I was told that I did, but I thought what

happened --

Q But you don't recall whether you did or not.

A I don't recall ever swearing at him.

Q Can you turn to Exhibit -- sorry -- Exhibit 4, please, in the greenish -- the little one?

A Okay.

Q The third page in where it has the writing on it next to it, do you see that handwritten scribble next to it?

A Okay.

Q Whose email was that?

A The one at the --

Q Right where it says email to me.

A That is an email -- it looks like this is for me.

Q Do you realize you've sent an email to Mr. Nelson?

A No, I did not.

Q You did not realize that?

A I did not.

Q This email -- we provided so you know, is a string of emails that went between Lynita and Mr. Nelson.

A Well, this is an email -- I was responding to an email that Lynita sent to me.

Q So perhaps you sent reply all instead of reply?

A Probably did. It doesn't show here who it went to though. I mean, it doesn't -- and it usually -- it's -- I do

see this for me. I don't see -- Lynita sent an email to me about some letter that she received and I responded to her as I did here. And I don't know -- I -- I don't recall -- I -- well, I wouldn't have sent it to Mr. Nelson. I probably -- if I hit reply to all, then -- and if he was one of them that she sent it to, then he would have gotten it.

MS. FORSBERG: No further questions, Your Honor.

MS. PROVOST: Just one question.

REDIRECT EXAMINATION

BY MS. PROVOST:

Q You began, Mr. Dickerson, to speak about the Gaston mediation. What happened to your recollection at the Gaston mediation?

MS. FORSBERG: Your Honor, I would have to object. The reason I stopped him, it's mediation. We can't discuss mediation.

THE COURT: You can't discuss the terms of the discussions on mediation, because the purpose for that is so the Court doesn't make any inferences of settlements or who was wrong at settlement or who walked away, because mediation is that. I think you opened the door. You asked him about him swearing at him and he said -- Mr. Gaston. So I think it's been opened. So I think he can --

MS. FORSBERG: I asked him if he swore. I didn't

ask him about Mr. Gaston's.

THE COURT: But the answer to the response was he said it was at Mr. Gaston's and he thought there was a response to the swearing is where he thought it happened, but he didn't recall swearing at him. So I think they can followup on it and I'll give you some followup if you want to followup on that, just that limited issue. You can continue, counsel.

THE WITNESS: At the early stages of this case, I -- I believe -- I actually believe it was before the case was actually -- anything was actually filed the Court, a complaint was filed with the Court. It may have been after, but I -- I honestly think it was before. We were attempting to mediate issues through -- through Bob Gaston. We were at his -- Bob Gaston's office which is off Rancho Road.

And Lynita and I were sitting on one side of the table. You and Ms. Provost were there. You were pregnant with I believe your first child. So it's been a long time ago. It was probably five years ago at -- at least. I don't know how old your son is, but I think you were pregnant with your first child.

Mr. Nelson was on the other side of the table and something came up that he started yelling and screaming at me and jumped over the table. You stepped between him and me and

you being pregnant, he pushed you aside very -- very forcefully. I thought it was Ms. Provost that swore at him, because she said something about her being pregnant and what a jerk he is for doing that.

So my recollection was I thought Ms. Provost swore at him. I know that he said I swore at him. I asked Ms. Provost after did I swear at him and Ms. Provost says I think you did, but I don't recall ever swearing at him. I recall Eric Nelson at that point telling me let's go out in the parking lot and fight. Bob Gaston kept cooler minds and obviously a fight in the parking lot did not occur.

MS. PROVOST: No further questions, Your Honor.

THE COURT: Do you have any followup on that specific issue?

MS. FORSBERG: No. No, Your Honor.

THE COURT: Thank you, Mr. Dickerson.

MS. PROVOST: I call Josef Karacsonyi, Your Honor.

MS. FORSBERG: Your Honor, I would have to object to this witness. It's not in the affidavit nor in the declaration and everything must be in the --

MR. KARACSONYI: I signed the --

MS. FORSBERG: -- affidavit or the declaration --

MS. PROVOST: I've got it.

MR. KARACSONYI: Oh, sorry. I can't argue.

MS. FORSBERG: -- as far as what the allegations are for an order to show cause.

MS. PROVOST: Your Honor --

MS. FORSBERG: That's why they're required to be specific and you're not allowed to do a generic declaration or affidavit. So we can certainly address the issues that are in that affidavit and the declaration, but new additional things that are put forth in any other I think are inappropriate.

MS. PROVOST: Your Honor, Mr. Karacsonyi's statements that he will be testifying to were placed in the supplement that is part of Exhibit --

THE COURT: March 28th.

MS. PROVOST: Yes, March 28th, 2014 supplement which Mr. Karacsonyi signed in addition to myself confirming that those are true and accurate statements of what occurred. They have had notice of this. This is not surprise or ambush. And I believe that it is proper for Mr. Karacsonyi to appear as a witness in this matter.

THE COURT: I'll note the objection. It's overruled. Let's go forward and try to finish this up.

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

THE WITNESS: Yes.

JOSEF KARACSONYI

called as a witness on behalf of the Defendant and being first duly sworn, testified as follows on:

DIRECT EXAMINATION

THE CLERK: Please state your name and spell it for the record.

A Josef, J-O-S-E-F, Karacsonyi, K-A-R-A-C-S-O-N-Y-I.

BY MS. PROVOST:

Q And Josef --

A Yes.

Q -- we had a hearing in this matter on October 21st, 2013. Do you remember that?

A Yes.

Q And following that hearing, what occurred?

A I walked out of the courtroom and Mr. Nelson was -- walked out behind -- shortly behind me. And I walked out of the courtroom and I turned to the left and I recall sitting down at one of the first two chairs on the left facing out towards the south. And Eric was at this point standing across from me about four or five feet.

And he said -- nobody else had come out of the courtroom. And he said Josef -- or do you have any children, Josef. And I said nope. And he said well, I hope that when you do have children, what goes around, comes around. Do you

know what I mean. And at that point, I don't recall if I just said yep so as to ignore him or if I didn't say anything. It was one of the two.

And then a few seconds thereafter, everybody else walked out of the courtroom and he left with Ms. Forsberg.

Q And how did you take Mr. Nelson's words to mean at that time?

A Well, I think it was clearly intended to threaten or intimidate me.

Q Other than in these purposes involving this divorce action before Judge Sullivan, have you seen Eric Nelson upon other occasions?

A Yeah, I saw him at a November 13th, 2013 hearing at the RJC. I was there. Ms. Nelson had filed a summary eviction action against Thelma Slaughter (ph) regarding the Pebble Beach home that was awarded to her in the decree of divorce. And Eric had interjected himself into those proceeding and filed an affidavit on Thelma's behalf and had showed up at the proceedings with Thelma and I believe also with Ms. Nelson's mother.

And as we were walking out of the courthouse after the hearing, he was heckling --

MS. FORSBERG: Your Honor, can we stop for a minute? If he's going to go onto something that has nothing to do with

what's in the thing, perhaps, I would have her step out because she'll be a potential witness then if we're going into another area.

THE WITNESS: Oh, okay.

MS. FORSBERG: I don't want to -- because that's Ms. Nelson's --

THE COURT: Are we going to go into that?

MS. FORSBERG: -- mother who's here for --

MR. NELSON: No. No. No. That's Ms. Clark.

THE COURT: Because I really would --

MS. FORSBERG: I mean, Mrs. Clark who is --

MR. NELSON: That's Lynita's mom.

THE WITNESS: Yeah.

MS. FORSBERG: You just said it's with Lynita's mom.

THE WITNESS: Right. I believe --

MS. FORSBERG: Right. You said with Lynita's mom.

THE WITNESS: I believe she was at that hearing --

MS. FORSBERG: Correct.

THE WITNESS: -- I'm pretty sure.

MS. FORSBERG: So I'm saying I probably should have her step out.

THE WITNESS: Oh, okay.

THE COURT: We'll have you step out in case they ask --

MS. FORSBERG: If she mind doing with this. I just -- thank you, Ms. Clark.

THE COURT: We can pickup where you left off. You didn't --

THE WITNESS: And, you know, it was just Eric and I. We were walking out of the courthouse and I had crossed --

MS. FORSBERG: Your Honor, if we can clarify, what day are we on? Because now that we've -- I stopped --

THE WITNESS: November 13, 2013. It was the RJC, because it was a justice court matter. And I walked across the street towards -- I was at the parking lot on the east side across from the RJC.

And Mr. Nelson was still on the other side of the street and he was heckling me or taunting me from across the street yelling at me. And words to the effect of way to go, Josef. This isn't family court. Keep this -- keep tearing families apart, things of that nature. I actually at one point turned on my phone to record as I was getting heckled. And it was loud, because there were cars going by and phones aren't so great, but I held up the phone and asked him if he wanted to say anything else to me and he waved. And then I left.

MS. PROVOST: Nothing further, Your Honor.

CROSS EXAMINATION

BY MS. FORSBERG:

Q Mr. Karacsonyi, do you know who Thelma Slaughter is?

A Only because of these proceedings.

Q What is she -- who is she in relationship to Ms. Nelson?

A I understand she's her sister.

Q So she was evicting her sister, correct?

A That's correct.

Q And her mother was there to support her sister, is that right?

A I would only be speculating as to why her mother was there. I have no idea why her mother was --

Q Was her mother standing with Lynita and Eric or was her mother standing with Lynita -- I mean, with --

A Actually --

Q -- Thelma and Eric or --

A Actually, think that -- that Mr. Nelson had invited her mother there.

Q But that's speculation on your part, correct?

A Well, I know that she didn't come with us.

Q But Thelma Slaughter didn't come with you either, correct?

A No, she was the opposing party.

Q Of course. Isn't it your testimony, Josef, that I

didn't walk out with my client on October 21st, 2013?

A Actually, it's interesting you ask that, because I watched the videotape the other day and you can clearly see in the videotape -- because I wanted to see if it caught me walking out with just Eric. And if the Court were to review the videotape, they would see that you were actually in this one here and you were seated to the right of your client as where it's right now you're sitting to the left of your client. So your client was actually closer to the door.

And I had stood up. Mr. Dickerson was standing on this side of the table here, over here, talking to the people who were seated at the table. And I was already standing up. So I was -- Mr. Nelson and I were actually the two closest people to the door. You may have been talking to opposing -- to opposing counsel, to Mr. Dickerson or maybe to the Court still. I don't know. I walked out and then he walked out and then you guys came out maybe a minute later.

Q Was the hearing with Jeff Luszeck and Mark Solomon?

A Yes, they had already left.

MS. FORSBERG: No further questions, Your Honor.

THE COURT: Any redirect?

MS. PROVOST: Nothing further, Your Honor.

THE COURT: Thank you.

MS. PROVOST: No further witnesses, Your Honor.

THE COURT: It's about a quarter after 12:00. What's your preference? I --

MS. FORSBERG: I would like to get Mr. Martin on the stand. At least he's here, so --

THE COURT: Get him done in about a half hour or so or --

MS. FORSBERG: No, but --

MR. NELSON: 15. Maybe 15. Let's get at him.

MS. FORSBERG: At least we can get started. I just think that --

THE COURT: Okay. Then I want to be convenient to all the witnesses. I would give you more time. I just a have a CLE that I'm presenting at, so --

MS. FORSBERG: I understand.

THE COURT: -- including attorneys to pro bo attorneys who represent children or victims of child abuse and neglect. So --

MS. FORSBERG: I'll let my assistant out of the room since she has a good reason to be. Had to go to the restroom at that.

THE COURT: Yeah, I would think so.

MS. FORSBERG: Since she's also my daughter, I don't want to torture her through this.

THE COURT: Okay. There you go.

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

THE WITNESS: Yes.

ROBERT MARTIN

called as a witness on behalf of the Plaintiff and being first duly sworn, testified as follows on:

DIRECT EXAMINATION

THE CLERK: Please state your name and spell it for the record.

A Robert Martin, R-O-B-E-R-T, A-N-D-E-R-S-O-N, M-A-R-T-I-N.

THE COURT: Mr. Martin, I apologize for keeping you out there so long. We only have about a half hour left, so we'll try to see if we can get most of your testimony done. So I do apologize if we're not able to get you done today, because we want to try to accommodate your schedule on that. So we'll try to see if we can get it done. If not, we -- if we have to reconvene which I would make it a time that's convenient for you, so -- sort of matters you have going.

THE WITNESS: Thank you.

THE COURT: Okay.

BY MS. FORSBERG:

Q Mr. Martin, can you state for the Court what your

occupation is, please?

A I am regional president for a Bank of New York Mellon here in Las Vegas.

Q Can you tell the Court what board you sit on, please?

A I sit on the Board of Safe Nest. I sit on the Board of Public Education Foundation, the executive board of both of those entities. On the UNLV Foundation Board, UNLV Academic Council Board, UNLV Football Foundation Board, UNR Baseball Foundation Board. Those are about it.

THE COURT: You lost me at the UNR Foundation. I'm UNLV. So your credibility will be questioned, but it's with the UNR?

THE WITNESS: I -- I've lived here for 40, but I went to school up there.

Q How do you know Eric and Lynita Nelson?

A I went to high school with Eric.

Q How long have you known Lynita and Eric?

A I've known Eric probably 35 years and Lynita probably 30.

Q Prior to their divorce action, would you consider yourself friends to --

A Yes.

Q -- both of them? We're here today -- and I need --

I'll get right to the testimony to try to short shift it, because I know since we have such limited time. I need to talk to you about March 12th. Do you remember that date?

A Yes, my mother's birthday.

Q Can you start in the morning and tell us if you had any interaction with Mr. Nelson?

A Yes, I did. I -- I talked to Eric probably most mornings I'm going to work and that morning I happened to talk to him. The conversation was kind of what's going on today, blah, blah, blah. I said actually we're going to dinner, it's my mom's birthday. Dad's taking us to dinner at Fleming's tonight. And -- and his response was well, if I'm in the neighborhood, I'll stop by and I'll say hi.

Q Is Mr. Nelson close to your family?

A Yes.

Q Including your mother and father?

A Yes.

Q Okay.

A Season basketball games.

Q Where did you go to dinner that night?

A Fleming's on West Charleston.

Q Did you see Lynita or Mr. Dickerson at Fleming's?

A Yes.

Q So that means you were expecting Mr. Nelson to

appear sometime.

A Frankly, I didn't really expect it, but -- but he said if I'm in the neighborhood, I'll stop by and say hi.

Q Did you see Eric come into the restaurant?

A I did not see him come in. I kind of looked up and I happened to see him at their table.

Q Can you tell the Court anything that you witnessed as far as body language of Mr. Nelson?

A He -- I -- I happened to see him standing at the table. Again, it wasn't maybe 10 seconds, so not very long. And I happened to look up and I happen to see him. And then he walked out. And then it was interesting. Then Bob Dickerson walked out. And I kind of thought maybe they were leaving, but I looked over and Lynita was still at the table sitting there. And that's when I walked out.

Q When you saw Eric Nelson walk out, did he come back into the restaurant a second time?

A No.

Q How far behind Mr. Nelson was Mr. Dickerson?

A Oh, probably 50, 60 feet. I mean, I think Eric was around the corner before he got up and left.

Q Did you see -- before you saw Mr. Nelson at the restaurant, did you see Mr. Dickerson and Ms. Lynita -- Ms. Nelson at the restaurant?

A Yes, actually, my wife ran into Mr. Dickerson him coming out of the restaurant.

Q And that was before Mr. Nelson arrived --

A Yes.

Q -- at the restaurant? And you said you also saw Ms. Nelson?

A Yes.

Q Okay. When you were witnessing their exchange on their -- in the restaurant by the booth, correct?

A Yes.

Q Did you see Mr. Nelson ever touch Mr. Nelson?

A No, I saw him kind of walk towards the table and again, couldn't tell what they were saying, saw some words. Eric seemed pretty calm. And then he walked off and I saw Bob walked off after.

Q Where in your dinner -- birthday dinner were you at at this point? Were you in the beginning, end?

A We had -- we had paid our bill and we were getting ready to leave.

Q When you saw Eric Nelson walk out and then Bob Dickerson walked out, right? That's what you saw? Did you do anything at that point?

A That's when I got up and -- and said I better go out and see and make sure nothing is going on.

Q And what happened when you got outside?

A I -- I told Eric. I said Eric, don't -- you know, by then there was valet parkers and people in between the two of them. And they were barking at each other. And I said, you know, Eric, let it go, the guy's an asshole, leave him alone, he is an asshole, don't get in trouble over it, walk away.

Q Did you ever use the F word?

A Never. And I wouldn't use that word with my parents there.

Q By that time where were your parents?

A My parents -- my parents came out. They probably -- when I started the conversation, they probably were still walking up. My parent -- my dad's 82 and mom's 81. So they were walking slowly and I was walking out. So I walked out probably about the same time Lynita did.

Q Did you talk at all to Mr. Dickerson during this while Eric was there?

A No, I made reference to him, but I didn't talk to him. Yeah, I -- I never met him before.

Q So your only communication was to Eric.

A Yes.

Q What did you do after that point?

A I -- I got my car from valet and I drove off.

Q Was Eric there still or had he already gone?

A He -- he left before I left.

Q How long did the exchange inside the restaurant occurred?

A It couldn't have been more than 10 or 15 seconds. I mean, it was -- it was -- I looked up, Eric was there and then Eric was gone.

Q What about outside?

A That was maybe -- maybe 30 seconds. I mean, again, it wasn't a long ordeal.

Q You didn't see Eric hit Bob Dickerson and touch Bob Dickerson or anything to the like, right?

A No.

Q What did you see outside as far as going on?

A I kind of same them barking at each other, but I was on the other side of the glass door. So when I walked out and the valet guys were in the middle of them, I think when I started talking they kind of stopped and looked at me and -- and I'm sure Bob probably wondered who the hell I was. And things kind of stopped at that point in time.

Q Is that the point when Eric left?

A Yes.

Q Did you talk to Bob Dickerson or Lynita after that exchange?

A I -- I didn't talk to them, no.

MS. FORSBERG: I think I have no further questions, Your Honor.

CROSS EXAMINATION

BY MS. PROVOST:

Q Mr. Martin, you had testified that you and Eric had been friends since high school.

A Correct.

Q In fact, Eric is your best friend.

A Yeah.

Q And that you used to be friends with Lynita.

A Correct.

Q You would not consider yourself to be friends with Lynita anymore.

A Yeah, when she sued my wife, that kind of took away from that.

Q And your wife is Lana Martin.

A Correct.

Q And she was the distribution trustee for Mr. Nelson's trust, correct?

A And -- and Mrs. Nelson's as well. Both of theirs.

Q And that's a voluntary position that she chose to assume.

A Yes.

Q And you stated that the exchange that you saw between Mr. Dickerson and Mr. Nelson was about 15 seconds in length?

A Are you talking -- are you referring to inside or outside?

Q Inside.

A Yeah, 10 to 15 seconds, not very long.

Q You don't --

A And --

Q -- know when Mr. Nelson arrived, do you?

A We were towards the end of our meal, so it was probably 8:00 o'clockish, thereabouts.

Q But you don't know whether or not what you saw was the first time he walked up to the table or a latter time?

A Correct.

Q So he could have been there earlier.

A I guess so.

Q And there could have been an incident that you did not see.

A I mean, anything is possible.

Q And you would have no knowledge of what words were exchanged between Mr. Nelson and Mr. Dickerson.

A No. Correct.

Q And up until that time that you looked up and saw

Eric for about 15 seconds and Mr. Dickerson who had stood up at that point in time for --

A No.

Q -- 15 seconds?

A No, he hadn't sit up at that point in time.

Q He had not.

A No.

Q Okay. What happened until that point in time? I mean, you wouldn't have known if there was something that had happened between Mr. Dickerson and Mr. Nelson.

A Probably not.

Q Similarly, you mentioned that when you walked outside the valet had already gotten between Mr. Dickerson and Mr. Nelson, correct?

A Yes.

Q So you would have no knowledge of what occurred between Mr. Dickerson and Mr. Nelson before you got outside, is that correct?

A Yeah.

Q And you admit that you use the terminology asshole or he's an asshole when referring to Mr. Dickerson.

A Yes, he has a reputation. Yes.

Q He has a reputation.

A Yes.

Q From who?
A A variety of clients that I have.
Q From who?
A I can't tell -- I prefer not to share that with you.
Q Can you name one?
A Yes, but I will not.
Q Have you heard that from Mr. Nelson?
A Oh, I'm sure I have.
Q Mr. Nelson has referred to Mr. Dickerson as an asshole?
A Oh, I'm sure he has.
Q Did Mr. Nelson refer to Mr. Dickerson as a fucking asshole?
A I -- I don't believe so.
Q Did Mr. Nelson use the term fucking person, fucking --
A No.
Q No? What about you?
A No.
Q Never?
A I -- I don't use that term. I won't say never, but I -- I don't use that term.
Q Isn't it possible that you referred to Mr. Dickerson as a fucking asshole that night?

A It -- it's possible, but I don't believe it is. And I don't know why it's an issue, but --

Q And you testified that you thought of your self I'd better get up and go see what's going on.

A Correct.

Q Why would you ever do that, sir?

A Well, because when -- when Bob got up, I thought maybe he's going to the restroom. When he got up, it was pretty evident he was following Eric. And I wanted to make sure that Eric didn't do anything dumb.

MS. PROVOST: Nothing further, Your Honor.

THE COURT: Redirect?

MS. FORSBERG: Yes, Your Honor.

REDIRECT EXAMINATION

BY MS. FORSBERG:

Q How many seconds were you behind Mr. Dickerson when you got up to go outside?

A I was probably -- again, as he got up and left, I was maybe 15 seconds behind, not very far.

Q Was Lynita still in the booth at the time you passed?

A Lynita had gotten up and kind of -- she was closer to the door than I was. But we got to the door probably about the same time.

MS. PROVOST: No further questions, Your Honor.

THE COURT: Thank you, Mr. Martin. We appreciate you coming down here. I know you got a lot of better things you'd rather do like a root canal or something, but --

THE WITNESS: Yes.

THE COURT: -- thank you for coming here. We appreciate your time.

THE WITNESS: Thank you.

THE COURT: Do you have any other short witnesses? I mean, who do you have --

MS. FORSBERG: That's short.

THE COURT: -- that's Mr. Nelson --

MS. FORSBERG: Mr. Nelson which is going to take an extremely long time, so I think --

THE COURT: Do you have any other witnesses you're calling or --

MS. FORSBERG: If you start at 1:00 o'clock, you got to be there at 1:00. Where do you have to be?

THE COURT: Well, how much time do you think you need, another couple hours to get it done? We got Mr. Nelson. And do you have any other witnesses you're planning on calling or --

MS. FORSBERG: Well, we might now. I mean, they've added an extra thing with Josef Karacsonyi.

MS. PROVOST: Is there -- I mean, you have mentioned -- you have excluded Ms. Clark. Do you plan to call Ms. Clark? She's here.

MS. FORSBERG: I do not plan to call, but because his testimony didn't go that way, I just wanted to exclude her out of an abundance of caution, so --

THE COURT: Do you plan to call Ms. Clark or no. No? All right. Then we want to retain -- how do we look? Are you going to need time to get into what he said as to --

MS. FORSBERG: Just as to Mr. Karacsonyi's, you know --

THE COURT: Need some time to get him subpoenaed and stuff like that you think or --

MS. FORSBERG: Of course.

MS. PROVOST: How many more witnesses do you anticipate other than that?

MS. FORSBERG: Well, I certainly can call Lynita as a direct witness and I can call Eric and then one.

MS. PROVOST: Do you really want to start with Lynita? I mean, we've already heard the majority of it I think of what you want to ask her about.

MS. FORSBERG: I'd rather start all at 1:00. I mean, we're already -- you know, he's got to leave in 10 minutes. I don't think we're getting --

THE COURT: What I'll do is I'll look at that as I got -- I do -- and of course, you can call Ms. Lynita, but again, I'm -- I'll make sure we don't rehash the same testimony. I want to give you your chance to put your case on chief as well.

MS. FORSBERG: It just makes sense to go altogether, Your Honor.

THE COURT: I would also like both parties at the conclusion of this to submit memorandum of costs and fees so -- because I intend depending on what my decision is is to impose attorney's fees and costs if it's appropriate. So I want both parties to be able to have that ready to go shortly thereafter. We won't know of course, because we won't know how much it's going to take next time, but we'll have you get that ready to go so you can submit that forthwith upon conclusion of the proceedings. Do we got something in a couple weeks I guess?

THE CLERK: May 7th at 2:00 o'clock. That's a Wednesday.

MS. FORSBERG: Your Honor, I can't. I'm actually conducting a settlement mediation as to the mediators. So I --

THE COURT: Okay. Let me see if we can -- maybe I can get someone to cover one of my afternoon calendars if I

need. If we gave you an afternoon, would that work? What happens is I'm a little busy with my calendars. What I'll do, I'll -- can do my morning and --

MS. DICKERSON: Can we do it that following week, the week of the 12th sometime?

THE COURT: Okay. Maybe the Wednesday afternoon is not quite as busy. I can do the mental health calendar and then jump right in.

MS. FORSBERG: Are we looking for Wednesday, Your Honor?

THE COURT: Let me see. Is there something the week thereafter?

MS. DICKERSON: Oh, I take that back. The 7th, you cannot do the 7th?

MS. FORSBERG: I cannot do the 7th.

MS. DICKERSON: I -- I'm out of town that following week, I'm sorry.

THE CLERK: May 29th which is a --

MS. FORSBERG: Oh.

MS. PROVOST: I am in Hawaii that week, Your Honor.

MS. FORSBERG: I can't.

THE COURT: Everybody's in Hawaii and stuff and I'm like in Pahrump and --

MS. PROVOST: I'm taking the babies to -- for their

last vacation --

MS. FORSBERG: Don't get too far along --

MS. PROVOST: -- before my son starts --

MS. FORSBERG: -- because then I'm going to be gone --

THE COURT: Yeah.

MS. FORSBERG: -- she's due June 28th.

MS. PROVOST: -- before my son starts kindergarten, so --

MS. FORSBERG: She's in Arizona normally, so I'll be there with her.

THE COURT: Oh, okay. When are you due, June?

MS. FORSBERG: June 28th.

MS. WAGNER: June 28th.

MS. FORSBERG: Do you know what you're going to have yet?

MS. WAGNER: A boy.

THE COURT: Do you got any names picked out yet?

MS. WAGNER: Cason.

THE COURT: How about Frank as a middle or something? I might try why I got there, you know.

THE CLERK: How about June 4th?

THE COURT: Well, are you going to be gone that whole week? I don't know when's the 29th. I don't know when

that falls on.

MS. FORSBERG: What time did you say? I have a hearing at 2:00.

THE CLERK: It would be either in the morning or in the afternoon.

MS. FORSBERG: Morning I could do.

THE COURT: June 4th, is that a Wednesday?

MS. FORSBERG: It's a Wednesday.

MS. PROVOST: June 4th would work.

THE COURT: All right. Yeah, start right at 9:00 and give you as much time, that way in case I got --

MS. FORSBERG: That would be fine.

THE COURT: We'll be in recess til June 4th at 9:00 o'clock. Thanks, everybody. I know these are kind of unique proceedings, so I do appreciate everyone being respectful to everyone and counsels and everything. It's kind of a difficult situation, but like I said, we appreciate the professionalism by all counsel involved in the case. All right. We'll see you on June 4th at 9:00 o'clock. I wish you both the best and Ms. Lynita and Mr. Eric and congratulations on your baby and --

MS. WAGNER: Thank you.

THE COURT: -- everything good on that, but I think if you go into labor on June 4th, you got to name it after me.

I think there's a Nevada Revised Statute that if you go into labor in court that you have to name the child after the judge. I think it's NRS -- somewhere in the family court, I think.

(PROCEEDINGS CONCLUDED AT 12:31:51)

* * * * * *

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.

Adrian Medrano

Adrian N. Medrano

A Just never know what he's going to do. You just never know when he's going to snap. And this to me was -- we were in a public place. And it's not just me. It's people that I'm with. And he just doesn't hesitate to threaten or do whatever he wants whenever he wants. And he has a temper that you just never -- I just do not know when he's going to go nuts.

Q Lynita, can you look at Exhibit H for me?

A Yes.

Q What is Exhibit H?

A It is an email from Eric.

Q To who?

A To me.

Q So tiggywinkle55@hotmail.com, is that you?

A It's -- yes, it's the email that we use for communication between him and I.

Q So can you look at this email and tell me if you recall receiving it?

A I do.

Q Does this email have anything to do with Carli Nelson?

A No, it does not.

Q Can you read the email for this Court?

A Can I come off and get it?

Q Take the whole box.

A Okay. You're a joke. You judge me and my faith and you throw your children under the bus by paying Bob with all the kids' college funds. I agreed to the church, but not to people who run scared of Bob Dickerson and won't even stand by this family, only run and hide as the kids are called wasted by Dickerson as you pay him over a million dollars in four years and you believe in God. But you make light that you refused to talk or settle kids' issues without the court. Where is your faith.

Calling people thieves that worked their butts off for you is what he needs to say and accuse them of bad things. Though shall not bear fault witness. I guess you and Bob are above the laws of Christ. The kids are no longer allowed to go to church on my time. Thanks for your smart ass text. I'll be back to court for 50/50 the day we get divorced. It's what Carli and Garett want. It's not all about Lynita and Bob. It should be kids first, but what would upset Queen Lynita.

Q That email was sent after the entry of the behavior order, correct?

A Yes.

Q And that email was sent after the entry of the no contact order that limited your communications to things about

Carli, correct?

A Yes.

Q And you appear to be upset by this email.

A It's just stuff that's said that still bothers me. So it's --

Q Have there been other emails like this sent to you by Eric?

A Yeah, just -- he's just mean. He's just mean and angry and I don't know why it still hurts my feeling, but for some reason I still think it's -- it's just amazing that I did all I did and he still acts like this, yeah.

MS. PROVOST: I'm going to move for the admission of Exhibits H, Your Honor, the emails, April 22nd, 2012, sent by Eric Nelson and received by Lynita Nelson.

THE COURT: Any objection, counsel?

MS. FORSBERG: No objection, Your Honor.

THE COURT: Hereby admitted as Exhibit H.

(Defendant's Exhibit H admitted)

BY MS. PROVOST:

Q Do you think that Eric Nelson violated the terms of your behavior order by sending this email to you?

A Yes, he did.

Q And did Eric Nelson violate the terms of the no contact order in your opinion by sending this email to you?

A Yes, he did.

Q I'll have you turn to Exhibit I, Lynita.

A Sure. Yes.

Q And what is Exhibit I?

A It's an email from Eric to me.

Q And when was this sent?

A It was sent in August of 2013.

Q And was someone else copied on this email?

A Yes, our PC, Dr. Roberts -- or Deborah Roberts.

Q And you say PC. What's a PC?

A He's -- she's our parenting coordinator that was assigned to us.

Q Now can you turn back to Exhibit H for me?

A Sure.

Q And was that emailed copied upon anyone else?

A No, it was not.

Q So he did not send that one to your parenting coordinator, did he?

A No, he occasionally does that and -- but I would forward it to her, because there's some things I -- I guess he just doesn't want to send her.

Q Lynita, looking at Exhibit I which is the August 22nd, 2013 email?

A Yes.

Q And at the top it says re: Carli, right, regarding Carli?

A Oh, wait. Are you on I?

Q I. The very first thing on that email, what does it say?

A Oh, yes. Yes. Regarding Carli, yeah. I'm sorry.

Q Does that email -- can you read it? Does that email have much to do with Carli?

A Oh, no. This is the one. Yeah, no. This is really red, no.

Q Can you read this email?

A Okay. Lynita, I had emailed you earlier that you would be late and Nola (ph) would watch her.

Q When she's saying her, I'm assuming that's Carli?

A Yes, it's Carli.

Q Okay.

A This -- do you want me to tell you what this is about or no?

Q Just read it.

A Okay. Which is what happened. Hope you're having fun with Garett. I heard -- oh --

Q Would it be easier if I read the email, Lynita?

A Oh, I -- I guess I'll just read. I just have to be strong. I heard it was hard on him. I cleaned up his room so

you could sell the house. In a better world, one would hope people could take other's feeling in an out -- ruin -- ruin a time of going to college. Maybe have a sign put up after he left. The home isn't even in MLS, but at least he knows he doesn't have a place at your home anymore.

I guess your powers to be wanted to send a nice message to him and Carli, punch them in the stomach before the school year. They love to play their money hole. If you want to settle anything without hurting two kids, just find someone who would pick up the phone and settle something. They should call Jan (ph), Reid (ph), Brenda (ph) or Brent (ph) are a lot loveless and Bob and Katherine and Josef. Take blind shots at your son and little girls.

Grow up and answer emails and move out and on. Carli is now the only one to hurt. So have them beat her up. They are with -- they are with your child abusers. House not even on MLS. Offer on Mississippi and no response. What message is there for everyone. What plan does your team have for you next. Carli just has a home to live in. 28 years and now Bob Dickerson owns it. Where is the money? Bob and Melissa and Katherine and Josef back pockets and you worry about Carli? Please, punch Garett while you're back there.

Q Okay. What are they referring to when they're talking about the home isn't even in the MLS?

A I didn't have anymore money to live on. So I had to put that house up for sale so that I could have it to live.

Q And that home would be the Palmyra home?

A Yes.

Q And when this email says and now Bob Dickerson owns it, did Mr. Dickerson buy your house?

A No, he did not. Eric could have bought it too, but he didn't buy it.

MS. PROVOST: Move for the admission of Exhibit I, Your Honor.

THE COURT: Any objection to its admission, counsel

MS. FORSBERG: Your Honor, no objections.

THE COURT: All right. Admitted as Exhibit I.

(Defendant's Exhibit I admitted)

BY MS. PROVOST:

Q Exhibit I Lynita is dated August 22nd, 2013. That's when it was sent by email at -- by Eric and received by you, correct?

A Yes.

Q And that would have been after the entry of the behavior order between the two of you?

A Yes.

Q And that would have been after the entry of the no contact order that required that the communications between

the two of you be limited to matters involving Carli?

A Yes.

Q Do you believe that this email is a matter involving Carli?

A No, not to any benefit from her.

Q And actually, let's look at the specific language of the -- hold on one second. The no contact order. It is hereby ordered that a no contact order shall be entered and the party shall have no communication or contact with each other whatsoever including but not limited to any contact in person, by telephone, fax, letter, text message, email, et cetera, unless such contact directly involves an emergency or other exigent circumstance involving the parties' minor children and in such emergency or other exigent circumstance all such contact between the parties shall be by text, mail or email only. Did this email message involve an emergency or exigent circumstance involving Carli?

A No, it did not.

Q Look to the next page, Exhibit J, please. And this -- what is Exhibit J?

A It's another email to me regarding Carli from Mr. Nelson's email.

Q What is the date of this email?

A September 9th, 2013.

Q And this was sent by Eric Nelson to you.
A Yes.
Q And do you recall receiving this email?
A Yes.
Q And this was also CCed upon Deborah Roberts, the parenting coordinator.
A Yes, it was.
Q And if you look at this email, does this email involve an exigent circumstance or other emergency involving Carli?
A No.
MS. PROVOST: Move for the admission of Exhibit J, Your Honor.
MS. FORSBERG: No objection
THE COURT: Hereby admitted as Exhibit J.
(Defendant's Exhibit J admitted)
BY MS. PROVOST:
Q Please turn to Exhibit K, Lynita.
A Okay.
Q And Exhibit K, can you tell me what that is?
A It's an email CCed to Deborah Roberts from Mr. Nelson regarding Carli to me.
Q And what's the date of this email?
A October 23rd, 2013.

Q And do you recall receiving this email?

A Yes.

Q And if you can read through this email, did it -- does this email involve any emergency or exigent circumstance involving Carli?

A No.

MS. PROVOST: Move for the admission of Exhibit K, Your Honor.

MS. FORSBERG: No objection.

THE COURT: Hereby admitted as Exhibit K.

(Defendant's Exhibit K admitted)

BY MS. PROVOST:

Q Exhibit J was dated September 9th, 2013. That would have been after the entry of the behavior order, correct?

A Yes.

Q And after the entry of the no contact order?

A Yes.

Q And then Exhibit K is dated October 23rd, 2013. That would have been after the entry of the behavior order, wouldn't it?

A Yes.

Q And after the entry of the no contact order.

A Yes.

Q And then Lynita, Exhibit L.

A Yes.

Q What is Exhibit L?

A It is regarding Carli's volleyball expenses from Eric on November 29th, 2013. It was CCed to the PC and it was to me.

Q And does this email have anything to do with an emergency or exigent circumstance involving Carli?

A No.

Q Can you read this email for me?

A Sure. I am sure all their kids are having a great Christmas in new homes, new cars, school and all. Over -- I can't see what it is, but it's millions of fees. Carli, you can't play because Bob Dickerson, Melissa, Josef and Joe and other -- I have to give them money. Why, I don't know. But it's what I do. Pay attorneys and sell our home. Get real and give me invoices and bills. I'll pay direct in the future. 11,300 in volleyball and now more two days later. Must have gotten a $30,000 legal bill from your friends or professionals or attorneys. Great people. No son's school money, no Carli money. But attorneys come and get it all. Get my coaches names and invoices.

Q Does Exhibit L have anything to do with the emergency or exigent circumstance involving Carli?

A No.

Q Does it have really anything to do with Carli at all?

A Expenses for her to have extracurricular activity is what he's referring to, but --

Q And November 29th, 2013, that was after the entry of the behavior order?

A Yes.

Q And after the entry of the no contact order.

A Yes.

Q Now you mentioned that you worked with Deborah Roberts as the parenting coordinator, right?

A She was our PC, yes.

Q Did Ms. Roberts ever do anything to alter any of the meaning of the court orders?

A Did she alter any of the what?

Q Court orders in this case.

A No.

Q Did Eric ever file any motions with this Court seeking to alter the court orders in this case? That being the behavior order to be specific.

A No.

Q What about the no contact order?

A No.

Q Did Ms. Roberts expect the two of you to engage in

emails such as Exhibits H through L? Would that -- are those acceptable emails according to Ms. Roberts?

A They were not. No.

MS. FORSBERG: Your Honor, objection. That's calling for Ms. Roberts's opinion.

BY MS. PROVOST:

Q Do you believe Exhibits H through L are acceptable emails based upon the discussions you had with the parenting coordinator?

A No.

Q Do you believe Exhibits H through L comply with the terms of this Court's behavior order?

A They're not acceptable to that.

Q What about the no contact order?

A No.

MS. PROVOST: Nothing further for this witness, Your Honor.

MS. FORSBERG: Thank you, Your Honor.

CROSS EXAMINATION

BY MS. FORSBERG:

Q Ms. Nelson, you just talked about the fact that you don't think any discussion in any of these emails to you about Carli or give me the invoices or anything that are proper to have gone from him to you. So you think this no contact order

and going through Ms. Roberts means that you can't discuss any of that other than emergencies? Is that your opinion?

MS. PROVOST: Objection, Your Honor. I can't understand the question that's being asked, so I don't think the witness can.

THE COURT: Do you understand what she asked or do you want to rephrase it? Do you understand what she's asking you?

THE WITNESS: Maybe rephrase it a little more simple.

BY MS. FORSBERG:

Q I'll rephrase it. From your recent testimony, you stated when Ms. Provost asked is this is an exigent circumstance, is there anything, and you said no.

A That's correct.

Q And she asked if these communications, let's start with Exhibit L. Okay. Let's start with that one. She asked if you thought this was proper communication at all about Carli and you said no, is that correct?

A It's not within the guidelines that were set in the behavior order.

Q So is it your understanding that the guidelines are that you cannot communicate at all even through Ms. Roberts that you need invoices paid? Is that your opinion?

A We -- we were told that it's inappropriate.

Q But you've asked the invoices to be paid several times including all of Carli's, haven't you?

A I -- I have and I've also stated in emails that it's -- it's inappropriate, but since this is the only way that I can get money to live on and to pay for Carli that I have done that.

Q So both of you are communicating that way, correct?

A No, I don't -- I don't talk to him this way. I just basically make it about the money. Yeah.

Q Can you turn in the green one up there, the smaller one, please?

A Sure.

THE COURT: Before you go forward, did you -- I don't think L was ever moved to be admitted into evidence.

MS. PROVOST: Your Honor, move for the admission of L.

THE COURT: Any objection?

MS. FORSBERG: No objection, Your Honor.

THE COURT: Hereby admitted as Exhibit L.

(Defendant's Exhibit L admitted)

MS. PROVOST: So A through L now have been admitted, correct?

THE COURT: Yes.

MS. PROVOST: Thank you.

BY MS. FORSBERG:

Q You just stated that you only email about the money, is that correct, Lynita? I mean, about money for Carli, period?

A I didn't say that's only what I said that I -- that I did do that. I don't know that I used the word only. Did you use that word maybe? Because I --

Q So you're saying that you do communicate about other things not related to Carli or money, is that correct?

A Yes, I do.

Q Okay.

A I have.

Q You just said a minute ago it was about only Carli and money. So what are the other things that you do discuss with Mr. Nelson via email?

A Most recently he offered me a job and so I told him that I would accept it but I set some boundaries and guidelines. And it wasn't going to work, because he changed kind of what those boundaries and guidelines would be. Because I -- I needed to work, so --

Q So about employment is one. Let's go through -- can you look at Exhibit 3, please, in the --

A Sure. I'm there.

Q -- top, it's kind of punched underneath there, but you see it's dated March 17th, do you see that?

A Yes. It's just really short.

Q No, it's actually longer, but the printing falls on the next page. It's very long, several --

A Oh, yeah. I -- March 17th is the date.

Q Right.

A Uh-huh (affirmative). I have it.

Q You see that, correct?

A I do.

Q And do you recognize this email? The photocopy went to the next page, so that's --

A So do I recall this email?

Q Yes. Do you recall sending this email?

A Yes, I do.

Q Okay. Can you look to the very last page of that exhibit, please?

A Look at the look page just before -- sure. Okay.

Q I'm going to read you part of that and you tell me if I've read it correctly, okay?

A Yeah. Where are you going to start?

Q On the third little paragraph, Section O. Okay. In your part, okay? It says your empty statements. Do you see that?

A Yes.

Q So you say your empty statements, counterfeit offers as well as meaningless apologies for your actions and existence are nothing but pathetic failed attempts to mask who you are, villainous, repugnant and destructive.

A Yes.

Q That's what you said, correct?

A Yes, I did write that.

Q So that wasn't this nice email about money or a job, correct?

A I don't think it's bad at all.

Q But you admit you wrote that.

A Oh, absolutely.

MS. FORSBERG: I move for admission of Exhibit 3, Your Honor.

THE COURT: Any objection, counsel?

MS. PROVOST: No objection to Exhibit 3, but Rhonda, I'm going to be asking her to read the entire exhibit into the record.

MS. FORSBERG: That's fine.

MS. PROVOST: If you would like to have her do that now, that might save us some time.

MS. FORSBERG: I don't see how that would save time, counsel. I'll let you do it on your redirect.

THE COURT: Okay. The Court can read it. It's admitted into Exhibit 3. I can read the whole thing. I do read every documents in my files before rendering a decision. So I can read it. I don't know if it needs to be read in the file. It's part of the record already. It's being admitted Exhibit 3, but counsel discretion that they think it was taken out of context or wants to put it in a better context, I'll leave that to your discretion, but I don't think she needs to read the whole thing for the record. I'll definitely read it.

(Plaintiff's Exhibit 3 admitted)

MS. FORSBERG: Thank you, Your Honor.

BY MS. FORSBERG:

Q Lynita, I'm -- I look -- let's go to Exhibit 1 in that book also, okay?

A The -- okay.

Q Could you turn to the -- do you recognize this email? It's sent December 18th, 2012, correct?

A Yes.

Q And you sent this, is that right?

A Well, it says -- yes, it says it's from me.

Q Can you turn to the second page of that exhibit, please?

A Sure.

Q I'm going to start at the little bit of the top, the

very top of that page down a little bit, okay?

A Yes.

Q You say previously a sent a list of expenses. You said you would send a check for. I have yet to receive the check for those expenses. As you're well aware, my share of profits, income and assets have not been provided to me many years under your control and direction, therefore, the Judge will render a decision. As I have repeated approximately two years, the PC has not overseeing the finances, any issues dealing with adult children per direction of the Court. But isn't it true you're writing -- is that -- did I read that correctly first?

A Well, I think that when you just have email -- your email like this is the -- the list of expenses would have been --

Q That was a yes or no question. Did I read it correctly?

A You did. I mean, you read what was on the paper.

Q And you wrote asking Eric about finances through the PC coordinator, correct?

A I CCed the parenting coordinator on every email that I ever sent.

Q The question did you write to Eric about financing including getting payment of profits through the parenting

coordinator?

A I didn't ask for profits. I'm not asking for profits there.

Q The question, Ms. Nelson, is did you write this through the parenting coordinator?

MS. PROVOST: Objection, Your Honor. She wrote it to Mr. Nelson.

MS. FORSBERG: Through the parenting coordinator, CCed to the parenting coordinator.

THE WITNESS: She's CCed on this, yes. Every email was CCed that I wrote to the parenting coordinator.

BY MS. FORSBERG:

Q But in this email you were discussing finances including profits, income and assets that have not been provided to you, is that correct?

A Well, do you want to ask that again? I don't know what you're asking me.

Q Is it correct that you were asking Mr. Nelson through the parenting quarter -- coordinator with the -- CCed to parenting coordinator about profits, income and assets have not been provided to me. I'm reading that right back from your statement.

A It's not a question. I was making a statement. You're saying that I'm asking her.

Q You were discussing that with Mr. Nelson.

A I told him, yes. I reminded him, yes. I did say that.

Q So Ms. Nelson, Ms. Provost went through a long tirade about how all this communication is a violation of the orders that we have, correct?

A Well, I wouldn't consider it a tirade. No, I wouldn't agree with that.

Q I stand corrected. She questioned you about that, correct?

A She asked me some questions. She did.

Q On C, on under Exhibit C, is that stipulation with a no contact, correct?

A Where do you want --

Q In book C.

A -- me to be?

Q From C, under C on the tab, is the stipulation and order --

THE COURT: Exhibit C, the --

Q -- for no contact. Do you remember that?

A Oh, on my C. Okay. Yeah. And I'm sorry. Again, what are you asking me?

Q You see that the date on that no contact order was filed October 5th, 2011, correct?

A I do, yes.

Q And your communication under Exhibit 1, what's the date on that?

A December 18th, 2012.

Q Okay. So clearly that's after the behavior -- no contact order was put in place, right?

A Yeah, I --

Q So under your assumption from the previous emails, this would also be a violation of that no contact order, correct?

A I suppose you could consider that. Uh-huh (affirmative).

Q That's a yes?

A Because I was speaking about money, yes, and it wasn't -- yes.

Q That's okay. You answered it.

MS. FORSBERG: Your Honor, I ask that Exhibit 1 be admitted.

THE COURT: Any objections, counsel?

MS. PROVOST: I have no objection to the entirety of 1 being admitted provided it's read in context made in the whole email.

THE COURT: It will be admitted as Exhibit Number 1 and again, this Court will review the entire exhibits in great

detail in fairness to both parties.

(Plaintiff's Exhibit 1 admitted)

BY MS. FORSBERG:

Q Ms. Nelson, we've went over a lot more emails that you have provided.

MS. FORSBERG: The Court's indulgence, Your Honor. One second.

Q Under Exhibit I, Ms. Provost questioned you as to this email. Do you recall that?

A Yeah, I wanted to turn to it though.

Q Okay. Please do.

A Yes.

Q Isn't it true that Mr. Nelson was concerned because the children were distraught over this packing without the house even being put up for sale?

MS. PROVOST: Objection, Your Honor. How would she know what Mr. Nelson was concerned of?

MS. FORSBERG: She read the email.

THE COURT: Sustained. You can ask her what's the understanding of that email if you want and how you interpreted it.

THE WITNESS: You know --

BY MS. FORSBERG:

Q Let me ask it a different way. I'll --

A Yeah.

Q -- make it simple. Ms. Nelson, wasn't Garett having a hard time with the move?

A It --

Q Yes or no? A simple yes or no question.

A He was struggling.

Q How about Carli? Was she struggling as well?

A I don't believe she did, not like Garett did.

Q And Eric was writing about that saying that I heard it was hard on him. Do you see that on the second line, correct? Is that what that says, Ms. Nelson?

A I heard it was hard on him is what it says, yes.

Q And you -- but him he was referring to as Garett, is that correct? That was your understanding?

A He was. It's also dated 8/22/13, so he's not a minor at that time anymore either. So --

Q So Ms. Nelson, do you think --

A -- he wouldn't be discussing

Q -- that you could talk about finances through your emails, you're okay with that, but it's not okay to discuss your adult children?

A I pointed out the -- well, that's not appropriate either.

Q But you guys do that, correct?

A I do not discuss the adult children in emails with Eric that I recall. I'm sure you'll find one.

Q Let's turn to Exhibit J, please.

A Okay. I'm there.

Q Isn't it true Ms. Nelson that you actually had sent a previous email to this one stating that you were going to be at the racetrack, correct?

A I did state I was going to be there. Yeah, I was going.

Q So this is in response to you stating you were going, correct?

A I -- I can't say that this was a response to that.

Q Then read the first line for me, please. What does it say where it starts Lynita, I appreciate? Can you start there?

A Lynita, I appreciate your thought of going. Your attorneys continue to attack and threaten my children, employees, family and me.

Q What does the next line say?

A It is not wise for you to be there and disrupt the above.

Q Okay. So he was responding to your statement that you were going to be at the racetrack, correct?

A He -- yes, he was responding to -- yeah, but you

said the previous email to this and I don't know that that was the previous email, but an email that was written, yeah.

Q And it was written by --

A Because we were trying to --

Q -- you about going to the racetrack, correct?

A We were trying to workout -- well, I was trying to workout. I don't know that he was. Carli was going to go. And so we were discussing how she was going to get there. He had asked me to take her to the airport because he was leaving beforehand. So he wanted her to be there, but yet he wasn't able to take care of her or get her there.

Q But that wouldn't be an exigent circumstance or an emergency, would it?

A For me to have -- for him to ask me to take Carli to the airport?

Q There was no emergency. She wasn't at the hospital. She wasn't being anything like that, correct?

A No, but you have to discuss that with Mr. Nelson. He's the one that wanted me to take her to the airport and to get her to the track on the weekend that it was supposed to be his.

Q Ms. Nelson, were all the adult children there as well at the racetrack to your knowledge at least some of them?

A I don't think Garett was there. Oh, I think Garett

was gone.

Q But the other adult children were there to your knowledge?

A They were, yeah.

Q So there was no emergency that you had to be there for Carli, correct?

A At the track?

Q Uh-huh (affirmative).

A No, did I say that though? I didn't go to the track for Carli.

Q Ms. Nelson --

A I mean --

Q -- did you go to the track?

A -- I didn't go for Carli. Absolutely. Yeah.

Q Did you see --

A I haven't --

Q -- Mr. Nelson and the children there?

A Yeah, I saw Mr. Nelson there, yeah. He came over, yeah, and talked to my uncle and aunt and to myself, actually.

Q You knew he was going to be there, correct?

A Yes, I knew he was going to be there.

Q When you chose to go.

A Absolutely. I have an interest in that track. I've been there my whole life with my kids. I -- he didn't have

any right to tell me I could go or not go.

Q Ms. Nelson, didn't you make a previous statement that you were scared of Eric?

A I am afraid of him, yeah.

Q But yet you still choose to go to a track where you know he's going to be?

A There are certain circumstances that are different than others.

Q Is that a yes?

A What was the question?

Q You did choose to still go to a track where you knew he was, is that a yes?

A I went into a track to watch the horses run.

Q And you knew he was going to be there though.

A Yeah, I figured he would be there. I didn't know that I would see him though.

Q Ms. Nelson, if we can go back into the green little binder, please.

A Yes.

Q On your number two --

A Is that the February 23rd --

Q Correct. It starts with February 23rd.

A Okay.

Q There's several emails attached here between you and

Mr. Nelson.

A Okay.

Q Can you look at those for a few and take a few minutes please and look at those?

A Oh, there are quite a few. Okay. So you want to give me time to read them or --

Q You don't need to read them all, but just kind of flip through them if you could.

A Oh, yeah. This is about a job.

Q Correct.

A Okay.

Q Correct.

A Uh-huh (affirmative).

Q So you recognize these emails, correct?

A I do. Uh-huh (affirmative). We -- we emailed extensively on -- or I considered it extensive emails about it, yeah.

Q And can you explain to the Court what you were emailing each other about?

A I was hoping to -- well, he had said that we could -- it says -- he's talking about people leaving at his office and how there's openings coming up. And he said if you want to make extra money, I could work with you on the assets that are frozen and it could benefit us. And you can -- because I

-- I think I talked to him about how I needed to earn some more money. And he says and give you at least 3,000 to 5,000 extra income a month.

So he hasn't even during the marriage he's prevented what I considered me to be able to work outside the home or work. And this was an opportunity that like I'm 50 percent owner in.

Q So let me clarify. You're kind of going on this whole thing. I just wanted to be clear.

A Yeah.

Q You guys were discussing you working with Ms. Nelson, correct?

A I was going to work on --

Q Let me make it simpler for the Judge.

A -- I agreed that I would work on projects in a separate office away from his office from him. Yes, it was to work.

Q Wasn't the office in the same building you were asking if one was vacant, correct?

A Yeah, downstairs, but that's not in his office with the girls with his secretaries, because I wouldn't be able to work with them.

Q Isn't it true you actually asked for $15 an hour to begin with?

A I did, absolutely.

Q And he actually offered you more than that, isn't that correct?

A Well, yes. Con -- yes. Considering the hours that I would work, $5,000 would -- was -- is substantially more than $15 an hour.

MS. FORSBERG: Your Honor, I would ask for the admission of Exhibit 2, please.

MS. PROVOST: No objection to 2.

THE COURT: Hereby admitted as Exhibit Number 2.

(Plaintiff's Exhibit 2 admitted)

BY MS. FORSBERG:

Q Ms. Nelson -- or Ms. Provost, sorry. Ms. Provost discussed going to The Orleans. Do you remember that part of your questioning?

A Uh-huh (affirmative). There's an -- I think there's an email about it or some -- or something, yeah.

Q If you look on -- you -- Ms. Provost said that you received a letter from The Orleans, is that correct?

A Yes. I think there's a copy of it.

Q Can you turn to Exhibit 4 please in the --

A Sure.

Q Now you opened this letter, correct?

A I did, yeah. It came to my house.

Q Who is it addressed to?
A It says dear Eric Nelson.
Q I don't see Lynita Nelson on there anywhere, do you?
A Nope.
Q But you yet opened his mail.
A Yes, I do. It came to my house.
Q What was the date of this?
A February 12th.
Q What year?
A This year, 2014.
Q You do realize you're not really permitted to open other person's mails, do you know that?
A I open all the mail that comes to my house especially if it maybe concerning myself.
Q But this didn't have your name on it anywhere, correct?
A No, it doesn't.
Q You contacted Mr. Nelson when you received this, is that correct?
A I don't remember. Did I? I don't remember.
Q The question was to you. I can't answer it for you, ma'am.
A Well, I had to have, because we met down there.
Q Okay.

A Yeah.

Q So you asked him to go down there or he suggested one of the two?

A It looks like he said you're welcome to get a subpoena or Lynita let's go down there and split whatever it is. So it looks like he suggested we go down there. I think that I did express to him though that I wanted to be there, because I couldn't trust what amount money was -- what the money was in there. So I wanted to be there. I thought it was important I was there.

Q This email string, it's kind of printed weird because the way it comes through on your guys' phone sometimes. You recognize this, correct?

A Could I have a second just to read it?

Q You can flip through it.

A Okay. Oh, yeah. I sent him an email and said -- yeah.

Q And you CCed Mr. Dickerson on it, correct?

A I did. It shows a copy here.

Q Mr. Dickerson replied and replied to both of you, is that right, you and Mr. Nelson? His email is attached where it says email to me. That's Eric. Is that Eric's writing? Do you see that email to me? It's like on the third page.

A Oh. Oh. Oh. Oh. Okay. Yeah, I see that now.

Q So you see that this also went to Eric Nelson.
A Oh, that's from Bob, yeah.
Q So Mr. Dickerson emailed to you and Mr. Nelson directly.
A Yes, I see that, yes.
Q Did you go to The Orleans then?
A I did.
Q And what did you find out about the account? How much money --
A Well, that's funny --
Q -- did you guys have in it?
A -- because -- it was funny because they were looking -- what I found out was that they were actually led to believe that the account they were looking under was actually not Eric Nelson's account. It was another Eric. So I found that out. I found that he had gone before me and done some work and talked to them before I got there.
Q Did they review -- ma'am, did they review the account with you, yes or no?
A They got a copy of the account, yeah, and showed me, yeah. I think there was a nickel or a -- or four cents or something in it.
Q So it turned out to be four cents --
A I think --

Q -- of five cents --

A -- a nickel.

Q -- something like a nickel?

A I think a nickel, yeah, because he told me he would give it to me.

Q Okay.

A He left before he gave it to me, actually.

MS. FORSBERG: Your Honor, I would ask for the admission of Exhibit 4.

MS. PROVOST: No objection, Your Honor.

THE COURT: Hereby admitted as Exhibit Number 4.

(Plaintiff's Exhibit 4 admitted)

BY MS. FORSBERG:

Q Let's switch gears a little bit, okay, Lynita?

A Yeah, whatever you desire.

Q Let's talk about the funeral on March 11th, okay?

A The funeral? Sure.

Q Isn't it true -- you said in your testimony earlier that you only discussed with Mr. Nelson at the funeral about you coming to the house to pick -- to see your grandson.

A I would like to repeat what I said that I said. When you say only --

Q Is that a yes or a no?

A -- it's --

Q You stated I only -- we only talked about going to the house, me being able to come to his house to see my grandson.

A I would like to repeat what I believe that I said.

Q Okay.

A Is it okay for me to come to the house and pickup Franklin.

Q Okay. That's fine. You were kind of saying the same thing. Isn't it true you also talked about whether he ordered the flowers you asked him to and put your --

A Oh.

Q -- name on it.

A We did. We did. Yes. I did ask, yeah, because it's -- I don't trust really what he said, but I figured he would tell me that.

Q So you had previously asked him to get the flowers and put your name on them for this family neighbor, right? He was the neighbor that passed away, right?

A Actually, he asked me to do it.

Q But he ended up doing it, is that correct?

A I asked him if he would do it, because I didn't have the money to pay for it.

Q And did he order them to put your name on it?

A He said that he did. I didn't go through the

flowers to see if he actually did it or not.

Q So you could have gone through the flowers there if you wanted, correct?

A Honestly, absolutely. I could have stood there --

Q You could have, but --

A -- and gone through all the flowers, yeah.

Q But you chose to believe Mr. Nelson that he put your name on there. You had no reason to believe he wouldn't. It's flowers for a friend.

A I do have every reason to believe that he wouldn't have put my name on it. Yes, I do have every reason to do that. I don't trust anything he says or does.

Q So you went to the house that evening, correct? March 11th. We're still on March 11th.

A I went that afternoon --

Q To Eric's house.

A -- to pickup --

Q -- oh, it's the afternoon?

A -- Franklin.

Q And you stated that you didn't end up picking up Franklin, that -- you stated that Alita was there when you got there, correct?

A She was. Uh-huh (affirmative).

Q And you also stated that you didn't take Franklin

with you.

A I didn't get to have -- I didn't get to babysit him. I didn't. Unh-unh (negative).

Q So you didn't take him with you to the doctors with Aubrey?

A I don't even know. No, I think she asked him to stay there with -- with Eric. I think Eric babysat him.

Q What about the airport? Did you take Aubrey to the airport?

A I don't know if I did. I kind of forget.

Q Ms. Nelson, are you on any medication?

A No, I probably should be though. No, I'm actually -- I am on -- I am on one medication. I take one -- what consider -- what I have -- like a prescription?

Q Yes.

A I do -- yes, I do take one.

Q And what prescription is that?

A Metoprolol.

Q And that's a beta blocker, correct?

A That's for my blood pressure, because I have a heart condition.

Q Ms. Nelson, you realize that what you're asking of this Court for this proceeding is that Mr. Nelson goes to jail. Do you realize that?

A I believe that he should --

Q That's a yes or no. You believe -- are you asking this Court for Mr. Nelson to go to jail?

A I'm asking for whatever the Court sees fit for his contempt to be imposed.

Q Would you say that things were at least cordial in Eric Nelson's house on the 11th when you came and visited with Franklin?

A What do you mean things were cordial?

Q Nobody made you feel uncomfortable, nobody said anything mean to you, is that correct?

A And -- and nobody really -- I only talked to Alita, actually.

Q You talked -- didn't you talk to Aubrey?

A Oh, a little bit, yeah.

Q How about Erica? Did you talk to Erica?

A I don't know. I think I -- I was sitting on the floor and I think -- I was -- I -- I -- yes, I would say things were cordial. Absolutely.

Q Okay.

A But I wasn't talking to -- to Mr. Nelson, so --

Q Was all of the adults and possibly Carli interacting with Franklin?

A Actually, Carli wasn't there. It was -- yeah, he

was the center of attention and that's why I was there was to be with -- with Franklin.

Q And Eric was interacting with Franklin as well, right?

A I don't believe he was. He was just -- I don't think he said a word, actually. I don't remember him saying anything at all. He was just sitting back in the kitchen. Franklin was playing with a ball.

Q Lynita, you stated originally that when you got there that you -- Aubrey was going to bring him to you, correct?

A That's what I understood.

Q But then after a few minutes you decided to go in the house, correct?

A To go see if I could help. Uh-huh (affirmative).

Q And of course clearly 2014 is after the no contact order, correct?

A It is.

Q And you let yourself in at the house, correct? Nobody came and answered the door for you.

A No, the door was wide open. Aubrey left it wide open. Made me think she was going to come right out.

Q The next day was the March 12th, correct? From the date you were at his house, the next day was March 12th.

A Yes.

Q And you were -- you stated earlier on the record that you were at Fleming's with Mr. Dickerson.

A Yes.

Q Was Mr. Dickerson drinking alcohol during dinner?

A He had -- yes, he had brought some wine with him. Do you -- can I get a bottle of water?

THE COURT: Sure. Anybody else want anymore water? Anybody else need it? If you need some more, we'll get some water for them. Okay.

Q Ms. Nelson, your testimony was that when Eric came in he shook Mr. Dickerson's hand and tried to shake your hand, correct?

A He reached his hand out. Yes, he did.

Q And he was polite and cordial when he came up and spoke to you and Mr. Dickerson, correct?

A I wouldn't agree with that, no.

Q You said he asked --

A Just because you shake --

Q -- how dinner was, is that right? You said he asked how dinner was, is that right?

A There is more --

Q Is that a yes or a no?

A There is more to what happens besides what comes out

of your mouth.

MS. FORSBERG: Your Honor, I would ask that you instruct the witness to answer yes or no.

THE COURT: Well, you said cordial. I guess she could answer --

THE WITNESS: No.

THE COURT: -- if she wants to say no. I mean --

Q Isn't it true that you stated that he asked Mr. Dickerson how dinner was?

A Yes, he did.

Q And Mr. Dickerson said good or fine, correct?

A Uh-huh (affirmative).

Q You also stated that he -- in your testimony, you stated that he said when you wouldn't shake his hand, you said Mr. Nelson had stated is that how you're going to be. That was your testimony, correct?

A Uh-huh (affirmative).

Q Can you --

A Yes.

Q -- turn to the -- your affidavit, please, that's attached to the supplemental on Exhibit F?

A Okay. Give me just a minute. Okay. And where do you want me to go?

Q Well, I want you to look at your declaration. It's

Exhibit A to that exhibit. I mean, to that Exhibit F. It's Exhibit A.

A Oh, I see. I'm there. Uh-huh (affirmative).

Q You're there. Okay. Your declaration. You see that, correct?

A Yes, I do.

Q And this is not a signed and notarized affidavit. It's a declaration, correct?

A Yeah, I don't think I have it. Yeah, it's not notarized.

Q Can you tell me anywhere on there that says in quotes that Eric said is that how you're going to be?

A No, but this is just -- like these are just bullet points that happen. There's --

Q Is that a yes or a no?

A Do I see it here?

Q Yes.

A I do not see it here, no.

Q So you're saying that this isn't all that occurred?

A And it's pretty much bullet points. It's like the main things that -- that I felt was important that happened. That's correct.

Q So you want this Court to believe that he came in, shook Mr. Dickerson's hand, offered to shake your hand and

then another minute was trying to hold Mr. Dickerson down with some claw grip that you claim?

A Yes, that's how --

Q Is that your testimony?

A That's how he works.

Q You said Fleming's was very crowded inside, correct?

A It was busy. Uh-huh (affirmative).

Q And no staff came to you until after this occurred?

A No, there was staff there.

Q Nobody called 911?

A I don't know if they did or not. I didn't go and ask.

Q No security appeared at your table, correct?

A I don't have security at the restaurant.

Q I believe you said you asked for security, correct?

A I did. They don't -- they don't have security there.

Q You stated in your testimony that after this exchange with Mr. Dickerson occurred that Mr. Nelson turned around and left, correct?

A After what part?

Q At your exchange --

A Can you be more specific?

Q -- at the table you stated Mr. Nelson turned around

and left was your words.

A Well, they had agreed to go outside, so he was walking outside, I guess. But then he came back again. He came back.

Q He never came to your table, did he, a second time, did he?

A Yeah, he did. He came back to the table where Bob and I were.

Q And you said that he turned around and left. And Mr. Dickerson was still sitting in the booth with you, correct?

A When he came back the second time, Mr. Dickerson was standing up at that time.

Q Did Mr. Nelson say anything to Mr. Dickerson?

A I believe he did, but I couldn't tell you what he said. Maybe are you're coming or something. I mean, he came --

Q So that's your speculation on your part then, correct?

A Possibly. He did speak to him. I mean, he -- the -- the body language and the way he came back was -- was not for pleasantries.

Q Do you think it's possible he was coming back to talk to Martin, not you?

A Absolutely not. He was standing right at our table.
Q Didn't your statement say --
A And the Martins weren't anywhere around.
Q Didn't your statement in your declaration state that you guys were sitting at the front of the restaurant?
A We were sitting in the first row of booths from the bar. So that would be, you know, just past the bar. It would be the first row into the restaurant.
Q Mr. Dickerson got outside a lot sooner than you did, didn't he?
A He left, yes, before I did. Yeah.
Q And he followed after Eric went out, correct?
A He was probably after Eric, yeah.
Q Have you seen any communication from me or my office that gives Mr. Dickerson permission to have communication with Mr. Nelson?
A Have I seen anything from your office?
Q Right.
A I don't believe so. Like something you would have sent to me?
Q Right. Are you aware of anything that I might have written that would give Mr. Dickerson permission to go talk to my client?
A No, not that I recall.

Q And you stated he -- Mr. Dickerson followed out of the restaurant, correct? Yes or no?

A I think so, yeah. Yeah.

Q You've talked about getting outside and you saw that Jim and Debbie are Bob's parents, Bob Martin's parents, correct?

A No.

Q Oh, that's -- they're brother and sister. Sorry. I had them wrong. But you know Jim and Debbie, correct?

A I do.

Q Okay. And you saw them out there as well, correct?

A Yes.

Q Did you see Bob Martin's parents?

A Yes, I did. Eventually. His dad didn't come out until later though. Harry. I think he was --

Q But his mom was out there, correct?

A -- paying the bill. Yeah, she was standing with Debbie and Jim. Uh-huh (affirmative).

Q And you visited with them, is that correct?

A Yes. I've -- I've known them for years.

Q Bob Martin also came out to get his car, is that correct?

A He did.

Q With the valet right there, right?

A Yes, he -- he parked it with valet. Yes. Uh-huh (affirmative).

Q Ms. Nelson, did Mr. Nelson leave before Mr. Martin did?

A I can't tell you that. I don't know.

Q Weren't you still standing there with the Martins?

A I was.

Q And you saw Eric leave.

A I did not.

Q You didn't hear any of the exchange between Mr. Dickerson and Mr. Nelson outside, correct?

A Not any spoken, no.

Q Okay.

A I just saw --

Q You've answered it. You saw the valet pull Mr. Dickerson away from Mr. Nelson, didn't you?

A No.

Q Ms. Nelson, were you drinking at dinner also?

A No, I don't drink.

MS. FORSBERG: Your Honor, the Court's indulgence. One second. I'm almost done with her.

Q Ms. Nelson, between this -- on this declaration --

A Oh.

Q -- that you submitted --

A Tell me again?

Q This declaration.

A Oh, right. Where I was --

Q To -- right where --

A -- and at.

Q -- you were.

A Yeah. Yeah. Yes.

Q I've looked through this and I see no information in your declaration either this one, so look at that one, please. You remember writing this, correct, or --

A Well, I'm here right now. If you're talking about something specific, could you point it out?

Q If you'll look at that one first. And then you also did an affidavit with your opposition and countermotion, correct?

A Where is that at?

Q It is one Page -- Exhibit -- it's on Exhibit D.

A Okay. So I'm in F.

Q You can kind of hold the pen in F and then we'll --

A Yeah. And then --

Q -- go to D, okay?

A -- go to D. Okay. And what page is that on?

Q It's Page 24 of 35.

A Okay. Thank you.

Q Do you see that?

A Okay. I am there, yes.

Q So that's your --

A Okay.

Q -- affidavit as well, true?

A Yes.

Q Okay. I've looked through both of these affidavits and this is your basis of your motion for an order to show cause, correct?

A Yes.

Q Okay. Can you tell me where on either one of those that you had any information about Joe, Josef Karacsonyi and some incident that allegedly occurred on either of your affidavit or your declaration?

A I don't believe that's mentioned in these.

Q Thank you.

A I would have to look through it all. Do you want me to read it through it again?

Q Do you recall -- you put this information together whether you had assistance, but this is your words, correct?

A Yeah, but I don't know that I would -- I think I would be more comfortable if I went through it a little bit more.

Q Take your time. Let me know when you're done, okay?

TRANS

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EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

ERIC L. NELSON, Plaintiff, vs. LYNITA NELSON, Defendant.	CASE NO. D-09-411537-D DEPT. L **(SEALED)**

BEFORE THE HONORABLE FRANK P. SULLIVAN
DISTRICT COURT JUDGE

TRANSCRIPT RE: ORDER TO SHOW CAUSE

THURSDAY, APRIL 24, 2014

APPEARANCES:

The Plaintiff:	ERIC L. NELSON
For the Plaintiff:	RHONDA FORSBERG, ESQ. 64 N. Pecos Rd., #700 Henderson, Nevada 89074 (702) 990-6448
The Defendant:	LYNITA NELSON
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Docket 66772 Document 2016-06679
RAPP000359

INDEX OF WITNESSES

	DIRECT	CROSS	REDIRECT	RECROSS
THURSDAY, APRIL 24, 2014				
PLAINTIFF'S WITNESSES				
ROBERT MARTIN	134	141	145	--
DEFENDANT'S WITNESSES				
LYNITA NELSON	22	62	--	--
ROBERT DICKERSON	103	115	123	--
JOSEF KARACSONYI	127	130	--	--

* * * * *

INDEX OF EXHIBITS

	ADMITTED
THURSDAY, APRIL 24, 2014	
PLAINTIFF'S EXHIBITS:	
1 -	73
2 -	81
3 -	68
4 -	85
DEFENDANT'S EXHIBITS:	
A through G -	24
H -	52
I -	56
J -	58
K -	59
L -	64

* * * * *

LAS VEGAS, NEVADA THURSDAY, APRIL 24, 2014

PROCEEDINGS

(THE PROCEEDINGS BEGAN AT 09:09:23)

THE COURT: This is the time set in the matter of the Nelson matter, case number D-411537. We'll get everyone's appearances for the record and we'll get this matter on. Well, we'll start with our movements. Counsel.

MS. PROVOST: Good morning, Your Honor. Katherine Provost, bar number 8414. Also present is Robert Dickerson, bar number 945, and Josef Karacsonyi, bar number 10 --

MR. KARACSONYI: 634.

MS. PROVOST: -- 634. And Lynita Nelson who is sitting to my left.

THE COURT: Good morning, Ms. Nelson.

MS. FORSBERG: Good morning, Your Honor. Rhonda Forsberg, 9557, on behalf of Mr. Nelson who is present. And with permission of the Court, my assistant Cassidy Wagner (ph).

THE COURT: Good morning. Good morning, Mr. Nelson. This is on for an order to show cause, allegations of contempt of the orders. Are we ready to go forward at this time? Any preliminary matters?

MS. FORSBERG: Your Honor, there is a preliminary

matter that I must bring forth. First of all, he hasn't been properly served with the notice of the order to show cause. And even in Ms. Provost's book she shows that it was mailed down on the 22nd which means we technically wouldn't even have it until tomorrow according to service.

So we would ask of course that without proper order and proper notice of that order, that the issue be dismissed in the alternative the Court wants to continue it, because he has due process rights that are being violated without him being served properly.

MS. PROVOST: Your Honor, as you well know, we forwarded the order to your office and unfortunately you were not available I think it was for a matter of two days. Upon receipt of the signed order from Your Honor's chambers, it was then Friday afternoon. Ms. Forsberg chooses to close her office at noon on Fridays, Your Honor. It's not open until 5:00 p.m. to be able to effectuate service.

It was emailed to Ms. Forsberg. It was mailed to Ms. Forsberg. If Your Honor is inclined to continue these proceedings, it's just going to increase the costs for these parties. We are prepared to go forward today. Mr. Nelson has had knowledge of this hearing.

MR. KARACSONYI: Actually, Your Honor, service is complete upon mailing.

MR. DICKERSON: This doesn't require --

MR. KARACSONYI: This is -- they're just applying a rule for time to respond and oppose where they had three days til the end of the period of time. The rules are that service is complete upon mailing.

MS. FORSBERG: Your Honor, I would object to that, because he would have -- after receiving an order to show cause, he would have a right under NRS 22.030 to object to this court hearing and after it's been ordered and he's received proper order. He did not receive that proper order. Therefore, he still has -- should have time to actually object even to this court hearing it.

And the fact that he didn't -- we didn't received it -- I mean, she -- they want to blame the Court, but the fact I don't believe they got it to you right after the hearing, because if they did, I know this Court that's been over a month, so clearly this Court didn't sit on it. I believe they sat on it. According to the signed order that's in their book, Your Honor, it looks like they didn't present it to the Court until -- and look at the actual order.

Well, it's not there. Theirs was not dated. But the Court signed it on the 18th, Your Honor. So we would ask that his due process rights get -- have to be observed.

MR. KARACSONYI: His rights were, Your Honor, when

the motion was served, he could have filed an opposition. He -- they reserve the right to file a response. They filed an affidavit yesterday. The order to show cause was issued by the Court and the service was complete upon mailing. So these proceedings should go forward today. He'll have every opportunity today to present his testimony as to why he shouldn't be held in contempt.

THE COURT: You brought witnesses today? Do you got witnesses?

MR. KARACSONYI: Yes.

THE COURT: Do you got witnesses here for today?

MS. FORSBERG: We do, but I don't think we should be moving forward.

THE COURT: But my concern, I haven't researched it to be honest and I am worried about procedural due process and matters on that, because to be honest, if I do find contempt, there could be jail time. So I want to make sure there's no procedural issues. I haven't researched -- I didn't realize that was an issue. I did talk about it on March 31st at that hearing and I do note it. I signed the order on the rush matter, but I have not been in the office. So I did sign that to get set for a couple of day.

My concern on that is I didn't want to drag this on any further. I think what we'll do is we'll go forward today.

I'll deny the request to continue. What I will do though, I will definitely research it. And my concern on that is if we're looking at any sanctions on them, I'm hesitant if there is any procedural issues due process issues as to -- that may impact any sanctions we do on that, because as I said, there could be jail time and I take that very serious. So I do want to make sure there's all -- you know, compliance with all procedural and substantive to due process.

Again, I -- as far as those issues, I didn't know there was an issue. I would have researched it before I came on to be better prepared for it. Are you comfortable as far as that? Because, I mean, the issues on that, I'm going to have to have my law clerk research this, but I would hate to continue it, all the people here, to get it done. But I hate to do it and then sit there and find out if I thought there was --

MS. PROVOST: The concern that we would have Your Honor is that your -- basically if Your Honor then finds that there is any due process concerns, we would basically have to do this trial twice.

THE COURT: And so -- and that's my concern. I haven't researched --

MS. PROVOST: We're going to be increasing everyone's expenses twofold and Mrs. Nelson clearly has the

lesser means to be paying for attorney's fees and/or going through trial proceedings. You know, this is more of the pattern of going forward with delays and harassment and increasing her costs every single time back in front of this Court or any other court that Eric has decided to litigate in.

So Your Honor, I mean, if you want to go forward today, we are prepared to go forward today, but the concern is is that if we're going to have to do this twice, it's something that Mrs. Nelson is -- can ill afford at this point in time.

THE COURT: My issue is on that, I haven't researched at all. And I do say is I take these very serious. And if I'm going to do jail time, you know, the issue is going to be -- of course, I haven't found -- if I find contempt, that would be something to be --

MR. DICKERSON: Can you give us --

MS. PROVOST: Your Honor --

THE COURT: -- see, that's my issue of this concern.

MS. PROVOST: Can you give us a 30 minute recess, Your Honor, and we'll do some research and you can ask --

MS. FORSBERG: Your Honor, I would ask a couple things, because the other issue becomes of course pursuant upon him receiving an order to show cause, he has a right to object to this Court being -- to hearing it pursuant to NRS

22.030 of which once we get that -- the proper service we would be filing that objection.

MS. PROVOST: We had Mrs. Forsberg in --

MS. FORSBERG: So I'll even say on the record --

MS. PROVOST: I'm sorry.

THE COURT: Let her finish. Let her finish.

MS. FORSBERG: And the other objection, Your Honor, is we didn't file this motion. So it's not our causing this to keep coming back to court. Ms. Provost just made the statement that we're dragging her and causing her to incur costs. We didn't file the order to show cause. Ms. Nelson filed the order to show cause.

THE COURT: The issue is --

MS. FORSBERG: She signed it. It's on her.

MS. PROVOST: Your Honor, Ms. Forsberg -- this -- when we walk in today and she says I have preliminary matters, this is the first we're hearing of it. Clearly she has received the order to show cause. Clearly she knew about today's proceedings. At any point from the time that she received it or even the last court hearing until today, she could have raised this issue with us. And if it was a problem, we may have been able to reach a resolution. We may have contacted Your Honor and say we need to continue this out.

But that didn't happen. She waited until she was here today. She caused everyone to be prepared for trial today, everyone is ready to go forward and now she's saying let's delay. So Your Honor, what we would ask is --

THE COURT: We'll take a brief recess and look -- I'll let my law clerk do some quick research. My issue on that is the reality of those issues I take contempt proceedings very seriously. I have some people for -- to jail for several contempt. I want to make sure they're all procedural due process --

MR. KARACSONYI: Your Honor --

THE COURT: -- under the issues of --

MR. KARACSONYI: -- I have the research. It's NRCP 5(e). Whenever under these rules service is required or permitted to be made upon an attorney -- represented by an attorney, the service shall be made upon the attorney with support orders that service be made upon the party to be. Service under this rules made by mailing a copy to the attorney or the party at his or her last known address. Service by mail is complete on mailing provided however a motion, answer or other document constituting the initial appearance of a party must also serve by mail be filed within the time allowed for service and provided further that after such initial appearance service by mail may be made only by

mailing from the point within the state of Nevada.

MS. FORSBERG: Your Honor, but he's forgetting that the other rule of three days for mailing does apply. He seems to forget that notice the motion -- the only time you can serve less than 10 days on any motion or a hearing on a motion which this is a motion on an order to show cause hearing is that there is an order shortening time which there is not in this case. So clearly, we need at least 10 days according to that rule --

MR. KARACSONYI: Ms. Forsberg --

MS. FORSBERG: -- to be heard.

MR. KARACSONYI: -- is confusing the rules. The express language of NRCP 5(e) clearly shows that service is effective upon mailing. She's referring to procedural rules dealing with motions and time frames for responses. It has -- and it's totally inapplicable. The fact of the matter is that service was complete upon mailing and we are prepared to go forward.

THE COURT: Why don't we take a 15 minute break. I'm going to go quick and research myself on that and make a clear record for everybody because of my concerns. I want to make sure all procedural due process issues in fairness to everybody.

MS. FORSBERG: We object -- and you take note of the

objection, Your Honor, for this Court hearing it, correct?

THE COURT: Absolutely. We'll note that --

MS. FORSBERG: And we understand why and --

THE COURT: Absolutely. And we'll make a good record on that for everybody on that. We'll take about a 15 minute break. That way we can keep all your witnesses here and let me do a quick down and dirty and think about for a second and see if we can --

MS. FORSBERG: The one last statement Your Honor that I have on it is that Ms. Provost makes a statement that I didn't -- this was mailed on the 22nd. I would have barely at the earliest got it was at the end of last night which that's when I saw this.

MS. PROVOST: It was emailed --

MS. FORSBERG: So --

MS. PROVOST: -- to you over a week ago. It was emailed to you the day of --

MS. FORSBERG: You didn't even issue it until the 22nd. So I don't --

MS. PROVOST: -- last Friday.

MS. FORSBERG: -- know how it could have been possible.

MS. PROVOST: It would have been emailed to you last Friday.

MS. FORSBERG: I did not see that. All I see is this notice of entry of order that says the 22nd.

THE COURT: All right. We'll give you a chance on that and we'll be in recess for 15 minutes and we'll be right back and I'll make a decision and either give you a new date or get going so we can try to get some matters resolved. We'll be in recess for about 15 minutes. Thanks.

(Off record)

THE COURT: On the record in the matter of the Nelson matter, case number D-411537. We'll restate everyone's appearances just for the record just so we have a clean record since it's been about -- took about a 25 minute break so the Court could look at some of the -- do a quick research on some of the issues that were raised as to the opportunity to object. Counsel.

MS. PROVOST: Good morning, Your Honor. Katherine Provost, bar number 8414. Also present is Robert Dickerson, bar number 945, and Josef Karacsonyi, bar number 1034?

MR. KARACSONYI: Yes.

MS. PROVOST: As well as Lynita Nelson to my left.

MS. FORSBERG: Good morning, Your Honor. Rhonda Forsberg, 9557, on behalf of Mr. Nelson and with permission of the Court, my assistant Cassidy Wagner (ph).

THE COURT: There's a little way I see it. On

consider what I see them get a prior chance to respond. This was first raised as the contempt in the supplemental reply that was submitted to a motion, that was submitted on March 28th where it addressed the issues of alleged violation of the order.

We got the Fleming incident, alleging that Fleming's restaurant on the March 12th date with Attorney Dickerson and Ms. Lynita. And also they had mentioned that supplemental about the October 21st after that hearing on the 13th that the allegations of harassing counsel, Mr. Josef on that case.

We had a hearing on March 31st. We have addressed that which at that time we set it for the -- today's contempt hearing. The question comes on then that you were not served with the notice of the order to show cause until it was mailed on April 22nd. I know there is some issue that they said it was emailed, but the way I look at it, email is not effective unless the parties have agreed to electronic email.

And my concern on this case to be honest, I know exactly what's happening in here. Are you guys going to file an objection to me hearing it under NRS 22.030 saying that the Judge should not hear the contempt hearing over the objection of the party. And the issue is on that did you have enough time to get your objection filed with the notice since you were not served the April 22nd. That's the way I see it. And

I know exactly what's going to happen in those cases.

I have looked at the research on the issues about the Judge hearing those cases for contempt. That's my concern is that's what's going to happen. I don't want to waste people's time and go forward today and then have to do a do over, but that's my concern. So you want to get a record on that issue.

And that's my concern on that because that's going to be the basis of their objection. The issue should they have the -- do they have time to file it since they knew on April 28th what the allegations were that we set it on March 31st should they had to file their objection prior to today's hearing. And their position is going to be that they didn't have to because they didn't get notice until the April 22nd. So that's the way I see the issue is that you both on agreement or did I misstate that or is that's kind of the way I see what's going to happen.

MR. KARACSONYI: The objection would be frivolous, Your Honor. NRS 22.030(3) provides except as otherwise provided in the subsection, when the contempt does not come in in the immediate view of presence of the Court, the Judge of the Court and whose contempt of the person is alleged to be shall not preside at the trial of the contempt of the objection of the person.

The provisions of this section do not apply in B, any proceeding described in subsection 1 of NRS 3.223 whether or not a family court has been established in the judicial district. NRS 3.223 provides -- except if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 USC 1901. In each judicial district in which it is established, the family court has original exclusive jurisdiction in any proceeding while pursuant A, while pursuant to Title 5 of NRS or Chapter 31A, 123, 125, divorce actions, 125A, 125B, 125C, custody actions, 126, parentage, 127, 128, 129, 130, 159, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

So it would be utterly frivolous --

THE COURT: The Clark County has jurisdiction. Can I hear it? I mean, that's the issue. I know the Clark County has jurisdiction. The issue is that as a judge on that if they objected to it, would that give me the authority to hear that under those rules. I guess that's the real question on that, because the Clark County has jurisdiction. I read the research that says that Clark has the jurisdiction. The issue is would I as the judicial officer have it if they were to object to me hearing it under that --

MS. FORSBERG: Your Honor --

MR. KARACSONYI: Well --

MS. FORSBERG: -- Al made that clear of, you know --

MR. KARACSONYI: -- the provisions of the subsection do not apply in any proceeding described in -- under that jurisdiction. Obviously, you're sitting in a divorce action, a custody action. So the provisions of that subsection do not apply to any of those actions. I -- this Court, Eighth Judicial District Family Court judges, routinely hear contempt actions in their divorce actions because those types of cases are excluded from application of the rule. And it would be utterly frivolous to delay, for them to even bring that objection and to attempt to delay this matter any further.

MS. FORSBERG: Your Honor, we clearly disagree. Al made it clear that we can object to that. So, you know, I mean, for him to come up with this -- that this is on a divorce action where -- and it clearly also said in A, a final judgment, if you recall, the argument is there is no final judgment or decree here, because that was part of the problem of the decree, because we're going forward on an evidentiary hearing to do that. So clearly, we had had had that right to object, so --

THE COURT: I'm going to deny the request to continue this matter. As I said, these issues were raised. I

was worried about Mr. Nelson having proper notice so he could prepare a defense. I think he has had notice. He has known since March 28th supplemental reply exactly what the allegations were. There's three specific allegations, the Fleming's incident on March 12th with him allegedly harassing Ms. Lynita and also allegedly harassing Mr. Dickerson. And then the issue on October 21st, 2013 allegedly harassing Attorney Josef after that hearing. Those were addressed on the 28th on the March 31st hearing, readdressed and specific. Set a court date for today's date so we can get this done.

I think they did know exactly what the allegations were. My only concern was could I hear that over the objection of the party and did you have enough time to file an objection indicating you were not served with the order until April 22nd. The issue as I -- the order did not add any new allegations other than the three that were addressed based on the hearing on March 31st which is almost a month ago and then we come here with witnesses.

My concern as I said was me hearing the matter. I did not have a time to research in greater detail, but we got witnesses here. We'll go forward. And if it turns out that we have to do a do over, I guess we'll have to do a do over. But we got people here now and we'll try to get this done. This case needs to get moving forward and then I'll leave you

with anything that you want to file or post-hearing briefs or things like that or stays if it's appropriate to give you a chance to any immediate action as you deem appropriate.

At this time, are you ready to go forward at this time?

MR. DICKERSON: We are, Your Honor.

MS. PROVOST: We are, Your Honor.

THE COURT: Are you ready to go forward at this time, Ms. Forsberg?

MS. FORSBERG: Yes, we are.

THE COURT: How much time do you think you need? Because I have to be at a CLE at 1:00 o'clock that I'm given. So we can work through lunch if everyone's okay with that.

MR. DICKERSON: That would be fine.

THE COURT: Okay. Did you want an opening statement at all or going to jump right into it or a brief summary?

MS. PROVOST: No, Your Honor. We can waive the opening.

THE COURT: Did you want a brief summary of your opening?

MS. FORSBERG: Certainly, Your Honor. I never waive a brief chance to do that, Your Honor. A couple issues, Your Honor. As you know, part of the issue has been whether these parties were allowed to communicate. This was a no contact

order. I believe the Court's going to find that the evidence is going to show that these parties have been communicating. Finally, they're getting back to normalcy.

Instead, we want to stir it up because Mr. Dickerson's incident in Fleming where he allege -- well, he doesn't allege. Ms. Lynita Nelson alleges something occurred. So certainly we'll -- we can deal with that.

But the issue about these parties communicating, Your Honor, they are communicating. They should be starting to communicate. It's been almost five years since this divorce began. So clearly they should be communicating. Even to file the original motion for an order to show cause is ridiculous when they know by their own client's communication that that should have been filed, Your Honor.

So I believe the evidence is going to show that they have been communicating mutually and it's a mutual no contact order. I think Ms. Nelson forgets that. She only wants Mr. Nelson to be hung by this noose that she's trying to put around him instead of it being a mutual one as it's ordered, Your Honor.

THE COURT: Thank you, counsel. Ready to go forward at this time, counsel?

MS. PROVOST: We are, Your Honor.

THE COURT: You can call your first witness.

MS. PROVOST: We're calling Lynita Nelson, Your Honor.

THE COURT: Remain standing and raise your right hand. We'll get you sworn in.

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

THE WITNESS: Yes.

LYNITA NELSON

called as a witness on behalf of the Defendant and being first duly sworn, testified as follows on:

DIRECT EXAMINATION

THE CLERK: Please state your name and spell it for the record.

A Lynita Sue Nelson, L-Y-N-I-T-A, S-U-E, N-E-L-S-O-N.

THE COURT: Very good. Sit down and get comfortable. You may proceed at your pleasure.

BY MS. PROVOST:

Q And good morning, Lynita.

A Hi.

Q We're here for an order to show cause. Do you recall that?

A Yes.

Q And you have request that this Court find certain

contempts against Eric Nelson, is that correct?

A Yes.

MS. PROVOST: Rhonda, do you have any objection to Exhibits ending C, D --

MS. FORSBERG: And of course I have objections to based on the previous objection. B, no. I'll have to reserve on C. Just hold with it because I don't -- and D is --

MS. PROVOST: D's part of the record.

MS. FORSBERG: D is fine.

MS. PROVOST: A through --

MS. FORSBERG: D, E, F --

MS. PROVOST: A through G are part of the record already.

MS. FORSBERG: That's fine.

MS. PROVOST: Your Honor, by mutual stipulation, I would move for the admission of Exhibits A, B, C, D, E, F and G.

MS. FORSBERG: Your Honor, I only object as A that we made that objection on the record about not being served, because that one is the notice of entry of order.

THE COURT: That's the April 22nd.

MS. FORSBERG: Yeah. So that's the only caveat on that, Your Honor.

THE COURT: Okay. I'll note the objection is that

-- it was not served until the April 22nd, 2014. I'm going to admit -- Exhibits A through G will be admitted. And we will note the objection raised by counsel.

(Defendant's Exhibits A through G admitted)

THE COURT: Okay. A through G only at this point.

MS. PROVOST: Can I hand the exhibit book to the witness, Your Honor?

THE COURT: Sure.

BY MS. PROVOST:

Q Lynita, can you look at Exhibit A real quick, please?

A Okay.

Q Are you there?

A Uh-huh (affirmative). Yes.

Q Exhibit A purports to be the notice of entry of order to show cause in this matter. Have you see this before?

A Yes.

Q And within that order to show cause, it sets forth specifically the orders that you believe have been violated by Mr. Nelson, is that correct?

A Yes.

Q You would turn to B. B is -- purports to be the order from the March 18, 2010 hearing entered on April 16th, 2010. Have you seen this before?

A Yes, a behavior order.

Q And what do you understand the behavior order does or does not allow for?

A It outlines specifically what behavior is acceptable and not acceptable between Mr. Nelson and I and people that we associate with.

Q Do you believe that Exhibit B is a clear and unambiguous order?

A Yes.

Q Do you have any questions with respect to Exhibit B?

A I do not.

Q Can you turn to Exhibit C?

A Yes.

Q And Exhibit C purports to be a stipulation and order entered on October 5th, 2011. Have you seen this before?

A I have.

Q And what do you understand Exhibit C to be?

A That's a no contact order that we are not to be communicating with each other other than what's related what was then our minor children or issues related to them.

Q And why was it that a no contact order had to be entered in this case?

A Oh, well, because there were 40 to 50 texts and emails that were abusive in nature and threatening and -- a

day. There were threats made to those that worked with me not only you as my counsel, but also other people outside. They were made to friends and those who were working with me on the case and as well as to myself. There was a lot of intimidation and -- and verbal actions made, physical actions as well.

Q Is this the first time that we've been before this Court for a contempt proceedings?

A No.

Q When was the last time if you can recall?

A Well, the last time I recall right now is when I believe Bob received phone calls from Mr. Nelson on his phone.

Q And do you believe that to be prior to the notice of -- or the no contact order or after the no contact order?

A Oh, no, it was after.

Q Since the entry of the no contact order, have there been incidents between you and Eric Nelson that would violate that order?

A Yes, there were.

Q About how many?

A Well, there's more than what we -- that I brought forward to the Court. We didn't bring every single one to the Court. So it's kind of hard to put a number in that.

Q Can you look at Exhibit D for me?

A Uh-huh (affirmative). Yes.

Q And Exhibit D would be the countermotion for -- opposition to a motion that Mr. Nelson filed a countermotion for order to show cause. Do you recall this opposition and countermotion?

A And I'm little nervous. So hold on. I would have to look at it. Oh, yeah. Yeah. Yes.

Q And you reviewed this document before it was filed.

A Yes, I did.

Q And --

A I review everything.

Q -- then you provided an affidavit in support of this motion.

A Yes.

Q And then Exhibit E is the reply to the opposition to our countermotion for order to show cause that was filed by Eric Nelson. Do you recall this document?

A Yes.

Q And you reviewed this document prior to it being filed?

A Yes.

Q And then finally, Exhibit F.

A Okay.

Q This would be the supplement that was filed on March

28th, 2014. Do you recall a supplement that was filed on March 28th, 2014?

A Yes.

Q And did you review this document prior to it being filed?

A Yes, I did.

Q And did you provide an affidavit to this Court in support of the filing of that reply?

A Yes.

Q Lynita, Exhibit G, can you look at that for me?

A Yes.

Q And this would be an affidavit filed -- it appears to be filed yesterday, the 23rd of April on behalf of Mr. Nelson, correct?

A Yes.

Q And have you had the opportunity to review that?

A I did, yes.

Q What is your opinion as to what is stated by Mr. Nelson on the April 23rd, 2014 filing?

A That what is my opinion about it? What --

Q What's your thoughts on it?

A It's -- I would probably normally say laughable, but I don't find it a funny matter at all that I -- I don't find anything in here believable at all.

Q I want you to stay on Exhibit G.

A Okay.

Q And I'll direct you to the second page of Exhibit G. That's the page that begins at the very top, the affidavit of Eric Nelson. Do you see that?

A Yes.

Q And Mr. Nelson makes a representation about March 11th, 2014 in Paragraph 1.

A Yes.

Q Is Mr. Nelson's representation to this Court accurate?

A Portions are.

Q Okay. What happened on March 4th -- March 11th, 2014? Well, let's break it down. Did you see Eric Nelson on March 11th, 2014 at all?

A Yes.

Q When did you see Mr. Nelson?

A The first time that day was at a funeral.

Q And approximately what time was that?

A I believe the funeral began at 11:00.

Q And did you and Mr. Nelson have any communication during the funeral?

A I did. I spoke to him.

Q And what was exchanged between the two of you when

you spoke on March 11th?

A One of our daughters were in town and had asked me to babysit our grandson. and so I asked him if it was fine for me to come and pick him up at his house, the grandson, up at his house, because that's where he was.

Q Did you talk about anything else?

A No.

Q Did you engage in any friendly banter?

A No, I don't have any friendly communications with him.

Q And approximately how long did the two of you speak at the funeral?

A Three seconds, however long it takes to ask if it was fine for me to come pick my grandson up.

Q And did Eric approve for you to go to his house to pickup your grandson?

A He did. He said it was absolutely fine.

Q And so later that day did you -- did there come a time that you saw Eric Nelson for a second time?

A Yes, there was.

Q And when was that?

A Oh, when I had to come inside to get my grandson to babysit him.

Q And about what time of day would that be?

A Maybe oh, 2:15, 2:30, I think. My daughter's appointment I think was around 3:00.

Q And can you tell this Court when you arrived at Eric Nelson's home on March 11th, 2014 what happened?

A I had my daughter in the car with me. She was going to -- what I understood was she was going to go in and get my grandson and bring him out so I could take him to my house and watch him. I haven't seen him at all. She was only in for the day and --

Q Which one would that be?

A Aubrey (ph).

Q And Aubrey is the mother of Franklin (ph) who you referred to earlier?

A Yes.

Q Go ahead.

A So I said are you going to bring him out, are you going to bring the car seat, how are we going to do this. She's a little more of a free spirit compared to my other children. And so I wanted some specifics as to what kind of the guidelines were going to be. And she said yeah, I'll bring him out. So I just waited in the car and after about five minutes she didn't come out. And I knew she had to get to an appointment. So I came in. And the door was -- she left the door open.

And so I came in and said so can I get the car seat, you know, what are we going to do. His -- my sister-in-law was there, Alita (ph). And so when I saw her, I kind of thought oh, this is going to be uncomfortable because she clearly had been the -- had come over to see Franklin and maybe was watching him as well.

But I just felt like the proper thing to do especially because she was there and my daughter, I think another daughter was there as well. I think Erica (ph) was there, was that I just needed to not just grab Franklin and say come on, we're leaving. I just felt like I needed to be just cordial. And --

Q And you mentioned a car seat. How old is Franklin?

A He's going to be two in November, so at the time maybe to one and a half.

Q Okay. So he wouldn't be expected to walk out to your car on his own.

A Oh, no. Unh-unh (negative).

Q You mentioned Alita Nelson being present. What's your relationship with Alita Nelson today?

A She's the -- she is the only one from the family that will communicate and lately it -- she would just send a message home with one of the kids to tell me hello.

Q Did you see Eric Nelson at -- while you were at the

home?

A He was there. I didn't -- yes.

Q And did you and Eric speak at all while you were at his home?

A No, I think I noticed that he was sitting in the kitchen. I don't even know that I even looked at his face. I just could see his feet.

Q So no friendly banter between you and Eric Nelson that day.

A I don't have that relationship with him, no.

Q So when Eric represents that he would -- you were over at his residence visiting him, is that a truthful statement?

A No.

Q Did you -- were you able to take Franklin that day?

A I didn't. I didn't end up taking him.

Q What did you do?

A It -- it got too late. And so Aubrey needed a ride to eye doctor, so she asked Eric if he could watch him and we left.

Q Now if you look at Paragraph --

A That was the only time that I -- that I got to see Franklin was the time that I was there too. So that was another reason that it was -- seemed okay for me, because

sometimes it's only five minutes and --

Q Okay. Eric's affidavit again.

A Yes.

Q Paragraph 2 speaks to a date of March 12th, 2014. Do you recollect March 12th, 2014?

A Yes, I do.

Q Okay. Did -- beginning about -- now what happened on March 12th, 2014?

A Oh, my. Like in my world, like the -- I -- I had an appointment at -- at your office in --

Q And what time would that be?

A I think it was at 4:00 o'clock.

Q Okay. Who was present for that appointment?

A You were there and Bob and Josef.

Q And without going into the discussions that you had with your counsel, what occurred during the March 12th, 2014 -- when I say don't go into the discussions, I mean about your case, the specifics of your case.

A My case is multifaceted. There were some things that we needed to review as everyone that represents me has -- takes care of different portions of it. And we needed to get together and review and -- and be updated on -- on what was happened because --

Q And you said that began around 4:00 o'clock you

think?

A I believe so.

Q And about what time did that meeting end?

A About 5:15 or so. It was after 5:00.

Q Okay. What happened when that meeting ended at 5:15?

A We had discussed going to dinner just to talk a little bit more we -- you were unable to go and Josef was unable to go. So bob and I decided that we had things that we would discuss. And so we went to dinner. He -- he went home I think first because his son was in town, but I just met him over at Fleming's.

Q So you and Mr. Dickerson went to Fleming's together.

A Yes. We met there.

Q You met there.

A Yeah.

Q And do you recall -- were you having a nice dinner?

A Yeah. Do you want me to just --

Q Why don't you just tell us what happened at Fleming's that evening.

A Okay. So Mr. Dickerson and I were seated and we were just finishing up. I believe we had received the check. And Eric came up from behind me the way I was sitting to the table and stood at the table in between us. He didn't really

glance at me at all at first and he looked at Bob and was leaning forward just a little bit and said so you're on a little date together, are you. And -- and neither of us really said anything. He put his hand out to shake Bob's hand and Bob shook his hand. And then he turned to me and put his hand out to shake my hand of which I did not do. And he said to me oh, so is that how you're going to be then. Okay. We will play that way.

And then he looked back at Mr. -- at Bob and said so did you enjoy your dinner. And he said it was good and he said so I could tell that he wasn't just going to leave. So I got my phone out of car -- I mean, out of the car. Out of my purse and set it on the -- on the table, because I was worried that something might, you know, be going on. And he must have something, because the conversation that he was having with Bob then was quite -- and I looked up at him, because at this time I wasn't watching him. I was just watching Bob, because I was a little afraid of what was going on and was hoping that Bob would do what he traditionally does which is to maintain his composure.

And he -- I looked up and then he's just like mouthing the words. He's just like moving his lips, but he's got this look on his face that he's all uptight and kind of like, you know, in his -- in his face but not in his face.

And then I thought that was so strange.

And then he moved over to where the bench starts, you know. And he reached out his arm and he pushed it down. He stuck it right here at his -- where the -- right in his neck and his shoulder and he --

Q Let me stop you for one second.

A Oh.

Q At that time was Mr. Dickerson standing or sitting?

A No, we -- he was sitting.

Q He was --

A And he -- we were sitting.

Q And was Eric standing or seating -- be -- or seated?

A He was standing up, yeah.

Q You're beginning to describe what you believe Eric did at that moment in time. Would it be easier for you to demonstrate that to the Court?

A Yes, I mean, yeah.

MS. PROVOST: Your Honor, may I approach so she can do so?

Q Can you position the chair so that --

A Yeah. He would have been -- well, for me, yeah, he would have been this way.

Q He would have been that way?

A Yes.

Q Then you would have been seated here?
A Uh-huh (affirmative).
Q And where was Eric then?
A Right here.
Q Okay. And can you demonstrate -- if the Court cannot see, please let me know. We can reverse.
THE COURT: Yeah, why don't you reverse it, so --
Q Can you demonstrate to the Court --
A That way? Okay.
Q Yeah, let's try to do it in the opposite side just so that you're -- can you demonstrate to the Court what you saw Eric Nelson do?
A But he's squeezing really, really hard.
THE COURT: I can see it.
MS. PROVOST: Can you see it, Your Honor?
THE COURT: Yeah, I can see it.
A He was squeezing -- he was squeezing so hard that Bob's shirt was coming up out between his fingers and then he was -- his hand was straight. He was just like this like he's holding it down.
Q And approximately how long did that last?
A Oh, I don't know. Til Bob -- I don't know. It seemed like five minutes, but it was probably just maybe 30 seconds or so.

Q And what occurred next?

A Bob said -- well, he asked -- he said how many children -- he said how many children do you have. And Bob said I have three. And he said now you don't have any. And Bob said said you need to take your hand off me now, because the restaurant was packed.

Q So his hand was on him when he said -- asked him how many children he had?

A Yes.

Q And he said now you don't have any.

A Yeah, but -- but he's -- he's talking kind of low and he's just like in -- in his face.

Q And at that point in time when Bob asked, did Eric remove his hand?

A No, he didn't do it right away, because he's asking him. He's saying do you want -- do you want --

MS. FORSBERG: Your Honor, if they're done with this, can Ms. Provost come back and the witness go back? I can't even see her face. I can't --

THE COURT: Are you done with the demonstration I take it? Is the rest going to be just testimony?

BY MS. PROVOST:

Q Did Eric touch Bob anymore at that time?

A No, not after he put his hand on him.

THE COURT: For the record, indicated that Mr. Nelson appeared to have his right hand on Mr. Dickerson's right neck, shoulder. Is that --

THE WITNESS: Yes.

THE COURT: -- may be accurate for the -- just for the record on that and --

THE WITNESS: Yeah, at -- at -- right where his neck and his shoulder meet.

Q And you've described that as a -- that type of a motion in a certain way in your affidavit, did you not?

A Yes.

Q How did you describe it?

A He would call that like an ice grip or an ice clamp.

Q Who was he?

A Mr. Nelson.

Q And when would he call that --

MS. FORSBERG: Your Honor, this is speculation on what Mr. Nelson would call it. There's no --

BY MS. PROVOST:

Q Lynita, at what point in time did you hear Eric refer to it as an ice clamp or an ice grip?

A During our marriage, that's how he described it.

Q So you've seen him do that before?

A Yes.

Q And what happened after Mr. Nelson removed his hands from Bob Dickerson?

A Oh, my -- they discussed just are we going to take this outside and we need to take this outside. And so Mr. Nelson started -- Bob said yeah, let's just go outside.

Q So it was Eric who asked who said let's take it outside?

A Yeah. Yeah. Well, he said it at least two times, maybe three times. And then Bob said okay, we'll -- we'll go outside. And then Mr. Nelson left. He started. He was -- headed out. We were still in the restaurant though. He headed out. And Bob was getting up out of the -- out of the booth. And Eric turned -- I was watching him and Eric turned around and came back like -- kind of like -- I don't know how to explain it, just chest out walking back and like -- so Bob was standing at that point and I -- there was a couple of the workers standing there kind of at the table, because they were coming to say goodbye and they saw that we were eating.

And so I didn't know what was going to happen. So I kind of stood there and went -- stood between them, because I thought well, I didn't know what Eric was doing. He just was in an -- an aggressive mode. And Bob said I'm going to go outside. So they turned -- Mr. Nelson turned and started to go out. And Bob followed him. So I got -- Bob had his suit

coat and wallet that he had left and I got my purse and I started walking out. Do you want me to go on?

Q No. You've read Eric's affidavit, correct?

A Yes.

Q And in that affidavit he purports to I have come to Fleming's to go see Bob Martin and his family, correct?

A Yes.

Q Did you ever see Eric go to Bob Martin and his family?

A I did not.

Q Did you know that Mr. Martin was at Fleming's that night?

A No.

Q Did there come a time when you finally saw Bob Martin at Fleming's that night?

A Yes, I did.

Q And when was the first time you saw Bob Martin?

A As I was heading out of Fleming's through the waiting area there I heard someone yelling. Do you want me to say what they were saying?

Q Who did you hear yelling?

A I wasn't sure who I -- who it was until I looked and it was Bob Martin.

Q And what was Mr. Martin yelling?

A He's an Fing A-hole, you know he's an Fing A-hole over and over. He's saying it out loud, that it was packed in there. People were standing and waiting. And said it as we -- as we were going out. I had asked before -- when I had gathered our coats and got up I said to the workers who were there you have got to call somebody for security. You have got to get somebody. They said like why, what's happening. And I said Bob is going outside and there's somebody --

Q When you say Bob, which Bob?

A Mr. Dickerson is going outside because they knew who he was. And there's somebody who is out there waiting for him. And so again, when I heard -- I saw now that Mr. Martin is there, I'm like what is happening. And he's saying this, you know, over and over, I said to the girl at the hostess desk you have got to call somebody. You have got to get somebody. You have got to call 911 now. And then it seemed like Bob must -- Mr. Martin must have heard, because he said you don't want to get in trouble over this guy, you know, he's an A-hole.

And then the doors were being opened and I was looking for Bob. And he -- my -- Bob Dickerson. And I see them over in the corner --

Q Who is them?

A I see Eric leaning like towards Mr. Dickerson. So

now he's forced in between the door and the building. And he's like got his chest out and he's got this face on. And so I'm like -- so I kind of start to go over there and just then -- one of the guys was valet. I don't know who the other guy -- where they came from, but they came and grabbed Eric and said come on, you know, what's going on here. Let's -- trying to break it up.

And then I saw Mr. Martin walking over to the valet stand. And so I walked over there and stood there and then I saw his wife, Lana. And she walked over to like the passenger side of valet when the -- when their car was going to be pulled up, she would be standing there already. And I just stood there around Mr. Martin until they left hoping that he didn't go over or start anything or mess with Eric and get him any further, you know, support to do something to Bob.

Q And were any other members of the Martin family present?

A Yes, after -- after we were there at valet for just a moment, Bob Martin's mom came out and his sister and Jim, her husband, were there. And we started talking. Do you want me to tell you what we talked about with Mr. -- with his mom, with Bob Martin's mom?

Q What did he say?

A Just that she told me they were --

MS. FORSBERG: Your Honor --

A -- she --

MS. FORSBERG: -- objection.

A -- they were celebrating --

MS. FORSBERG: Hearsay.

A -- her birthday.

THE COURT: Sustained as far as -- is this Ms. Martin here?

MS. PROVOST: It's not relevant, Your Honor. It's okay.

BY MS. PROVOST:

Q Lynita, looking at Eric Nelson's affidavit again --

A Yes.

Q -- can you look at Paragraph 4 when he states I never touched Bob Dickerson in any way, is that a truthful statement?

A No.

Q How did the incident at Fleming's make you feel?

A Like I'm never going to be able to go anywhere or do anything without the worry of Mr. Nelson being around or doing something to somebody that I'm with. I'm always over looking my shoulder before that night, but now it's just enhanced.

Q Looking at Mr. Nelson's affidavit in Paragraph 3, it says -- the second -- it looks like this. The third sentence.

I approached her to say hi as we had been getting along rather well. Do you and Eric get along rather well?

A No, I -- I don't consider getting along at all. If -- if my children are around, then I put myself in a put a little professional hat on and -- and try to just be as cordial as possible for their sake.

Q How many times can you recall that you and Eric have socialized together since this case started?

A We don't socialize. I -- I went to a birthday party that my daughter Carli had at his house, because she said that she wouldn't have a party unless I said that I came. So I went, but I didn't socialize. I wouldn't call it socializing. He walked through the living room while I was -- or the entryway while I was there.

Q Did the two of you speak?

A He didn't say anything. He just nodded and I just nodded as well.

Q About how long were you there for Carli's party?

A Maybe a half hour.

Q And other than court proceedings, how many -- have you see Eric elsewhere?

A He attends occasionally some of my -- some of our daughter's track meets. And so I see him there, like I saw him yesterday.

Q Do the two of you speak?

A I don't believe we said anything yesterday.

Q And do you typically engage in friendly banter with Eric when you --

A No. No. I'm not friendly at all. The only time that we might speak is when the children are there, because I feel like I kind of should, but I don't really say hi, I might just --

Q And did you see Eric one time at The Orleans hotel?

A Yes, I did.

Q And why did you -- and why were you at The Orleans that day?

A There was -- I received a letter that stated that there was money in an account and it needed to be picked up by a certain date from the sports book. And so I met him down there to see whatever the amount was.

Q Did you engage in any friendly dialogue during that event?

A No, he attempted to be friendly, but I -- it got nasty really quick because I wasn't saying what he wanted me to say.

Q Other than the --

A He ended up leaving actually and left -- when the guy was talking to him, he walked off, because he was mad.

Q Other than the time that you were at Eric's house on March 11th from the time you were at Eric's house for Carli's birthday party, have there been any other times that you recall that you've ever gone to Eric's home?

A Not into his home. No, I usually pick the kids up outside.

Q And you recently moved, did you not?

A I did. Uh-huh (affirmative).

Q When was that?

A It was about Thanksgiving weekend.

Q And has Eric ever come to your new home? Have you ever invited him into your new home?

A Never. I would never have him there.

Q And when was -- prior to that you lived on Palmyra, correct?

A Yes.

Q And when was the last time you can recall that Eric was invited to come to your home on Palmyra?

A The last time that I recall that he was in the house was Christmas of 2008. And that's because he got puppies for the kids and he wanted to bring the puppies over and have them for Christmas. And they were at my house that morning. So that's why he came over.

Q Now Eric has invited you to come to his house in the

past, has he not?

A He does, yes.

Q And what is your response to this invitation?

A I say no. There's no reason for me to go unless it's for the kids.

Q So when Eric says our relationship seemed to have normalized with her being so comfortable as to have come over to my house the night before, is that a true statement?

A No.

Q Do you believe that you and Eric are ever going to be able to have a friendly relationship given everything that has gone between the two of you?

A I would not ever allow it.

Q Why is that?

A I would allow a professional business working relationship because that's what we're supposed to be able to do and I can do that. But I -- it would not anything friendly or personal at all, just a business relationship I could do.

Q Are you afraid of Eric Nelson?

A I go in and out of that, yes.

Q Were you afraid of Eric Nelson after the events at Fleming's on March 12th, 2014?

A Yes.

Q Why are you afraid of Eric Nelson?

TRANS

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EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

ERIC L. NELSON, Plaintiff,	
vs.	CASE NO. D-09-411537-D
LYNITA NELSON, Defendant.	DEPT. L
	(SEALED)

BEFORE THE HONORABLE FRANK P. SULLIVAN
DISTRICT COURT JUDGE

TRANSCRIPT RE: TELEPHONIC HEARING

WEDNESDAY, AUGUST 22, 2012

Docket 66772 Document 2016-06679
RAPP000348

APPEARANCES:

The Plaintiff:	NOT PRESENT
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For the Intervener:	JEFFREY P. LUSZECK, ESQ. (Telephonically) 9060 W. Cheyenne Ave. Las Vegas, Nevada 89129 (702) 853-5483
The Defendant:	NOT PRESENT
For the Defendant:	ROBERT DICKERSON, ESQ. (Telephonically) JOSEF KARACSONYI, ESQ. (Telephonically) 1745 Village Center Cir. Las Vegas, Nevada 89134 (702) 388-8600

LAS VEGAS, NEVADA WEDNESDAY, AUGUST 22, 2012

PROCEEDINGS

(THE PROCEEDINGS BEGAN AT 14:05:34)

THE COURT: -- Solomon, can you guys hear me all right?

MS. FORSBERG: We can hear you, Your Honor.

(Off record)

THE COURT: For the briefing schedule as to the trust only, the Court had issued an order last Thursday or whatever. I think I got -- my law clerk got a call and said they want to know the length of the briefs. So we just gave them the local rule. We did an order saying we just filed the local rule and -- and just briefed the trust issues.

And then on Monday it became to my attention that there was concern that they wanted -- Mr. Dickerson had requested to have an extension of the brief to 50 pages. And we had talked about it in court. But since Mr. Solomon was not there, there was some representation. They felt that Mr. Solomon's firm was willing based on their emails was willing to stipulate.

And I said if they're willing to stipulate, I got no problem with doing 50 pages, but I did not order 50 pages. I know there was some confusion with the minute order. But

basically I said if they had no problem, they won't stipulate if we need 15 pages. If not, we will put it on for a phone conference. And I guess there was some concerns about it. So that's why it's on for today. So I don't know. If Mr. Dickerson wants to take the lead since it was his request or --

MR. DICKERSON: I just ask -- I -- I guess we're really in -- in Jeff -- Jeff's courtroom. Jeff, do you have any problem? I mean, you initially agreed to -- let's extend it to the 50 pages. Do you have any problem with that?

MR. LUSZECK: Yeah, we -- we do. I know there's conversations about that, but I want to characterize that that we came to an agreement. It seemed like we had a number of issues regarding that. And that was what was going to be discussed during the conference call.

On further conversations between Mark and I and our client, we would like to stick with the 30 page -- 30 pages. We think -- there's the -- Sunday's the trial. There's a lot of briefing already. And with the 30 pages that we get to file in our initial brief and another 30 with our response brief, that's 60 pages.

We think that is plenty to deal with the topics regarding the trust issues and we would -- would request that it be limited to 30.

MR. DICKERSON: Well, that's all well and good, Jeff, but we didn't do an opening brief. So are you saying you have no objection to us going 30 pages as an opening brief and 30 pages of closing brief? Because I can play that game.

MR. LUSZECK: Well, you -- you had the opportunity to do an opening brief, but you decided not to. So I -- I would oppose that. I think what was discussed and what was ordered at the last hearing was we would each -- we would get the opportunity to do a post-trial brief, the initial and the response and we could actually be limited to 30 pages. The fact that you can do an opening brief was something you decided not to do and not us.

MR. DICKERSON: Jeff, have you reviewed your emails to Josef?

MR. LUSZECK: I have.

MR. DICKERSON: Okay. I thought we can go over them with the Judge, Josef, will you go through the emails with him?

MR. KARACSONYI: The first email is from August 7th. It says Josef, I have executed the revised orders, blah, blah, blah. In regards to your proposed stipulation and order to exceed page limitation for post-trial briefs, we are amenable to exceed the 30 page limit provided in EDCR 2.20(a) so long as we can agree on a reasonable page limit. Do you have any

suggestions for a page limit. Please let me know.

Then on August 14th, I wrote a letter to -- or an email to Jeff Luszeck, Mark Solomon and Rhonda Forsberg and I said likely I spoke to Mr. Luszeck several times regarding increasing the page limits for the trial brief. Mr. Luszeck offered to agreed to allow each party up to 50 pages for the brief.

However, we were unable to reach an agreement regarding the same. And Mr. Luszeck's response, this was to setup a telephone conference because we were going to discuss going further than the 50 pages and you wrote Jeff, I'm available afternoon today and anytime before 3:00 p.m. tomorrow. So he was offering to extend it to 50 pages and now you guys changed your position.

MR. LUSZECK: There -- there was a discussion and that was what was going to be discussed at the telephone conference which never happened last week.

MR. KARACSONYI: Did -- did you or did you not offer to extend it to 50 pages?

MR. LUSZECK: We discussed the concept of 50 pages, but it was never agreed to.

THE COURT: All right. Counsel, I'm going to -- I'm going to put the end of this. The fact that it has been not more than seven date of trial, I've been living with this case

for three years and I'm going to -- I'm going to get this case done. It's been litigated to death. It's a lot of exhibits that they come through quadruple or five Ts and a hundred and seventy-four interveners and a hundred and something on everyone else.

Another -- as far as another 20 pages on the brief, I don't really care one way or the other to be honest with you. And would it be helpful to the Court? I don't know. Would it be over burdensome on either party? No.

The amount of time people put on, I've given everybody a lot of leeway. If they get everything in court, because that's how I believe is get everybody a chance to get everything in the record the want so I can make a decision and get it done.

As far as this, to argue over what agreed to, was not agreed to, I'm not going to take my time doing that. I'm going to prove it up to 50 pages. That's it on the trust. And as far as that, I'm already researching and working on my order. I'll tell you now on that, I'm working on that. I'm not waiting for the briefs to -- to tell me what I need to do. So I'm already working on it.

And I will read all the briefs. And based on points raised on that, we'll incorporate them in the order as -- as appropriate on that.

But I'm going to get this done. Another 20 pages ain't going to end the world, especially how long we've been in this. I did six days of trials back three years ago, so there's an awful lot of information out there. I don't think it's unreasonable for up to 50 pages. That's it.

So I will approve it just for the trust issues up to 50 pages only and then the domestic issues will be stuck to the EDCR, the 30 pages that we talked about on that and they can work it the way they want to.

But we need to get this done. I respect all the attorneys, but we need to get this done and move forward and I respect all counsel on that, but I'm going to get this case resolved. So that's going to be the order. I'll issue an order. I was concerned because I didn't want I didn't want Mr. Luszeck or Mr. Solomon think they got backdoored.

So my minute order was not that I approved 50. It was basically a -- if you guys were willing to stipulate to the 50, I had no problems with that.

So my orders -- I write orders on that. So I'll do one like I did on the previous one. I didn't realize when they asked about Page how many pages that there was an issue. I just thought they wanted direction and that's why I just did the local rule because that's what we do.

So I didn't realize there was a request to go beyond

that. Otherwise, we would have had this hearing last Thursday or Friday instead. So --

MR. LUSZECK: Okay. Now that -- the 50 page limit, is that for the initial and then we're on 30 for the response brief brief --

THE COURT: Yeah. Yeah. It will be 50 just for the initial and response is just 30. I mean, I can't see putting more on that, because it's really to give everybody a chance because there's so much information, so many documents. I thought 50 will be fine, but I don't think I need 30 -- 50 for a response. So it'll be 50 for the initial. Response will be limited to the local Rule 30.

MR. LUSZECK: And what -- what I had calendared for the response of September 28th, is that correct

THE COURT: Now they said September 21st, but is that -- I mean, another week doesn't matter. I think Mr. Dickerson said he thought it was the 21st, but I -- I didn't have it in front of me to be honest, but --

MR. DICKERSON: It was the 21st is what we had on our calendar.

MR. KARACSONYI: Three weeks after the initial.

MR. DICKERSON: Okay. It's supposed to be three weeks after the initial one.

MR. LUSZECK: Okay.

THE COURT: Does that work for you, Mr. Luszeck? If you need another week, I'm not going to bust people's chops for a week if they need this since I gave them additional pages. If you want that other week, then we'll push back --

MR. LUSZECK: Yeah.

THE COURT: -- the response --

MR. LUSZECK: That would be great. Let's do that the 28th.

THE COURT: Does that work out? Are you okay with that, Mr. Dickerson?

MR. DICKERSON: That's fine. No problem at all.

THE COURT: And I'll get in -- and that should resolve everything for everybody and then we get that done, because I want to be fair to both sides and try to give everybody a fair chance to try to get this case done.

MR. DICKERSON: Okay. Thank you, Judge. I appreciate your time.

MR. LUSZECK: Thank you.

THE COURT: Okay. Thanks, counsels.

MR. KARACSONYI: Thank you, Judge.

THE COURT: Okay. Bye. Did I do enough? I let them do it and it was it.

THE CLERK: Yeah.

THE COURT: That's --

(PROCEEDINGS CONCLUDED AT 14:13:15)

* * * * * *

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.

Adrian Medrano

Adrian N. Medrano

information that she had. And we were provided them with the information that we have obtained with Mr. Launi.

So to say that these people were worthless, these people as she said on the stand were absolutely totally invaluable to the presentation of this case. And you've seen from the start how the control that is being exercised by -- by Mr. Nelson over Mrs. -- Mrs. Nelson over the last four years and his attempt to control, his refusal to provide documents. Our having to pull teeth to get anything from him.

And finally, Mr. Launi and Ms. Antanassio were able to put everything together and -- and quite frankly I think the two of them -- I give them the credit with respect to the financial issues and putting everything together and -- and having everything accounted for, getting that to Mr. Bertsch and Mr. Bertsch being able to provide you with some excellent reports that I -- I think you're going to be able to use to make your ultimate decision in this case.

If I may, I'm going to ask Katherine if she would just go through the pending motions so that you're aware of where we stand. I'm -- I'm anticipating that it -- it's going to take some time for you to come up with the -- the decision in the case and get something written. And I just ask you to keep in mind Lynita's down to approximately her last $200,000 throughout these proceedings. Mr. Nelson has refused to

provide her with any money. We see the -- the amount of money that he has made for Mr. Bertsch's report, we see his income. And then we see that he is giving over $3,000,000 to family members where he's giving -- what he's giving himself is unbelievable yet over that three year period. And it was all in 2000 -- 60 -- roughly 65,000 in 2009. And over the next two years less than 20,000 is -- is what he has given her. Not a dime in child support, not a dime in spousal support and just telling her you've got to live off your money and you got to pay all your fees. And Ms. Provost can go over the pending motions.

MS. PROVOST: And Your Honor, with respect to the issue of the temporary -- or with the -- respect to the issue of alimony, Ms. Forsberg raised the issue as far as Mrs. Nelson being able to do whatever she wanted with her money and that she had $2,000,000 at the start at these proceedings and has $200,000 now.

If Your Honor will recall, these proceedings back in 2009. It was not until April of 2010 that we came before you with -- with our first request filing a request for payment of support and attorney's fees. We had a hearing on that issue in June of 2010 and we indicated to Your Honor that we felt we might be able to get the case settled. And so no ruling was made on our pending motion. It was just continued.

We started trial in August of 2010. And at that point in time it's obvious and clear the case has not settled. We even attempted settlement through the course of the trial. The case did not settle.

So in January of 2011 we filed a second motion requesting temporary support and attorney's fees for Ms. Nelson because she has now at that point in time been living on her account for close to a year. Your Honor held a hearing on that second motion for support and attorney's fees in March of 2011 and took the matter under advisement.

In April of 2011 Your Honor heard the -- heard the renewed motions again and stated that you would address the issue at the next hearing date. At the next hearing date in July of 2011 you did award Mrs. Nelson $30,000 which was the 2005 tax refund check that has had -- come in during that interim period between the April hearing and the July hearing. And you made certain awards that Mr. Nelson should pay the $5,000 in mediation fees which he had agreed to pay, had confirmed in writing an agreement to pay, but then had not paid which necessitated us filing the motion to get paid of that $5,000.

$5,000 was paid Your Honor but it was paid rather than to our firm which is what the Court had ordered paid directly to Mrs. Nelson who then utilized it to satisfy our

billing statement. So we did in a roundabout way that paid but not in the way that Your Honor had ordered Mr. Nelson to do.

We renewed once again a motion for temporary support and attorney's fees in October of 2011 indicating to the Court that Mrs. Nelson is living off of these counts and that the money is going, the money is going away because she's had to pay for all of her support, all of the minor children's support as well as her litigation funds. Your Honor at that point in time once again deferred ruling and said, you know, it's something that I'll deal with, but I'm not going to deal with it today.

In October -- or sorry, Your Honor. In December of 2011 we were back in on another hearing. This -- once again another contempt motion to have Mr. Nelson held in contempt for yet again not satisfying this Court's orders. And the Court did order related to that specific motion only an award of $7500 in attorney's fees to be paid by Mr. Nelson. Mr. Nelson never made that payment.

We got an objection from I believe at that point in time in December of 2011 his counsel was Mr. Willick. I -- I can't recall. I don't believe Ms. Forsberg had stepped in by that point in time. I believe it was Mr. Willick. But they objected to the 7500 and demanded that a memorandum of fees

and costs be filed. Your Honor said file your memorandum of fees and costs and I -- and took it under advisement as to you would reduce it from the $7500 or to another number. We filed our memorandum of fees and costs three days later. We have not received any further orders from Your Honor as far as whether or not that 7500 award should be reduced. But we also have never received any payments from Mr. Nelson.

So now we've seen it and we've now gone through 15 days I believe of trial. Mrs. Nelson has had no share of the community assets or income save and except the account that she's had to utilized for her support and the children's support and all of her litigation expenses since the start of this case, Your Honor. She's at the $200,000 level at this point in time. And as Mr. Dickerson indicated, if -- our position would be that with the signing of that order by the bankruptcy judge that Your Honor advance in the preparation of your orders either enter an order with respect to these rulings on the issues of the support motions that had been pending since April of 2010 or advance to her portion of the final outcome of the community assets that are going to be awarded in this case.

THE COURT: Thank you.

MS. FORSBERG: Thank you, Your Honor. A couple of things that I -- I'm just a little shocked about. Because Mr.

Dickerson misstated what the evidence was. We went through all the debts. We went through Mr. Gerety provided in his books several of the exhibits that showed the actual debts on this stuff. For him to say there was none is ridiculous.

In addition, another misstatement of truth. I was here during the $7500 and I thought that the $7500 for a motion is ridiculous. Really? Does it take three attorneys to write one motion and to all appear for that? And that's why I brought it up with the Court. Didn't even rule on that. The Court ruled that it would determine it when the memorandum of fees and costs were given after I said are you kidding, the $7500 for a motion is ridiculous.

So that's where it was. It wasn't that you granted it and then you decided otherwise. This Court doesn't do that. This Court is very -- thinks it through and goes through it. You don't go off the hip on something as big as $7500 for a simple contempt motion which we all know should not cost that if you're, you know, operating things efficiently for your client.

And then the other issues, Your Honor. I mean, a couple other things. If what Ms. Provost states is true, then you've already granted her $35,000 in attorney's fees. For them to go on a witch hunt that they showed no evidence of any hidden assets. Ridiculous, Your Honor. I think that we're --

we're way past that.

But more importantly to Your Honor, the payments to the family he says that there is never any payments, we showed payments, Your Honor. Over and over. Mr. Bertsch shows the payments. Payments for family support don't have to be a check written to Ms. Nelson. It has to be paying for the family support. We actually had that.

We also had testimony -- when he says that all of these family members were paid, yeah, they work. They have a business where they hire family and work just like I do as you know from my assistant at the end of the table. A lot of us hire our family members to do work and we pay them -- appropriately I probably pay her less than I -- I know I pay her less than my last assistant, but that's the price she has to take, but --

THE COURT: You need a better agent.

MR. DICKERSON: I'm going to talk to her after this.

MS. FORSBERG: So but I mean, clearly that's the way it is. We had testimony from Ms. Harbor (ph) if you recall about how they all work in the business and everything else. There were 1099s. If you look at Mr. Bertsch's report, Mr. Dickerson is incorrect. He shows that there were 1099s. Did Mr. Bertsch feel like he had to contact the IRS to go that extra step? He did not. Had he wanted to, he could have.

But he chose not to, Your Honor. So that was another misstatement to try to cloud things.

But the bottom line in this -- in this case, Your Honor, is the Court didn't order her any support because she had 2.6 million dollars in cash of which the first year you recall she made $300,000 in income off of. And they say she needs support. Of course not. She had the free and clear house. She had at the time a free and clear car. And you can't live off the 300,000 you got? Really? I mean, I think some of us would like that -- that burden.

So I think clearly that's what the reports show, Your Honor. So there clearly shouldn't be any attorney's fees including the fact that he paid Mr. Bertsch so far what you've ordered, not them. Ms. Lynette -- and Ms. Lynita did not pay any of that. Mr. Nelson did. So it's ridiculous.

And the other thing Your Honor is -- and you grant him a divorce. Do you recall thought I realize you couldn't bifurcate until all the evidence is in and everything else. Can you grant the man in divorce? They've been together a long time. So with that, I think that's all the issues that Mr. Dickerson addressed, but -- but Dan Gerety's report is thorough and shows the actual documents that evidences the --

MR. DICKERSON: Well, we stand by Mr. Bertsch's report. In response to her very nice lovely assistant, I'm

sure her very nice lovely assistants gets a W2 at the end of each year which you have not seen with respect to all these so called family members of -- of Mr. Nelson.

And one final thing is Mr. Bertsch if you recall was initially paid with the monies from the tax return. And I'm now a little at the loss. I think there may have been some additional monies that had to be paid and you -- and I think you may have very well have ordered -- ordered Mr. Nelson to pay that and I -- I can't recall the exact amount.

But the first amount was roughly around a hundred and fifty thousand dollars I believe and that -- of those tax returns in that range.

THE COURT: Yeah. I believe Mr. Nelson paid 60 grand up front and the --

MS. PROVOST: I think that's --

THE COURT: -- tax return --

MS. PROVOST: That's correct, Your Honor.

THE COURT: -- I believe that --

MS. FORSBERG: Right.

THE COURT: -- and I think that there's still a balance owing to Mr. Bertsch. I believe he had about 30 or 40,000 still outstanding. I still had to address it at the close of the evidence because I'm sure there's more billing from Mr. Bertsch.

MS. FORSBERG: And you certainly -- like you have to look at all the assets when you're done with this. So that's part of the, you know --

THE COURT: Yeah. Yeah. That --

MS. FORSBERG: -- part of this case law that you have to address.

THE COURT: All right. So -- so we got our briefing schedule. We'll check up there with Mr. Solomon to see what's going on with that. I'll check in with my law clerk and try to setup something to get that resolved as to the briefing -- length of the briefing just as to the trust issues. And then I'm glad I'll be out of that.

I want to try to get this done. There's a lot of issues, a lot of evidence to go through. I'm going to try to jump in this and get this done so that I'm hoping to spend a lot of time on it within the next 30 days. So my goal is to try to get this done within 30 days because it's been a long time for the parties, they need a decision.

I'm hoping that -- depending on what the briefing schedule and I get it on that, I'll be doing -- summarizing all my testimony and making some preliminaries and then I read all the briefs, incorporate that and things I might have missed or stuff on that. And then do a final draft at that time.

So that's what I'm planning on doing is starting to work on it now because a lot of testimony. I've also got the testimony from the six days before that I'm starting to review to categorize that on that and doing like a little spreadsheet. So I'll be working on that to open.

My goal is hopefully have a good handle on it within 30 days, read your briefs on that and then incorporate all that and then get you a final decision within 60 days for sure, if not, sooner, because I just need to get this done for everybody.

MR. DICKERSON: Thank you. And on behalf of --

MS. FORSBERG: I just have --

MR. DICKERSON: -- Mrs. Nelson, we thank you for all the time you've put into this. It's 15 days of trial over the last two years. We're now August -- and no, August of 2010 we started the trial and we're finishing in August of 2012. But thank you so much for your time.

THE COURT: I do apologize to the family for dragging it out there, because when I went over abuse and neglect, the problem is on that is I still got my abuse and neglect calendar going, so I can't --

MS. FORSBERG: Yeah.

THE COURT: -- just work around there because they just come on that. So what happens, I did my mental health

court. I had another judge did it and all the kids complained and they all came back to see me next Friday because they wouldn't talk to the other judges anyway. So all those cases came back to me anyway. But that's okay. I like seeing the kids.

MR. DICKERSON: 2011 was --

MS. FORSBERG: Your Honor, are --

MR. DICKERSON: -- needed for the discovery on the -- on the trust issues, so --

THE COURT: As far as you actually want the divorce granted, do you guys oppose that or do you want to wait to the thing on that? Because I can do a separate thing, just granting the divorce without the property things. If you -- if you got no objection, I know they've been wanting to get that done. But I'll leave it up to you guys if you got a problem.

MR. DICKERSON: Actually, I would like to have it all done at one time.

MS. FORSBERG: It's just more punishment of Mr. Nelson, Your Honor. That's been a lawful long time and --

THE COURT: It has. Well, I'm going to get you a decision within 60 days anyways.

MR. DICKERSON: The problem that you have is -- the problem that you have is if one of these people pass away

during that period of time you have an issue. And that's -- and that's what they addressed in the Gojack case.

MS. FORSBERG: We're going to obtain jurisdiction.

THE COURT: And I'm going to look at that, but I'm going to process a decision within 60 days anyways because it needs to be done.

MS. FORSBERG: Thank you, Your Honor.

MS. PROVOST: Thank you, Your Honor.

THE COURT: All right. Thanks, everybody.

MR. DICKERSON: Is this --

MS. FORSBERG: I believe that one's ours.

THE COURT: I don't want to know as to Ms. Lynita or Mr. Eric. I know sometimes these proceedings which I think I spoke about early opens a lot of old wounds and you don't get any healing to the decision. Hopefully when we get to the decision hopefully you both will be unhappy with it.

MS. PROVOST: Your Honor --

THE COURT: But -- but then you're going to have to start the healing process. So I hope you can work beyond that, because this is only money. It's only money. Relationships are a lifetime. Money comes and goes and I'm hoping you start --

MR. DICKERSON: We will address this in our brief, but she is asking that her name of Clark hyphen Nelson,

Clark-Nelson be restored.

MS. PROVOST: Yeah, she would like to go back to her maiden name keeping the hyphen with Nelson so she will be Lynita Clark-Nelson when you issue the decree.

MR. NELSON: Your Honor, just out of clarity, when do you think you would have this all done, the divorce and --

THE COURT: I'm hoping to get a decision. What's today, August -- end of August? So I'm hoping by September, end of October at the latest. I'm trying to get --

MR. NELSON: Yes, Your Honor.

THE COURT: -- it done within 30 days if I can. What I want to do is I'm going to start working on it on the next week. I got a vacation week next week. So I'm going to come with my law clerk and start cranking out some stuff. We've got a lot of research we've already been doing. So I'll work on that. I got Judge Ames covering me for that week.

So I'm going to do a lot of stuff next week and then wait for you to get your briefs, look at that again because I like to go through everything and write something and I like to think about it more, see more things because it comes out better as you make it a process as you're sitting there at all one time kicking it out. It's like a process. But I -- I'll guarantee you a decision by the end of October if at the very latest.

MS. FORSBERG: Thank you, Your Honor.

MS. PROVOST: Thank you, Your Honor.

THE COURT: As soon as I get the briefs, I'll get that for you. All right. Thanks, everybody.

MS. NELSON: Thank you.

(PROCEEDINGS CONCLUDED AT 11:03:41)

* * * * * *

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.

Adrian Medrano

Adrian N. Medrano

parties stipulated, but I wanted him to get a chance to be heard if it --

MS. FORSBERG: We understand there is an objection, but we're certainly -- the Court can hear from him.

THE COURT: Yeah, I want to give a chance to be heard on that. I think they're trying to set -- maybe he's trying to set it up, but I'll -- we'll follow up. We just had it to -- yeah. And we'll let you know. I know you --

MR. DICKERSON: Well, then I guess I need to present his emails stipulating to the 50 if -- if there's an objection, but --

MS. FORSBERG: Will you let him talk for himself, Your Honor?

THE COURT: Yeah, I just want to make sure he didn't think on that that there wasn't any issue on it. But my law clerk was calling people yesterday and trying to get something setup, but I haven't seen him since because I was in trial to 5:00 o'clock tonight at my trial by Pearson. I didn't have a chance to --

MR. DICKERSON: Well, then it -- let's assume for a second then that there is an objection. Is Your Honor inclined to consider a motion for -- filed by us then to be heard on an order shortening time to extent that to 50 pages?

THE COURT: Absolutely if we need to. Absolutely.

And I'll hear it right away if we have to because I want to get that resolved. Okay.

MR. DICKERSON: Any other matters --

THE COURT: Anything else?

MR. DICKERSON: -- that we need?

THE COURT: Any other preliminary matters?

MS. FORSBERG: I don't believe so, Your Honor.

THE COURT: Mr. Dickerson?

MR. DICKERSON: Your Honor, we have spent yesterday afternoon going through everything to determine what evidence has already been presented and we come to the conclusion that we need to present no further evidence to you and we rest.

THE COURT: You're my new favorite attorney, Mr. Dickerson. That will last till this afternoon by trial as soon as the afternoon. That will be my next paperwork.

MR. DICKERSON: Well, we did give a lot of thought yesterday. We went through everything and we went through all the exhibits and I think you've -- you've got all -- everything that you need to make a decision.

MS. FORSBERG: Your Honor, the only -- only issue of course is going to be the dispute on her income which then -- I guess her financial disclosure form can't come in either. It hasn't been admitted as a piece of evidence. So I don't know how she's going to establish that. That's my only

question.

MS. PROVOST: Larry Bertsch was going to --

MR. DICKERSON: Well, the -- Judge, we'll address that in our brief as to how we're going to do that.

THE COURT: And I think Mr. Bertsch addressed a lot of issues with his reports about income, this and that with the trust. So I -- I'll review that in much detail. Yes, Ms. Forsberg.

MS. FORSBERG: The only other rebuttal question I have that's something we learned yesterday is that Ms. Nelson setup a new LLC called Southern Magnolia. Do we know anything about this?

MR. DICKERSON: Well, Your Honor, what's this rebuttal? There is no rebuttal. We have not --

MS. FORSBERG: Well, we went through all the properties that were listed. This is -- you know, she -- she went through each of them. So that's what they were, so --

MR. DICKERSON: Well, then she can file a motion if she believes if there is an admitted asset, so --

MS. FORSBERG: We certainly can and we certainly will. I just thought perhaps we could handle it all underneath the thing to try to save the Court's time. That's all.

THE COURT: Well, I don't think there is -- I don't

know if there's an issue on it. I don't know what it is, but if counsel wants to talk about that, I could take a break if you want to see what that is. I don't know what that issue is yet.

MR. DICKERSON: For the record.

MS. FORSBERG: And perhaps just some innocuous to make them just tell us --

MR. DICKERSON: She can stand up.

MS. FORSBERG: -- that it's done.

MR. DICKERSON: It's something I know nothing about.

THE COURT: Okay.

MS. FORSBERG: Yeah, me neither. Yeah.

MR. DICKERSON: Would you like to explain to the Court?

MS. NELSON: I -- I do have an LLC called Southern Magnolia that I setup when we were in settlement negotiations so that I could transfer if necessary properly. There is -- there is nothing in there. I -- there's nothing with it except for a name and a filing. That's all.

THE COURT: Oh, so she started a name in case --

MS. NELSON: Yes. Uh-huh. (Affirmative).

THE COURT: Okay. Okay.

MS. FORSBERG: Your Honor, our only question is is this for Paul Alanis negotiations? This is what we were --

were in for is our belief.

MS. NELSON: What did she say?

MR. DICKERSON: Paul Alanis. And we haven't had any conversations with Paul.

MS. FORSBERG: Right. This is my question for Ms. Nelson. Was this really setup in an attempt for with her negotiations with Paul Alanis?

MR. DICKERSON: Do you want to swear her in?

THE COURT: Did you want to --

MS. PROVOST: Want to swear her in?

THE COURT: Do you want to get -- you can get --

MS. FORSBERG: You can just resolve it quickly --

THE COURT: All right.

MS. FORSBERG: -- so we don't have to bring it in motion.

THE COURT: All right.

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

THE WITNESS: Yes.

THE CLERK: Thank you.

THE COURT: You can remain seated on that. If we need to get up on the stand, we will, but do you have a few questions you want to ask her? What did you want?

MS. FORSBERG: Just a couple. If she just wants --

THE COURT: Okay.

MS. FORSBERG: -- to sit there, that's fine, Your Honor.

THE COURT: Okay.

THE WITNESS: Well, regarding --

MS. FORSBERG: Ms. Nelson --

THE WITNESS: -- Southern Magnolia.

MS. FORSBERG: Right. Just -- just these few questions on -- on Southern Magnolia.

LYNITA NELSON

called as a witness on behalf of the Plaintiff and being first duly sworn, testified as follows on:

DIRECT EXAMINATION

BY MS. FORSBERG:

Q What properties have put in this LLC to date?

A I already stated for the Judge that there's nothing in there. It's a name.

Q No property too.

A It's a name and I've never discussed it or had anything to do with it since then.

Q Is there a bank account or anything setup with it?

A No.

Q So your testimony today is there's nothing in this

at all. There's nothing but an LLC. That's all that exists.

A That's correct. That's what I've stated.

MS. FORSBERG: And Your Honor, certainly if we find something later as long as you'll allow us to continue, you know, researching, that's fine.

THE COURT: Sure, if you need to --

MS. FORSBERG: Do some discovery on it. And since we just learned about it, it hadn't been disclosed all this time, so --

THE COURT: Okay. If she says she's got nothing in it and it's just got a name to preserve, there's nothing in it --

MS. FORSBERG: And if that's all it is, then -- then we'll certainly -- but I didn't want to leave it open as a loose end for us to keep having to come back. I know this Court would like this case resolved and I'm trying to.

THE COURT: Probably not as much as Mr. Eric and or Ms. Lynita wants to resolve it. I mean, they probably want it resolved more than I do I am guessing.

MR. DICKERSON: Oh, I have some questions too even though I'm being dangerous --

THE COURT: Sure.

MR. DICKERSON: -- because I don't know the answer to any of these questions.

CROSS EXAMINATION

BY MR. DICKERSON:

Q When was this set up, this LLC?

A When we were -- when -- I think just before we met with Jeff in mediation.

Q Okay. So about over a year ago.

A I don't know. Yeah.

MR. DICKERSON: Okay. Does it indicate on there when it was established?

MS. FORSBERG: It shows file date 2010 which would be different --

MR. DICKERSON: Well, that was in '10. So this is not something that would be now coming up on the record.

Q Who formed that LLC for you?

A Jeff Boyce.

Q Jeff Boyce. Okay. Did you ever discussed it with me?

A I haven't.

Q Okay. Now there is some discussion if this was setup to do something with Paul Alanis. Have you had any conversations Paul Alanis? Well, have you ever had any conversations with Paul Alanis other than when he was here in the courtroom that day and possibly at his deposition that was taken in Pasadena which now seems three years ago?

A I have not.

Q What was the purpose of setting up this LLC?

A There was discussion as far as me and getting a license in Mississippi. And in order to do -- he was -- Eric was saying that I had to get a license. And so in order to do that, I had to have -- yeah.

Q Okay.

A So --

Q All right. So --

A It was in --

Q What you --

A -- preparation for --

Q What you've seen is throughout the course of these proceedings Eric is taking the position that in order for you to have any interest in the Silver Slipper, you would have to get a Mississippi gaming license, is that correct?

A That's what he said.

Q And --

A Uh-huh. (Affirmative).

Q -- you went to Mr. Boyce for the assistance on -- on helping you investigate what you needed to do to get a Mississippi license?

A Yes.

Q Okay. And is that the reason this LLC was setup?

A Yes.

Q Did you ever apply for a gaming license in Mississippi?

A I did not. I did a lot of paperwork, but I never did -- I would never have sent it in.

REDIRECT EXAMINATION

BY MS. FORSBERG:

Q Ms. Nelson, just a couple other questions that -- that Mr. Dickerson brought up. Does -- he asked of you, but have you or any of your representatives speak with Mr. Alanis regarding this?

MS. PROVOST: If you know.

A I --

MR. DICKERSON: I can represent --

A About what?

MR. DICKERSON: I can represent --

MS. FORSBERG: I have that you -- you --

A The --

MR. DICKERSON: Well, I can represent. I'm a represent. -- I have not talk to Mr. Alanis --

A About the LLC? I have no idea --

Q Yes, about --

A -- why I would talk to Mr. Alanis about an LLC.

MS. PROVOST: We didn't even know about the LLC, so

we've never talked to him about an --

A Well --

MS. PROVOST: -- LLC.

A I -- no, is the answer.

Q But you have other representatives such as Mr. Boyce and Gianni according to this, is that right?

A He knows --

Q Did they talk to --

A -- nothing of -- I haven't discussed the divorce with him. I mean, as far as like who any of that, he just knows that I'm -- I was in a divorce and I might need to apply for a gaming license. And so it's really innocent in --

THE COURT: Well --

A -- in all of that, so --

MS. FORSBERG: Okay. That's fine. I just --

THE COURT: Okay.

MS. FORSBERG: -- as long as I can have some discovery there just in case there is anything Your Honor that we can --

THE COURT: That they -- that they --

MS. FORSBERG: -- do with an A and B --

THE COURT: Do they need assets -- go at it at that. If they find anything that's --

MS. FORSBERG: I just prefer these parties to really

be done and let's not --

THE WITNESS: I -- I understood that --

MS. FORSBERG: We can actually simple things.

THE COURT: And -- and you think that my decision is going to make this case done? I don't know.

MS. PROVOST: We would like that.

MS. NELSON: I would have like to have gone forward and done some things. I under -- understood the Court to say that that was not allowed under while we were in the divorce process. So I would not have --

THE COURT: Okay.

MS. NELSON: -- done that.

THE COURT: So basically there's no resources in the Southern Magnolia, LLC. It's only setup --

MS. NELSON: There's not -- I don't even have --

THE COURT: -- as a contingency plan --

MS. NELSON: -- a bank account.

THE COURT: -- for licensing if you need to but there's no assets in there.

MS. NELSON: There is not, sir.

THE COURT: All right. And if they discover anything you'll put it back on for any motions if you think there's something. As far as your briefing schedule for the domestics, did you want to do a briefing schedule? I forgot

what brief schedule I had with the trust. I forgot what --

MR. DICKERSON: Do you have next -- not this Friday, the following Friday, the 31st? I would -- you know, I would imagine we could have everything done by then.

MS. FORSBERG: I would think so too, Your Honor. That would be fine.

THE COURT: Okay. Now did you want to submit yours -- did you want blind briefs on this one or did you want to --

MS. PROVOST: Can't do blind briefs.

MR. DICKERSON: We can do the -- the same depending on what -- what the ruling here is. I -- I'm almost now thinking it might be better. I indicated to you on Monday that my -- what we're putting together right now was a -- a total brief. I do think we need 50 pages, at least 50 pages on the trust issues. I don't think we need necessarily 30 on the -- on the divorce issues, but we're still working on that aspect of it.

MS. FORSBERG: Your Honor, I mean, are we doing -- now I know -- can you repeat that, Mr. Dickerson? Because --

MR. DICKERSON: Well --

MS. FORSBERG: I -- I was thinking you were going to do 30 -- I mean, right as the ruling hasn't changed it's 30 and 30. You already have 60 just without the --

MR. DICKERSON: That's just on the trust issue.

MS. FORSBERG: -- Court ever ruling about --

THE COURT: And he's asking for 50 on the trust, yeah.

MR. DICKERSON: That's just on the trust issue. The Judge's ruling was -- that came out was 30 on the trust issue. All right. We're asking for 50 on the trust, at least 50.

MS. FORSBERG: And are we still doing -- you are doing separate briefs for the trust issue versus the other.

MR. DICKERSON: Well, I --

MS. PROVOST: We weren't, but now we might.

MR. DICKERSON: The representations I made on Monday was that the brief we're putting together right now was a conglomerate of -- of everything. I may leave it that way, but it may be simpler to divide it up and just get a separate brief to you on the divorce issues, a separate brief to Mr. Solomon on the -- on the trust issues. Again, I -- as I sit here right now, I don't know, but that might be an easier --

MS. FORSBERG: And then the Court would only be expecting the trust to address -- and Mr. Nelson of course is concerned is the trust for the trust too to have to respond to that if they're having to respond to all the stuff that didn't apply to the trust. I assume the Court is just looking for their --

THE COURT: Yeah.

MS. FORSBERG: -- reply to that.

THE COURT: Yeah, the trust. Yeah.

MS. FORSBERG: I just want to make sure he understands.

THE COURT: Yeah, we had a trust for just -- I think we made at the minute order last week that the trust would -- adjust the trust issues. They knew what that was and then we would leave the other issues as to -- for the divorce proceeding to Ms. Forsberg to respond. So I would be inclined to give you guys the -- the 30 page brief for the domestics if you need it. If you want to incorporate in your one thing on that and show that so Ms. Forsberg can respond, fine, as long as it's clear on that what those issues are, I'm find on that. In all sense, I don't need two separate briefs necessarily. I just want to make sure Ms. Forsberg has a chance to read your brief as a domestics and respond accordingly.

MS. FORSBERG: Okay. Your Honor, I do have one rebuttal. Just Mr. Nelson briefed it on rebuttal just a couple questions.

MR. DICKERSON: There is no rebuttal.

MS. FORSBERG: There is on -- on the fact that Ms. Nelson already did a lot of issues on testifying on part of your issues.

MR. DICKERSON: There is no rebuttal.

MS. FORSBERG: You went through the bankruptcy that had nothing to do with that.

THE COURT: What did Mr. Nelson want to testify to? What --

MS. FORSBERG: Just about the tax returns, Your Honor. Just -- she stated that he did not when he questioned -- we questioned her about the income of her versus Mrs. Nelson, she stated that -- that she didn't believe that to be the case, that she thought he had made more money. So that was just the question of the tax returns.

THE COURT: No, I'm not getting more evidence. We got to close evidence. I think that --

MS. FORSBERG: Well, if the Court will allow his exhibit of his tax returns and then I had no --

MS. PROVOST: No.

MR. DICKERSON: No.

MS. FORSBERG: -- questions.

MR. DICKERSON: Those were never offered. He was on the stand.

MS. PROVOST: They had the opportunity.

MR. DICKERSON: I have no clue why those were never offered.

MS. FORSBERG: The Court actually --

MR. DICKERSON: I have no --

MS. FORSBERG: -- actually tried to offer them with Ms. Nelson and the Court said Mr. Nelson --

MR. DICKERSON: Well --

MS. PROVOST: But you had the your opportunity --

MR. DICKERSON: Why would you offer them? You had Dan Gerety, the man that prepared them and you have Mr. Nelson on the stand and you don't offer them. And she tries to offer them to Mrs. Nelson.

MS. PROVOST: They're not in.

MR. DICKERSON: To which I object.

MS. FORSBERG: Well, the rebuttal of course is that Ms. Nelson actually said he didn't earn that, Your Honor. And we just bring them up there to prove that on his tax returns he did and we would admit them and we would be done.

MR. DICKERSON: Which I object.

THE COURT: Yeah. I don't need anymore evidence. I think we got enough in there when I go through it. I think there's enough evidence already for the -- the Court to go through. I mean, the -- we know the trust issues. I think we set up a phone conference as to the trust issue for the briefing only. I'll double check with it. Did you get any return from Kevin to see what's going on? I know he's trying to do something, but I don't want Mr. Solomon because they thought that the minute order did say it already prove 50 and

if I did say that --

MR. DICKERSON: We -- I am available all day except I do have a hearing at 2:30 that should be before Judge Harter that should be maybe half an hour at most.

THE COURT: Okay. And we'll -- we'll followup with that. And then as far as that, so you can have your brief done by next Friday for the domestics as well, Mr. Dickerson, next Friday which is what -- what's next Friday?

MS. PROVOST: 31st, Your Honor.

THE COURT: 31st. And then how long did I get to respond? I forgot to give 10 --

MS. PROVOST: To the 21st, Your Honor.

THE COURT: Okay.

MR. DICKERSON: So we'll have -- we'll have --

MS. FORSBERG: So we'll just do the same schedule, the 31st, the 21st that you had on there, Your Honor.

THE COURT: That works out? Does that give you --

MS. FORSBERG: That will be fine.

THE COURT: -- enough -- okay.

MS. FORSBERG: That will be fine.

THE COURT: Yeah, we just --

MS. FORSBERG: Because -- well, we're both doing brief now. Make sure I understand the -- the way we're doing it. We're both doing briefs and both doing responses,

correct? Is that how --

MS. PROVOST: If you want to respond.

MS. PROVOST: And this -- I thought -- I thought he was doing one and I'm doing one. I'm just making sure how you wanted this, Your Honor.

MR. DICKERSON: No, we're doing it -- by the 31st we're going to exchange briefs, submit them to the Court.

MS. FORSBERG: Right. I thought about --

MR. DICKERSON: We're going to exchange the briefs and then we have an opportunity --

MS. FORSBERG: To respond to each other.

MR. DICKERSON: -- to respond to each party's brief.

MS. FORSBERG: I just want to make sure we all had it on the record so there's no confusion right now.

THE COURT: Yeah. Why don't you -- yeah. I will do the same briefing schedule and then what we'll do is that -- we'll contact Mr. Solomon as far as the trust issue on the briefing if -- if necessary. Maybe my law clerk spoke to him and he -- I'm not sure what happened. I know he called the firm because I don't want Mr. Solomon -- make sure he got heard on that issue that -- because I mean, it's -- they were concerned the minutes said the 50 pages if I said that, that wasn't my intent. My intent was if he was -- if he was inclined to stipulate to it, then I didn't care. All right.

MS. PROVOST: And Your Honor, for the attorney's fees, affidavits so that Ms. Forsberg and my -- our firm and Mr. Solomon's firm or anyone else that needs to submit can include their August billings, can we file those by September 21st which is the date for the reply briefs?

THE COURT: Yeah, absolutely. Yeah. And then what your memorandum costs and any affidavits with it. So all right. Anything else we --

MR. DICKERSON: Yes.

MS. FORSBERG: Do you want -- do you want brief closing arguments, Your Honor? I know we're doing briefs, but I wouldn't mind us doing like a closing short brief.

THE COURT: If you want closing, I'll give you some -- sure, closing if you want. But the briefs are going to address it. I mean, you're talking about three minutes? I mean, I'm figuring the briefs are going to do it. So I mean --

MS. FORSBERG: Yeah.

THE COURT: -- if -- if you really want to do one, I'll give it to you. I don't know if I need it, but I can --

MR. DICKERSON: I don't care.

MS. FORSBERG: I do.

MR. DICKERSON: Do one. She can do --

MS. FORSBERG: I would like to do --

MR. DICKERSON: -- whatever she wants.

MS. FORSBERG: Do you want to? Oh, I'll give it to you.

MS. FORSBERG: Thank you, Your Honor.

MR. DICKERSON: I do have a couple issues to address though.

THE COURT: Okay. Do you want to --

MS. FORSBERG: Are these preliminary or post so we could -- if they're preliminary, I'll let you go first.

THE COURT: They're doing the --

MR. DICKERSON: They're post.

THE COURT: Okay.

MS. FORSBERG: Your Honor, it basically boils down to on this -- this phase of the -- of the -- the trial since you broke it up into two, we ended up with the question of what the Court has to do with the property if it determines that the trust is invalid. But the Court in my opinion Your Honor if we saw the evidence and saw the numbers when you add in the debt, the Court really doesn't have to even rule on the trust, Your Honor.

I believe that the Court can actually take the numbers that we had in each one of their trusts and with the exception of those three properties that were mixed, when you add the debt in, they're -- they're equal. If you give her

the -- Lindell so she has that income property and him the cabin, Lindell was worth more than the cabin per Mr. Bertsch's appraisals that he acquired.

Then what it equals Your Honor is it equals them having one entanglement. And this Court could rule Your Honor that since we could not rule on the trust, but the -- even if you did in the alternative, look, even if I had to do this, it would be roughly equal. And these parties would be done. And with the exception of those three properties, Your Honor, of how they're going to divide those.

And we already made a proposal of how they will divide them, Your Honor, with him getting the cabin, her getting Lindell and you can leave the Mississippi as still co-owned. People co-own properties in corporations or trusts all the time. That's just the way it is. Or they could take his offer which they haven't -- Ms. Nelson said she wasn't interested or didn't know yet.

So that's where we are on that, Your Honor. As far as the child support, we really didn't address it much. But of course the Court should just set this statutory child support. The one child that -- there's one child in high school that's graduating in June and one just starting high school. These children have never attended -- none of their children have attended private high school. They've always

gone to public high schools. They went to private other schools, but never private high schools, Your Honor. So the child support should set -- set statutorily.

As far as their allegations about child support or support arrears in general, family support arrears in general, the evidence did show Your Honor that Mr. Nelson paid significantly more for the children than Ms. Nelson did. Mr. Bertsch's report is where that was shown, Your Honor. So clearly there shouldn't be child support arrears, Your Honor.

Then we get to the alimony issue no matter how we cut this up. Ms. Nelson ends up with like approximately $5,000,000 in assets. They have argued that Mr. Dickerson questioned about them not all being income producing. But that's up to her.

If you recall, Your Honor, the other part of the testimony was when she -- we started this action. She had 2.6 million dollars in cash or in investment accounts at her disposal. And the Court allowed her to do what she wanted with those and however she used them.

And we learned through this trial that Ms. Nelson actually earned money in '09. Do you recall we had the Schwab account. She actually took out $300,000 of that account during the year they showed us evidence of that. But actually, she still earned because her account actually had

more in it the end of '09 than it did in the beginning of '09.

So what she chose to do with that? It appears that she chose to pay experts that never testify, Mr. Launi, Ms. Antanassio. We spent a hundred thousand roughly on each that she spent. And what do we get? We've got no testimony about them, no hidden assets.

Remember, this was a witch hunt, Your Honor. In the beginning this was a witch hunt. And what do we see? Nothing. Mr. Bertsch came through and said there was nothing. The end of his testimony I specifically asked him if you found anything that was amiss would you have show this court, he said of course. And -- and after seeing him and the more we got to know him, clearly that's his personality. He certainly would have divulged everything.

What did we get after all these years? Nothing. No hidden assets, nothing. So as far as -- as that goes, Your Honor, she has a house with no -- she testified that her house has no payments on it. She had a car with no payments on it. And she has an income of $10,000 from Lindell if the Court rules as we suggested, Your Honor.

So with that, this shouldn't be an alimony case. $5,000,000 in property plus a house with no payments and all this, I mean, we certainly have to scrutinize her numbers really closely, because a lot of those numbers include

properties that were not hers or won't be hers in the end whenever this is done.

So clearly that -- this isn't an alimony case, it's never been an alimony case. I don't think there's ever been a case that I've seen that would have a $5,000,000 property award and you get alimony.

She needs to manager those assets. I mean, they both are going to walk away with this equally no matter how you do it whether the trust is held up or whether the trust isn't, it works out to be approximately equal, Your Honor.

And as far as attorney's fees, like I said, a witch hunt for $200,000 and two separate experts approximately with Ms. Antanassio's was 97,000. And I'm not quite sure Joe Launi because she wasn't sure on the number but it's probably close to a hundred thousand from the numbers we were presented.

So in addition, we had Larry Bertsch. So we had all these experts. And what did we find? No hidden assets. No, he didn't commit fraud. Even the asset that they said was horrible for him to abought during this action, turned out he got a note back for it and sold it. So I mean, that -- and all of these things tuned out to be really good investments. Yes, is it a bad economy, are you going to buy some bad and some good? Yes. We know that that's true with all investors, Your Honor.

So we would -- we would ask that if anybody is to do attorney's fees, the evidence has really showed even from Mr. Bertsch's reports that Ms. Nelson had the positive, Mr. Nelson had the negatives because he takes more risks on his properties. That's how they talked about from the beginning. Well, when you take more risks, sometimes you take more losses. And Mr. Bertsch's report showed that, Your Honor, that Mr. Nelson actually lost during the last -- since 2 -- 2009. And Ms. Nelson actually earned.

So that's where we are on all that, Your Honor. So clearly there shouldn't be -- if anybody should be awarded attorney's fees, it should be Mr. Nelson, because realistically his income actually is the one that stayed lower with the risk. Hers actually went up. Like I said, in 2009 alone she made $300,000 in that one account. And she pulled it all out, Your Honor. So what she does with it, that's up to her. And this Court said she could do what she wanted.

But you can't punish Mr. Nelson for the fact that she spent her money how she saw fit. If she felt she needed people to hold her hand and at a very expensive rate, that's up to her. I mean, we can't control that if she makes those choices. But Mr. Nelson shouldn't be punished for that either that she hired these people that didn't take the stand, that didn't -- we got nothing, not one shred bit of evidence that

came in that showed that she needed to hire them, nothing. At least if you found all these big things, how is that okay? At least it was worth it. But as it is now she felt it was worth, so it's worth it to her to have someone hold her hand. But Mr. Nelson shouldn't have to pay for it, Your Honor.

So basically that covers all the -- the main issues that are left.

MR. DICKERSON: I will just --

THE COURT: Do you want a response, Mr. --

MR. DICKERSON: We will very briefly. We will address this in far more detail in our -- in our written brief that will be submitted to the Court.

But starting with the issue of debts that she raises. The only -- the issue of debts has been a significant thing throughout the course of these proceedings. In fact, when we started in 2010 we were pointing out to you there is no evidence of any debt. All we have is a gentleman who totally lacks credibility trying to tell all of us that he has all this contingent debt. Larry Bertsch went through the debt. Larry Bertsch has not given credit for any debt. Larry Bertsch does not believe there is any debt. He asked for documentation of all this debt.

So the only evidence that you have and the only -- the -- what -- what has come before you with respect to the

issue of debt is Larry Bertsch's report where he's told you there is no debt and Dan Gerety who is nothing more than the puppet of Mr. Credibility saying there's an excess of $60,000,000 in these contingent debts and those various debts, you have no evidence before you on any of that debt. And that's -- I think that's critical.

So with respect to that aspect of the case, that's -- that -- that is one of the primary areas where Mr. Nelson has been playing the game the entire course of these proceedings is he wants to have an extra $6,000,000 to pay off this purported debt that just does not exist.

With respect to -- to the issues on spousal support and child support, those will be addressed in the -- in -- in a written position, but I do want Ms. Provost to go through with you the pending motions that we've had pending since April of 2010 that you have reserved ruling on. And those were issues dealing with the support and attorney's fees issue. And I would like her to go through those with you after I bring up one other point.

And as soon as we present that court order to you from the bankruptcy case giving you authorization and how -- over that 1.68 million, my request to you is at that point in time to make an advance to Ms. Nelson of that entire amount, to allow her to be able -- as you know, she's down to roughly

$200,000 based upon her testimony yesterday. To make that advance to her as -- as part -- part of whatever the ultimate decision the Court may have. The Court is going to make a determination of division of the property. The Court is going to make a determination of whether there is any community waste that -- that should be -- that -- that she should be given credit for based upon -- and again, that's covered by Larry Bertsch's report.

I think it's significant when you say -- and Mr. Bertsch's report is so significant particularly with respect to the payments that have been made just over the last -- well, since January of 2009 with respect to the payments to his family members and how they're unsupported. And he points out to you that there isn't -- they can't provide any documentation of showing legitimate 1099s that have been filed with respect to that. So his report is absolutely critical.

And then when that -- Larry Bertsch, getting him involved is that best possible thing that could have happened in this case. It totally made everything that Joe Launi have put together no longer necessary. It totally made everything that Melissa Antanassio had put together totally unnecessary, because he covered every bit of it in his report. And those two individuals, particularly Ms. Antanassio, spent significant time with Mr. Bertsch proving Mr. Bertsch with the

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATT KLABACKA,
DISTRIBUTION TRUSTEE OF THE ERIC L. NELSON NEVADA TRUST DATED MAY 30, 2001,
Appellant/Cross-Respondent,

Vs.
ERIC L. NELSON, INDIVIDUALLY, AND IN HIS CAPACITY AS INVESTMENT TRUSTEE OF THE ERIC L. NELSON NEVADA TRUST DATED MAY 30, 2001,
Respondent/Cross-Appellant,

and

LYNITA SUE NELSON, INDIVIDUALLY, AND IN HER CAPACITY AS INVESTMENT TRUSTEE OF THE LSN NEVADA TRUST DATED MAY 30, 2001,
Respondent

Supreme Court No. 66772
District Court Case No. D411537

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Supreme Court Case No. 68292

RESPONDENT /CROSS-APPELLANT

RECORD ON APPEAL

VOLUME 3

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Supreme Court Case 66772 Consolidated with 68292 In the Matter of: Klabacka v. Nelson

INDEX

VOLUME	PAGE NUMBER
1	1 – 200
2	201 – 290
3	291 - 510

Supreme Court Case 66772 Consolidated with 68292 In the Matter of: Klabacka v. Nelson

INDEX

VOLUME	DATE	DESCRIPTION	PAGE NO.
1	8/20/12	Trial Transcript Re: Non-Jury Trial	1 – 200
2	8/20/12	Trial Transcript Re: Non-Jury Trial	201- 290
2	8/22/12	Trial Transcript Re: Non-Jury Trial	291- 347
3	8/22/12	Transcript Re: Telephonic Hearing	348 – 358
3	4/24/14	Transcript Re: Order to Show Cause	359 – 510