

<p style="text-align: right;">Page 78</p> <p>1 question. I can't remember what it was either, off 2 the top of my head. 3 MR. NAIMI: You would acknowledge that 4 Evan has a strong relationship with his mother? 5 Q: No. It's not the trans -- we will 6 point out that that's not the transcript. 7 JUDGE GENTILE: Well, he's talking 8 about his list of questions. 9 Q: His outline of his questions. 10 JUDGE GENTILE: Did you just follow a 11 list? 12 MR. NAIMI: I did. 13 JUDGE GENTILE: Yeah. 14 Q: But there was -- 15 JUDGE GENTILE: I know. I think there 16 was another one as well. 17 MR. NAIMI: I did not ask anything 18 about parental traits, your Honor. 19 JUDGE GENTILE: You really didn't. 20 Q: Okay. 21 JUDGE GENTILE: Okay. 22 Q: We will move on. 23 JUDGE GENTILE: All right. 24 MR. NAIMI: For the record, that 25 objection's sustained?</p>	<p style="text-align: right;">Page 80</p> <p>1 clueless. When is hockey season for kids whether 2 they're in a league or -- 3 A: Okay. So it's broken up. The 4 regular season is September through -- 5 JUDGE GENTILE: This is if your son 6 were to be in a league or something like that, 7 correct? 8 A: Yes. He would be on a team and he 9 would be competing in a league like a travel program. 10 JUDGE GENTILE: Okay. September 11 through when? 12 A: April is the season and then that's 13 the regular season. May and June is spring season 14 where it's dedicated to lots of tournaments, and then 15 July and August is dedicated towards full-day summer 16 camps, and then September through April is the 17 regular season again. 18 JUDGE GENTILE: Okay. So let me ask 19 you this question. 20 A: Yes. 21 JUDGE GENTILE: Understanding your 22 passion for this and his passion for it apparently, 23 if you were to have to give up some of that time 24 because that's the entire year, what do you believe 25 is best for him in developing his skill because quite</p>
<p style="text-align: right;">Page 79</p> <p>1 JUDGE GENTILE: Yes. 2 MR. NAIMI: Thank you your Honor. 3 Q: Mr. Naimi went over flight 4 itinerary in his own demonstrative exhibit of 5 timeshare. Have you ever received additional days 6 beyond the timeshare stated in the parenting plan? 7 A: Yes. 8 Q: Have you received additional days 9 in 2014-2015 timeframe beyond what Mr. Naimi went 10 over with you? 11 A: My memory serves me, yes. 12 Definitely. 13 Q: You recall what these days those 14 were as we sit here right now? 15 A: I don't. 2013-2014, yes. 16 Q: You're not sure about 2014-2015? 17 A: I'm not sure. 18 Q: Okay. Thank you. 19 JUDGE GENTILE: I have a question. 20 MR. NAIMI: Go ahead your Honor. 21 JUDGE GENTILE: I have some questions 22 for you. In talking about hockey, and then you 23 talked about camps and what you want to do with your 24 son with regard to being able to, I guess, mentor him 25 and train him. When's hockey -- forgive me, I'm</p>	<p style="text-align: right;">Page 81</p> <p>1 frankly the proposed scheduled I think that if I were 2 to grant your request is limited and that was the 3 point that Mr. Naimi was making that it was very 4 minimal amount of time to be able to spend with mom 5 and typically when we have parents living in two 6 different states, they have more significant contact? 7 It's much like what you have now. 8 A: Yes. 9 JUDGE GENTILE: So just in your 10 estimation, what do you think is most important for 11 him in your contact with him so that he develops as a 12 player. Is it the spring? Is it September to April? 13 Is it the summertime? Which part of the year is that 14 or which portions thereof? 15 A: I think the regular season is the 16 most critical because it gives him the opportunity to 17 bond with his team members and get into a solid 18 organization where he is in a regular season because 19 the springtime is for most parents, it's optional. 20 JUDGE GENTILE: The May to June you're 21 talking about? 22 A: Yes. May to -- 23 JUDGE GENTILE: The tournament season? 24 A: Yeah. May through June is a time 25 where some parents hang up the skates and play</p>

<p style="text-align: right;">Page 82</p> <p>1 another sport for spring sports, and then the summer 2 is again another optional part where parents, they 3 send their kids to nine weeks of summer camp. My 4 brother and I did that, but that's what we wanted to 5 do. 6 JUDGE GENTILE: Okay, another question. 7 A: Yes. 8 JUDGE GENTILE: Now that you're going 9 to get your business back up again, when is your 10 busiest season for training or is it all year -- 11 what's the plan? 12 A: It's all-year. It's an all-year- 13 round program. We work throughout the year and of 14 course, if Evan is granted the relocation, I would be 15 coaching his team throughout the year. I would be 16 coaching, teaching, and aside from that, doing other 17 programming, skill development program during that 18 year, and then when the spring comes, I would form a 19 team like we just did and do some tournaments and 20 then do some local development in New York, and then 21 in the summer, in fact on Friday, I'm bringing Evan 22 to Minnesota hockey camp, a camp we went to when we 23 were children, for two weeks, because this is what he 24 wants to do and his good friends. Tommy Doyle and 25 Baby Neil will be there.</p>	<p style="text-align: right;">Page 84</p> <p>1 Q: You testified afterwards with Ms. 2 Wilson that it was for you and Peter, is that 3 correct? 4 A: That's incorrect. 5 Q: This monthly expense of \$1500 a 6 month is not for you and Peter -- excuse me. It was 7 for you, and Peter, and Evan; is that correct? 8 A: Correct. 9 Q: That was you had a high restaurant 10 bill because of your travels to Las Vegas, correct? 11 A: Correct. 12 Q: If you flip the page on page five, 13 you asked an additional \$2800 a month in food and 14 lodging, and what not. So it's conceivable that some 15 of that bill is for the travel restaurants, is that 16 correct? 17 A: Some. 18 Q: So in essence, you're spending a 19 couple of thousand, maybe \$2300, \$2500 a month on 20 food and beverage? 21 A: Are you -- 22 Q: Combining the 1500 over here. 23 A: That's not just in Vegas. 24 Q: I understand that. This is New 25 York, right? It's Los Angeles, right? It's Orlando,</p>
<p style="text-align: right;">Page 83</p> <p>1 JUDGE GENTILE: Okay. All right. I 2 think that is -- 3 A: So our program will have the 4 ability to do spring program development and then 5 also have teams to go on these tournaments. Then in 6 the summer, historically on Long Island, we would 7 have our own summer camps that we don't have to 8 really go away for summer camps, but because we're 9 not active right now, we choose to go to Minnesota 10 this summer. 11 JUDGE GENTILE: Okay. 12 A: Does that make sense? 13 JUDGE GENTILE: Yeah, it does, it 14 helps, okay. Any other -- 15 DIRECT EXAMINATION 16 By: Jason Naimi 17 Q: Just some brief questions your 18 Honor. If you would go to exhibit L1, your financial 19 disclosure form -- 20 A: Okay. 21 Q: Yeah, page four of the financial 22 disclosure form. When I asked you about your monthly 23 food expense of \$1500, you said that was for you, is 24 that correct? 25 A: That's incorrect.</p>	<p style="text-align: right;">Page 85</p> <p>1 yes? 2 A: I spend much time in Orlando but -- 3 Q: You go to Orlando every year? 4 A: Yes. 5 Q: You've been to Orlando this past 6 year? 7 A: No. 8 Q: In 2015, you were in Orlando? 9 A: Yes. 10 Q: Okay. Then you have an additional 11 food and beverage expense and that's for Las Vegas 12 exclusively is what you're saying? 13 A: The 2800 really reflects my hotel 14 stay. 15 Q: It says food and lodging in Las 16 Vegas, does it not? 17 A: Yes. 18 Q: Okay. 19 A: It says that, but I'm saying that 20 the 2800 is primarily dedicated towards -- 21 Q: Actually, I'm going to object your 22 Honor. There was no question pending. Motion to 23 strike the witness's testimony a moment ago. 24 JUDGE GENTILE: You're going to strike 25 even --</p>

<p style="text-align: right;">Page 86</p> <p>1 Q: I'm going to strike the last 2 statement made by-- There was no question pending. 3 JUDGE GENTILE: You're talking about 4 because he commented -- all right. I heard it, yeah, 5 okay. 6 Q: Thank you. 7 JUDGE GENTILE: Yeah. 8 Q: Sustained? 9 JUDGE GENTILE: No question pending. 10 You just kept commenting and then he's asking to 11 strike your comments. 12 A: Okay. Sorry. 13 JUDGE GENTILE: Okay. 14 Q: I asked you earlier if your motion 15 was complete, is that correct? 16 A: Correct. 17 Q: You said that the motion was 18 complete? 19 A: I did. 20 Q: Part of that motion included your 21 proposed visitation schedule? 22 A: Yes. 23 Q: It was an exhibit to that motion? 24 A: Yes. 25 Q: Then on redirect, your -- excuse</p>	<p style="text-align: right;">Page 88</p> <p>1 JUDGE GENTILE: Now that NHL is coming 2 here, have you thought about it? It'll be a whole 3 new industry here. 4 MR. NAIMI: It would be a great time to 5 open a camp. 6 JUDGE GENTILE: Yeah. 7 A: There is a lot of questions if the 8 team will even last unfortunately. It's a market 9 that sports teams generally fail here. 10 JUDGE GENTILE: I know but right. Just 11 curious, that's the question because you don't have a 12 facility, correct? You just utilize someone else's 13 facility for your camps? 14 A: Yes. We have all -- before Twin 15 Rinks, we have all our relationships with the rinks 16 and the organizations are based in New York, and we 17 don't have those relationships here. 18 MR. NAIMI: I've got a followup. I'm 19 going to follow up on that, your Honor. 20 JUDGE GENTILE: There's no NHL here at 21 this point, not much of a hockey -- 22 A: Well, it would take decades upon 23 decades to grow -- 24 JUDGE GENTILE: Building it. 25 A: -- the youth hockey here because</p>
<p style="text-align: right;">Page 87</p> <p>1 me, on cross or followup, I don't know, your attorney 2 asked you if there was any additional vacation you 3 would facilitate to Ms. Nance; is that correct? 4 A: Correct. 5 Q: And you said, "I would fly her out 6 to New York every month," and so on and so forth; is 7 that correct? You said, "I would allow her to fly 8 every month to New York to visit Evan if I were 9 granted primary physical custody," is that correct? 10 A: I would facilitate -- 11 Q: That was not in the motion was it? 12 A: No. 13 Q: It wasn't in that proposed plan? 14 A: No. 15 Q: Do you recall completing an intake, 16 any intake documents for counseling at Margaret 17 Pickard's office? 18 A: I don't. 19 Q: I have nothing further, your Honor. 20 JUDGE GENTILE: I have another 21 question. I'm just going to jump in again. 22 MS. WILSON: Go ahead. 23 JUDGE GENTILE: Okay. Have you 24 considered doing any summer camps in Las Vegas? 25 A: No.</p>	<p style="text-align: right;">Page 89</p> <p>1 it's just not a strong market for it and -- 2 JUDGE GENTILE: Understood. 3 A: -- Evan would be in college by 4 then. 5 MR. NAIMI: I've got some followup 6 questions to that now. 7 JUDGE GENTILE: Yeah. 8 FOLLOWUP EXAMINATION 9 By: Jason Naimi 10 Q: You've actually coached -- you've 11 done some hockey coaching or hockey instruction here 12 in Las Vegas already, have you not? 13 A: Volunteer. 14 Q: But you've done it? 15 A: Volunteer. Evan's teams -- 16 Q: Actually, there's currently -- 17 A: Strictly Evan's teams. 18 Q: There's currently a player in the 19 NHL that's from Las Vegas at this moment, is there 20 not? 21 A: Yes. 22 Q: He plays for the Minnesota Wild? 23 A: Yes. 24 Q: Nothing further. 25 CROSS EXAMINATION</p>

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<p>1 By: Shannon Wilson</p> <p>2 Q: How many professional hockey teams</p> <p>3 exist in New York?</p> <p>4 A: New York Rangers and New York</p> <p>5 Islanders.</p> <p>6 Q: So there're two professional hockey</p> <p>7 teams in New York?</p> <p>8 A: Correct.</p> <p>9 MR. NAIMI: Actually, I'm going to</p> <p>10 object to relevancy.</p> <p>11 Q: It's directly relevant to the</p> <p>12 entire line of questioning. You just have --</p> <p>13 JUDGE GENTILE: Yeah. I'm not sure</p> <p>14 where she's going, but what's the next followup?</p> <p>15 Q: So two professional hockey teams in</p> <p>16 New York, have you ever played for those teams?</p> <p>17 A: I played for both teams and I'm</p> <p>18 alumni members of both teams, yes.</p> <p>19 Q: How does your reputation in New</p> <p>20 York feed for brother's hockey?</p> <p>21 A: It feeds it nicely, very well-known</p> <p>22 in the community.</p> <p>23 Q: Can you estimate for us your</p> <p>24 personal food and grocery bill for a month excluding</p> <p>25 what you spend when you're with Evan?</p>	<p>1 JUDGE GENTILE: Yeah. Okay.</p> <p>2 MR. MOODY: Yeah. We'll keep ours</p> <p>3 JUDGE GENTILE: Next witness.</p> <p>4 MR. NAIMI: Go ahead.</p> <p>5 MS. COOLEY: We're going to call Sandra</p> <p>6 Nance.</p> <p>7 MS. MCCULLOCH: Do you solemnly swear</p> <p>8 the testimony you're about to give, Ms. Nance will be</p> <p>9 the truth, the whole truth, and nothing but the truth</p> <p>10 so help you god?</p> <p>11 MS. NANCE: I do.</p> <p>12 MS. MCCULLOCH: Okay, thanks.</p> <p>13 MS. COOLEY: You're ready, your Honor?</p> <p>14 JUDGE GENTILE: Okay.</p> <p>15 DIRECT EXAMINATION:</p> <p>16 By: Shelly Cooley</p> <p>17 Q: Okay. Will you please state your</p> <p>18 name for the record?</p> <p>19 A: Sandra Nance.</p> <p>20 Q: What is your date of birth?</p> <p>21 A: 8/7/1973.</p> <p>22 Q: How old are you?</p> <p>23 A: Forty-two.</p> <p>24 Q: Where do you currently reside?</p> <p>25 A: 11220 Hedgemont Avenue, Las Vegas,</p>
Page 91	Page 93
<p>1 A: I'm not the greatest cook, so I</p> <p>2 don't rely on myself so I eat out a lot. I don't</p> <p>3 know. A month, I'm always eating out breakfast,</p> <p>4 lunch and dinner, and snacks in between.</p> <p>5 Q: How much do you spend a day?</p> <p>6 A: A day? Easily \$50. That could be</p> <p>7 way off, I don't know.</p> <p>8 Q: And \$50 times 30 days is \$1500 a</p> <p>9 month; correct?</p> <p>10 A: Correct.</p> <p>11 Q: That's all. Nothing more.</p> <p>12 MR. NAIMI: Nothing further your Honor.</p> <p>13 JUDGE GENTILE: Okay. You may step</p> <p>14 down. Thank you.</p> <p>15 A: Thank you.</p> <p>16 JUDGE GENTILE: I lost track of the --</p> <p>17 MR. NAIMI: Pardon? You lost track --</p> <p>18 JUDGE GENTILE: I lost track at about,</p> <p>19 I don't know, half hour ago, 25 minutes ago. I'll</p> <p>20 have to go back and check it.</p> <p>21 MR. NAIMI: Yeah, sorry, thanks, thank</p> <p>22 you. Thank you.</p> <p>23 JUDGE GENTILE: Mr. Naimi, Here.</p> <p>24 MR. NAIMI: Sure, thank you. Hopefully</p> <p>25 it's helpful.</p>	<p>1 Nevada 89138.</p> <p>2 Q: In this matter, you filed an</p> <p>3 opposition to defendant's motion and counter motion</p> <p>4 for confirmation of primary physical custodian,</p> <p>5 modification of child support, strike Chris's motion</p> <p>6 as defective and reasonable attorneys' fees and</p> <p>7 costs?</p> <p>8 A: Correct.</p> <p>9 Q: All the information in that</p> <p>10 opposition was cracked when you signed it?</p> <p>11 MR. MOODY: Objection. Leading.</p> <p>12 Q: No problem.</p> <p>13 JUDGE GENTILE: Sustained.</p> <p>14 Q: Was all the information in that</p> <p>15 opposition correct?</p> <p>16 A: To the best of my knowledge, yes.</p> <p>17 Q: You and Chris have one minor child</p> <p>18 together?</p> <p>19 A: Correct.</p> <p>20 Q: What is his name?</p> <p>21 A: Evan Daniel Ferraro.</p> <p>22 Q: How old is Evan?</p> <p>23 A: Seven.</p> <p>24 Q: How old will he be on his birthdate</p> <p>25 this year?</p>

<p style="text-align: right;">Page 94</p> <p>1 A: Eight.</p> <p>2 Q: Are you currently employed?</p> <p>3 A: I'm self-employed.</p> <p>4 Q: What is your occupation?</p> <p>5 Q: Well, I'm a mom first and foremost.</p> <p>6 I own a food vending catering business and as far as</p> <p>7 work, that's what I would consider work. I do some</p> <p>8 parttime modeling still and some hobby, things that I</p> <p>9 do to earn extra cash.</p> <p>10 Q: Why are you self-employed?</p> <p>11 A: To be able to accommodate my</p> <p>12 children's schedule.</p> <p>13 Q: Who are your attorneys?</p> <p>14 A: The Standish Law Group and Cooley</p> <p>15 Law Firm.</p> <p>16 Q: How much have you paid your</p> <p>17 attorneys as of this date?</p> <p>18 A: All my attorneys or just the firm,</p> <p>19 zero.</p> <p>20 Q: Okay. Why have you paid Standish</p> <p>21 Naimi Law Group and the Cooley Law Firm zero?</p> <p>22 MS. WILSON: Objection. With the</p> <p>23 court's indulgence, can we have a conference with</p> <p>24 opposing counsel?</p> <p>25 MR. NAIMI: Yeah. Me or her?</p>	<p style="text-align: right;">Page 96</p> <p>1 surrounding the execution of the parenting plan?</p> <p>2 A: We were in court proceedings. We</p> <p>3 had just finished our custody evaluation that was</p> <p>4 court ordered. We were appointed to Margaret</p> <p>5 Pickert, our mediator. And she took over putting the</p> <p>6 parenting plan together with Chris and I.</p> <p>7 Q: And did you have an attorney when</p> <p>8 you negotiated the parenting plan?</p> <p>9 A: I did not, no.</p> <p>10 Q: And how did you reach the current</p> <p>11 schedule?</p> <p>12 MR. MOODY: Objection. Judge, this is</p> <p>13 so close to violating the parole evidence rule that</p> <p>14 I'm afraid it may get into negotiations and things</p> <p>15 outside the parenting plan.</p> <p>16 JUDGE GENTILE: It hasn't gotten there</p> <p>17 yet. I don't know.</p> <p>18 MR. MOODY: I just--</p> <p>19 JUDGE GENTILE: Just be careful not to</p> <p>20 discuss settlement negotiations. I mean, when you</p> <p>21 are asking her how did they reach it, are you looking</p> <p>22 for just an overall?</p> <p>23 MS. COOLEY: Uh-uh. Okay. Yes.</p> <p>24 JUDGE GENTILE: Okay. Answer that</p> <p>25 question only.</p>
<p style="text-align: right;">Page 95</p> <p>1 MS. WILSON: Both of you.</p> <p>2</p> <p>3 (BENCH CONFERENCE)</p> <p>4 JUDGE GENTILE: We're back on the</p> <p>5 record.</p> <p>6 Q: Why have you paid our friends</p> <p>7 nothing, Sandra?</p> <p>8 A: Because I had given my old</p> <p>9 attorney-- we had agreed on a set price and it</p> <p>10 started to exceed that, and I couldn't meet the price</p> <p>11 that he was wanting or the amounts of money. I was</p> <p>12 referred to your law group and you guys-- we kind of</p> <p>13 went over the case and I have applied for pro bono.</p> <p>14 Q: And were you qualified for a pro</p> <p>15 bono representation?</p> <p>16 A: I was.</p> <p>17 Q: Do you recall executing the</p> <p>18 parenting plan?</p> <p>19 A: I do.</p> <p>20 Q: And when did you execute the</p> <p>21 parenting plan?</p> <p>22 A: All through the year. It took</p> <p>23 several months of 2012 when it was finalized in</p> <p>24 November of 2012.</p> <p>25 Q: Can you describe the circumstances</p>	<p style="text-align: right;">Page 97</p> <p>1 A: We are--</p> <p>2 MR. NAIMI: Excuse me. Can we get a</p> <p>3 ruling on the objection, Your Honor?</p> <p>4 JUDGE GENTILE: I am sustaining that</p> <p>5 object-- well.</p> <p>6 MALE SPEAKER 1: It's overruled for now</p> <p>7 with caution to the...</p> <p>8 JUDGE GENTILE: It's overruled for--</p> <p>9 yeah, my point being she needs to answer only that</p> <p>10 question. So I'm overruling it for now, but if in</p> <p>11 fact you go into settlement negotiations I'll have to</p> <p>12 strike that testimony.</p> <p>13 MR. NAIMI: Thank you, Your Honor.</p> <p>14 JUDGE GENTILE: Don't go into that.</p> <p>15 All right. Thank you.</p> <p>16 Q: How did you reach the current</p> <p>17 schedule?</p> <p>18 A: With the assistance of Margaret</p> <p>19 Pichard, myself and Chris.</p> <p>20 Q: Have there been any problems</p> <p>21 regarding visitation?</p> <p>22 A: There has been.</p> <p>23 Q: What are those problems?</p> <p>24 A: Well, the main problem was when</p> <p>25 Evan was entering kindergarten, our son. We had both</p>

<p style="text-align: right;">Page 98</p> <p>1 agreed throughout the parenting plan what was going 2 to happen when that took place, and that Evan 3 wouldn't continue traveling during the school year. 4 It took place all of kindergarten or most of 5 kindergarten, almost the entire year. 6 Q: Okay. Let's go through the 7 visitation schedule. What is the monthly schedule 8 you and Chris are following in the plan? 9 A: He picks up Evan the third Friday 10 of the month, and has him 10 full days after that and 11 drops him off on Monday. 12 Q: Monday when? 13 A: At school in the morning. 14 Q: Is that schedule being followed? 15 A: Yes. 16 Q: What is the summer schedule you and 17 Chris are following in the parenting plan? 18 A: He is to get Evan the second Friday 19 of the month, and then he gets him 14 consecutive 20 days from there. 21 Q: What months are included in the 22 summer schedule? 23 A: June, July and August. 24 Q: And during the three summer months, 25 how many days of visitation does Chris have each</p>	<p style="text-align: right;">Page 100</p> <p>1 elementary school? 2 A: Yes, that's what I was just saying. 3 Q: Where were Chris's monthly visits 4 to occur once Evan started elementary school? 5 A: In Las Vegas. 6 Q: Did Chris exercise his monthly 7 visits in Las Vegas once Evan entered kindergarten? 8 A: No, not all of them. 9 Q: Does this plan address Skype 10 visitation? 11 A: Yes. 12 Q: Who is entitled to communicate with 13 Evan via Skype? 14 A: It's meant for the parents. 15 Q: And who are the parents? 16 A: Myself and Chris. 17 Q: And when are both parents entitled 18 to communicate with Evan via Skype? 19 A: Monday, Thursday and Saturday is 20 our Skype schedule. 21 Q: What time are the parents entitled 22 to communicate with Evan? 23 A: It's 8:30, whatever time zone Evan 24 is in. 25 Q: You testified that you are self-</p>
<p style="text-align: right;">Page 99</p> <p>1 month? 2 A: During the three summer how many 3 days, 14 full days. 4 Q: Does the parenting plan address for 5 Chris to exercise visitation? 6 A: During the summer or during the 7 whole year? 8 Q: During the school year as well as 9 summer. 10 A: The summer up until kindergarten, 11 he was able to travel to New York. Once kindergarten 12 started, he was to stay in Vegas on his timeshare, 13 unless it was a holiday or there was a four-day 14 period, I believe it is four days. And then in the 15 summer he was allowed to go to New York or wherever 16 he chose to take a vacation, or whatever on his time. 17 Q: So once Evan started kindergarten, 18 where were visits less than three days to occur? 19 A: In Las Vegas. 20 Q: And once Evan started kindergarten, 21 where could visits four days or more occur? 22 A: They can occur in New York if he 23 wanted to take him in. 24 Q: Does the plan address where the 25 monthly schedule is to occur once Evan began</p>	<p style="text-align: right;">Page 101</p> <p>1 employed? 2 A: Mm-hmm. 3 Q: And you testified that your hours 4 vary. 5 A: Mm-hmm. 6 Q: When do you work? 7 A: Around my kids' schedules. I 8 schedule on my kids' schedules. 9 Q: Do you have flexibility in case 10 Evan becomes ill? 11 A: Absolutely, yes. 12 Q: And do you have flexibility to be 13 home for any reason if your children need you? 14 A: Absolutely, yes. 15 Q: When Evan is in your custody, who 16 provides for his care? 17 A: I do. 18 Q: Since the parenting plan was filed 19 in November 2012, has Chris complied with the current 20 visitation schedule? 21 A: Since 2012, no. 22 Q: Please explain how he has not. 23 A: Well, we just addressed it. The 24 kindergarten situation has been the biggest. Besides 25 that, besides travel, well, I think we mentioned he</p>

<p>Page 102</p> <p>1 didn't provide, according to the parenting plan, a 2 location that he was at. That's happened a couple of 3 time. Evan has told me he traveled outside of the 4 state a few times on private jets, or whatever, and I 5 wasn't informed of that. Just things like that have 6 happened.</p> <p>7 Q: Okay. If Chris is allowed to move 8 with Evan to New York, do you have any concerns?</p> <p>9 A: Absolutely.</p> <p>10 Q: What are those concerns?</p> <p>11 A: Well, the biggest concern is I 12 won't be able to have the relationship I currently 13 have with Evan. He won't have a relationship 14 probably, if any, with his siblings or his 15 grandparents here that he's been raised with since 16 birth or his extended family, because we can't all 17 travel to New York and do that. My daughter is in 18 school. My son is older now so he is with his 19 girlfriend a lot and they are planning on moving in 20 college and all that in a different state. But my 21 daughter is still in school so I can't travel. I 22 take them to school and do everything with them.</p> <p>23 Q: Do you consent to Chris relocating 24 to New York with Evan?</p> <p>25 A: No.</p>	<p>Page 104</p> <p>1 JUDGE GENTILE: For the record.</p> <p>2 Q: Not including holidays, 3 approximately how many visitation days per year does 4 Chris exercise?</p> <p>5 A: I believe it's around like 130, 6 133, something in that area.</p> <p>7 Q: And not including holidays, 8 approximately how many custodial days do you have 9 with Evan each year?</p> <p>10 A: 230, 232. I don't know the exact 11 number, sorry.</p> <p>12 Q: Have you reviewed Chris's proposed 13 visitation schedule?</p> <p>14 A: I have.</p> <p>15 Q: And when are you entitled to a 16 Memorial day and Columbus Day?</p> <p>17 A: From what I remember exactly, 18 it's...</p> <p>19 Q: Do you need to look at-- do you 20 need to review it?</p> <p>21 A: I think I remember. I think it's 22 if the school allows it, I think it said on there, 23 and then if he doesn't have any extracurricular 24 activities that he would be involved in.</p> <p>25 Q: What if anything occurs over the</p>
<p>Page 103</p> <p>1 Q: You testified that during the 2 school year Chris has a pro--</p> <p>3 MR. MOODY: Objection, leading.</p> <p>4 JUDGE GENTILE: Could you repeat what 5 you were just saying?</p> <p>6 MS. COOLEY: You testified during the 7 school year-- that's all I said.</p> <p>8 JUDGE GENTILE: I mean--</p> <p>9 MS. COOLEY: Can I finish my question 10 and then--</p> <p>11 JUDGE GENTILE: Yeah, I want to hear 12 the whole question because it might be foundational. 13 Go ahead.</p> <p>14 Q: You testified during the school 15 year Chris has monthly visitation of 10 days each 16 month.</p> <p>17 MR. MOODY: Objection, leading.</p> <p>18 JUDGE GENTILE: I mean, is there a 19 question?</p> <p>20 MS. COOLEY: Yes, I'm just confirming 21 that that is in fact the schedule.</p> <p>22 JUDGE GENTILE: That is leading.</p> <p>23 MS. COOLEY: Okay. I will...</p> <p>24 JUDGE GENTILE: Sustained.</p> <p>25 MS. COOLEY: Okay.</p>	<p>Page 105</p> <p>1 Memorial and Columbus Day holidays?</p> <p>2 A: In general, or what would happen or 3 what happens? I know that Chris does clinics every 4 year at those times.</p> <p>5 Q: Based on this schedule, do you 6 believe you would have visitation over these 7 holidays?</p> <p>8 A: No. No.</p> <p>9 Q: Approximately how many days of 10 visitation is he requesting that you be awarded each 11 year?</p> <p>12 A: I think it's around 60.</p> <p>13 Q: And in his proposed schedule for 14 Columbus Day and Memorial Day, Chris proposes that 15 Evan miss two days of school. How do you feel about 16 Evan missing two days of school for visitation?</p> <p>17 A: I'm not in support of any missed 18 days of school, unless it's an emergency or my kids 19 are sick or something like that. I don't really 20 support just missing school.</p> <p>21 Q: Have you tried to foster and 22 encourage the relationship between Chris and Evan?</p> <p>23 A: Absolutely.</p> <p>24 Q: State with specificity how you've 25 done that.</p>

<p style="text-align: right;">Page 106</p> <p>1 A: Well, I always encourage Evan 2 towards his father. For example, I just over this 3 past timeshare it was Father's Day and he made a 4 little thing at school for him. I have a lot of 5 crafts. I love art so I just have a lot of crafts 6 and things in the house. And I told him to make some 7 extra things because when it was Mother's Day he made 8 a bunch of stuff and he did some things at home for 9 me. So I told him, "Would you like to make extra 10 things for your father?" I helped him cut them. I 11 helped him, and I have done that in the past too. 12 For Christmas, he wanted to make little things for 13 Chris at home. So little things like that, I always 14 encourage him with his dad, always.</p> <p>15 Q: Do you support Evan's relationship 16 with Chris?</p> <p>17 A: Absolutely.</p> <p>18 Q: How?</p> <p>19 A: Well, things like that. Like I 20 said, I never ever talk bad, ever, about Chris to 21 Evan or his family. None of that, ever.</p> <p>22 Q: And do you believe that Chris 23 fosters the relationship between you and Evan?</p> <p>24 A: Absolutely not.</p> <p>25 Q: Why?</p>	<p style="text-align: right;">Page 108</p> <p>1 everything we do, everything as parents. I can give 2 you some examples if you would like those. I have 3 numerous examples. That to me that's fostering a 4 relationship. I allow Chris at every timeshare 5 almost he brings shoes, activity, games or what I 6 allow in my house. I never tell Evan he can't have 7 them. "Keep them in a bag until you go back with 8 your dad." It constantly happens when I give over 9 our son to Chris. An example, when Evan started 10 baseball, he wanted to use his older brother's bag, 11 his baseball bag, which was like brand new. And he 12 came back and Chris had purchased him a new bag. And 13 he said, "No, you're going to use this bag." The mit 14 I bought him he purchased a different mit, and he 15 said, "you're going to use my mit." The cleats I 16 got him or actually I was going to use cleats, but 17 the cleats, I will take that back. I do take that 18 back because I do remember I told him he can purchase 19 them because I had cleats but he had outgrown them. 20 He asked if he could purchase them. This constantly 21 happens. We have had some instances with the tooth 22 fairy that were huge, huge ordeals that came up with- 23 -</p> <p>24 Q: Please, explain what happened with 25 the tooth fairy?</p>
<p style="text-align: right;">Page 107</p> <p>1 A: Because it's not reciprocated.</p> <p>2 Q: Why do you believe that?</p> <p>3 A: Evan tells me. Evan tells me about 4 the things that have been said.</p> <p>5 MR. MOODY: Objection, hearsay.</p> <p>6 JUDGE GENTILE: Sustained.</p> <p>7 MR. NAIMI: I'd like actually...</p> <p>8 MR. MOODY: Move to strike.</p> <p>9 MR. NAIMI: There is a child exception 10 in family court. Every department has a different 11 policy on it. So your policy is that...</p> <p>12 JUDGE GENTILE: Unless the two of you 13 have agreed to allow the child's testimony in. I 14 mean, I follow the rules. The rules don't allow it 15 so...</p> <p>16 MR. NAIMI: Okay. I just wanted to 17 know what the policy was.</p> <p>18 JUDGE GENTILE: Yeah, the rules allow 19 it so I follow the rules. Yeah, I think we are 20 stepping on a territory we need to stay away from.</p> <p>21 MR. NAIMI: No problem.</p> <p>22 Q: Without telling what Evan has 23 specifically told you, why do you believe that Chris 24 is not fostering your relationship?</p> <p>25 A: Chris is always one-upping me on</p>	<p style="text-align: right;">Page 109</p> <p>1 A: Absolutely. Last year, Evan lost 2 his first tooth in my care.</p> <p>3 Q: Do you need to take a moment?</p> <p>4 A: Sorry.</p> <p>5 Q: It's okay. Go ahead and take a 6 minute, Sandra.</p> <p>7 A: Evan lost his tooth in my care and 8 it was his first tooth. But another tooth was loose 9 right after that and it was hanging on by a thread 10 and it could have came out in my care, and I told 11 Evan, "Let it happen with your dad," so he can 12 experience it too, so he could have the second tooth 13 or whatever. With all my kids, I gave them like \$20 14 for their first tooth and then it's normal; \$5, \$3 or 15 a candy bar, whatever you give your kids. The second 16 tooth I let him go and happen with Chris, like I 17 said, so he could have it. And I found out when Evan 18 came back, he got a \$100 from the tooth fairy. I had 19 parents coming up to me in school saying, "My kids 20 have told me that your son gets \$100 from the tooth 21 fairy, thanks." I heard the teacher, his teachers, 22 kindergarten teacher, make a comment, "Evan gets \$100 23 from the tooth fairy?" That all happened, now we 24 speed up to this last timeshare with Chris the last 25 two. In May, he had a tooth loose that fell out. He</p>

<p style="text-align: right;">Page 110</p> <p>1 came back. I found out that it fell out in Chris` 2 care. He gave him \$200-and-something. So Evan told 3 me that every tooth that falls out that he'll get 4 more money and more money and more money. And I 5 explained to my son, "Evan, I don't think the tooth 6 fairy works like that. You don't get more money and 7 more money." And I'm trying to have to explain to my 8 child tooth fairy without ruining it for him. Speed 9 up to this last timeshare, Evan left with one loose 10 tooth, two front teeth that had become loose in that 11 timeshare that I found out, that got loose from 12 hitting the goal post that Chris did not inform me 13 of. They bled. Evan told me it hurt. They were not 14 loose when he left. They were not loose when he left 15 on that timeshare. June timeshare he went with 16 Chris. He informed me that he came back with three 17 teeth missing on June timeshare. He informed me he 18 received \$340 for one or \$320 and \$340 for the other 19 first tooth. I don't know what he received for the 20 other tooth. Then he asked me, "Mommy, have I lost 21 any teeth in your care?" I and I'm like, "Well, when 22 I was with you?" And I said, "Yes, your first 23 tooth." And he goes, "Well, Mama-- 24 MR. MOODY: Objection, hearsay. 25 A: This is what I was told.</p>	<p style="text-align: right;">Page 112</p> <p>1 Q: What is the approximate duration of 2 your face time calls with Evan? 3 A: Approximate, it's five minutes. 4 Q: And where is Evan when these calls 5 take place? 6 A: Elevators, the car, on his way to 7 dinner, every single face time call. You know, 8 hockey rink, just always on the go, basically. 9 Q: When, if ever, does Chris get to 10 face time with Evan? 11 A: The same times, Monday, Thursday, 12 Saturday. 13 Q: What time? 14 A: 8:30 and, like I said, it adjusts 15 sometimes. 16 Q: And how long does Chris get to face 17 time with Evan? 18 A: Usually, the majority of the time 19 is his full 30 minutes to an hour, an hour and a 20 half. There has been occasions when we have been 21 doing other things or things are going on and Evan 22 asks if he can go sooner than that. 23 Q: And where is Evan during Chris` 24 face time calls, usually? 25 A: 90% of the time at home in his</p>
<p style="text-align: right;">Page 111</p> <p>1 JUDGE GENTILE: Yeah, sustained. We 2 don't want to go into what other people are saying. 3 Q: Without repeating what you were 4 told, what is your understanding of where Evan's lost 5 teeth are kept? 6 A: With his grandmother in New York 7 and he saw them. 8 MR. MOODY: Same objection. I'll just 9 add that it also lacks foundation. 10 JUDGE GENTILE: Sustained. 11 MS. COOLEY: All right. We'll move on, 12 Your Honor. 13 Q: With regard to face time, when, if 14 ever, do you face time with Evan? 15 A: Well, we try and stick to the 16 schedule as much as we can. The Monday, Thursday and 17 Saturday schedules; our lives are busy, things 18 change. 19 Q: And how long do you get to face 20 time with Evan? 21 A: It was set out. It was supposed to 22 be a 30-minute period of allotment. 23 Q: And how often do you get 30 minutes 24 of time with Evan? 25 A: Rarely ever.</p>	<p style="text-align: right;">Page 113</p> <p>1 room, in the kitchen. There are occasions like, for 2 instance, last night we were here all day and I was 3 trying to run around and get dinner last night so we 4 were all and about when face time came on and he face 5 timed him, I put him in the car. But he got his full 6 30 minutes when we were in the grocery store and 7 everything. Even if we are out and about, he still 8 gets his time in there. 9 Q: And by time you mean what? 10 A: Always almost about 30 minutes. 11 Q: How do you prepare Evan for a 12 visitation with Chris? 13 A: Like I said, just if something is 14 happening or going on, I make sure Evan has the 15 things he needs. I tell him to have a good time when 16 he is with his dad, enjoy his time. That type of 17 thing. 18 Q: And how does Evan act when he 19 returns from visitation with Chris? 20 A: An immediate return in Chris` 21 presence I just-- 22 Q: I'm sorry. Don't tell me what he 23 says. Just your observations with regard to. 24 A: He doesn't show emotion to me. 25 Q: And do you know why he doesn't show</p>

<p style="text-align: right;">Page 114</p> <p>1 emotion to you?</p> <p>2 MR. MOODY: Objection, speculative.</p> <p>3 Q: Do you have an opinion?</p> <p>4 JUDGE GENTILE: Sustained.</p> <p>5 MS. COOLEY: Oh, sorry. Go ahead.</p> <p>6 JUDGE GENTILE: It is sustained.</p> <p>7 MR. NAIMI: I actually disagree with</p> <p>8 that, Your Honor. It's her observation as the</p> <p>9 child's parent.</p> <p>10 JUDGE GENTILE: But she didn't ask that</p> <p>11 initially. She said do you know why. Unless he told</p> <p>12 her, which then would be hearsay or she is</p> <p>13 speculating at that. But in her observation or her</p> <p>14 opinion, I guess. What's her opinion?</p> <p>15 Q: Yes. Do you have an opinion as to</p> <p>16 why Evan behaves that way?</p> <p>17 MR. MOODY: Same objection.</p> <p>18 JUDGE GENTILE: Overruled.</p> <p>19 Q: Go ahead. Answer.</p> <p>20 A: In my opinion, I believe Chris</p> <p>21 would get mad if he shows over emotion to me.</p> <p>22 Q: And why do you think that would</p> <p>23 occur?</p> <p>24 A: Why do I think that would occur?</p> <p>25 Because every time Chris and I are in the same place</p>	<p style="text-align: right;">Page 115</p> <p>1 in the past. My family believes this. When it comes</p> <p>2 to parenting, I parent with my children's fathers and</p> <p>3 we don't ask extended family members, my sister, or</p> <p>4 my family or anyone for their opinions on our</p> <p>5 parenting. I think that's one of the reasons why we</p> <p>6 have excessive and continued conflict. Frankly, it's</p> <p>7 Chris' way or no way.</p> <p>8 Q: Describe how you co-parent with</p> <p>9 Chris.</p> <p>10 A: I inform him of everything; that is</p> <p>11 locations, school, anything that has to do with</p> <p>12 school. I know he is in contact with the teacher,</p> <p>13 but I still inform him anyway just in case. I never,</p> <p>14 never, like I said, talk about his family or talk</p> <p>15 negatively. I know we've had issues in the past and</p> <p>16 we've been through-- I went through co-parenting</p> <p>17 classes in Hawaii. The reasons of not to continue to</p> <p>18 do that so I know I have got better of when we get</p> <p>19 angry with each other or something happens. If not,</p> <p>20 then we let in our families.</p> <p>21 Q: You mentioned that you participated</p> <p>22 in cooperative parenting. Correct?</p> <p>23 A: Yes.</p> <p>24 Q: When did you do that?</p> <p>25 A: When we were court ordered to do in</p>
<p style="text-align: right;">Page 115</p> <p>1 at school or anywhere that we are, Evan never shows</p> <p>2 attention to me or acknowledges emotion. When he</p> <p>3 leaves and he gets in the car, he is all happy and</p> <p>4 "here we go, and what are you doing. I'm so happy to</p> <p>5 see you." It's obviously occurring when Chris is</p> <p>6 present. That's my opinion.</p> <p>7 Q: How would you describe the level of</p> <p>8 conflict between you and Chris?</p> <p>9 A: Very high.</p> <p>10 Q: And please describe why you believe</p> <p>11 the level of conflict is high.</p> <p>12 A: There are several reasons. His</p> <p>13 family involvement, we cannot co-parent just him and</p> <p>14 I. I'm co-parenting with his entire family.</p> <p>15 Q: What do you mean by that, Sandra?</p> <p>16 A: We don't do-- even at parenting</p> <p>17 events, or doctor's appointments, or anything, his</p> <p>18 brother has to go with him, his extended family.</p> <p>19 He's made comments in the past about--</p> <p>20 MR. MOODY: Objection, hearsay.</p> <p>21 MS. COOLEY: It's a party admission,</p> <p>22 Your Honor. It's an exception.</p> <p>23 MR. MOODY: I'm sorry. I didn't know</p> <p>24 who the he was that she was talking about.</p> <p>25 A: I'm sorry. Chris has made comments</p>	<p style="text-align: right;">Page 117</p> <p>1 2012.</p> <p>2 Q: Do you know when Chris took the</p> <p>3 cooperative parenting class?</p> <p>4 A: I believe after he filed this</p> <p>5 motion, I believe, or right before it or something.</p> <p>6 I think right before it in 2015.</p> <p>7 Q: How would you describe Chris'</p> <p>8 ability to cooperate with you to meet the needs of</p> <p>9 Evan?</p> <p>10 A: He doesn't.</p> <p>11 Q: What happens when you disagree with</p> <p>12 Chris as to what you believe to be in Evan's best</p> <p>13 interests?</p> <p>14 A: We used to argue. Now there is no</p> <p>15 arguing. He just does whatever he wants to do.</p> <p>16 Q: What responsibilities do you handle</p> <p>17 with regard to Evan?</p> <p>18 A: All mother responsibilities, I</p> <p>19 guess; doctor, making sure he's at school, his</p> <p>20 education, keeping him on a schedule, like parent</p> <p>21 responsibilities.</p> <p>22 Q: Please describe your mental health.</p> <p>23 A: Good, as far as I know.</p> <p>24 Q: And your physical health?</p> <p>25 A: Good.</p>

Page 118	Page 120
<p>1 Q: Do you drink alcohol on a regular 2 basis? 3 A: No. 4 Q: Do you use any other type of drug 5 or narcotic? 6 A: No. 7 Q: Do you gamble? 8 A: Occasionally, yes. 9 Q: How often? 10 A: Sometimes not at all in a month and 11 up to five times a month. 12 Q: And do you gamble when Evan is in 13 your custody? 14 A: No. 15 Q: Do you have any player's cards? 16 A: I do. 17 Q: Approximately how many do you have? 18 A: I don't know. Seven, eight, I 19 don't know. 20 Q: Do you recall where you have the 21 player's cards? 22 A: Well, yeah, the casinos that were 23 here yesterday, yes. 24 Q: And who uses your player's card? 25 A: Myself, if I'm there, but my entire</p>	<p>1 A: No. I mean, in general, but I know 2 that there has been concerns. 3 Q: And what are those concerns? 4 MR. MOODY: Objection. 5 JUDGE GENTILE: What's the objection? 6 MR. MOODY: She is not an expert either 7 in the medical or mental field. 8 Q: Chris has testified that he is part 9 of the NBO. 10 MR. NAIMI: They've had a relationship. 11 She's familiar with this. 12 JUDGE GENTILE: Right. Well, I mean I 13 was going to say it depends upon what her concerns. 14 I'm going to overrule it and allow her in her opinion 15 what are the concerns. I'm not asking for expert 16 testimony. 17 A: Yeah, just from what I have 18 experienced. What Chris has told me when we were 19 together that he admitted to... 20 MR. MOODY: Objection. 21 Q: Party... 22 MR. NAIMI: Party admission. 23 Q: Yeah. 24 JUDGE GENTILE: Overruled. If he's 25 told her something then he can testify to it.</p>
Page 119	Page 121
<p>1 family, my friends they use it. 2 Q: Who is your entire family? How 3 many people? 4 A: My mother and my father, my sister 5 and my brother-in-law. I have uncles that live out 6 of town that come in town frequently. My grandmother 7 who passed away, she used to come in and use it. I 8 have friends that come and stay at the casinos and 9 use them while they are here. 10 Q: Okay. Have you ever been issued 11 more than one player's card? 12 A: Absolutely, yes. 13 Q: How many are you typically issued? 14 A: As many as you want. There is not 15 a-- 16 Q: And why do you have player's cards? 17 A: You can earn comps and points and 18 things like that. 19 Q: And what sort of comps do you use 20 with these player's cards? 21 A: We go to the pool a lot. We do 22 dinners, the spa. There's concerts and shows and all 23 that. 24 Q: And to the best of your knowledge, 25 Chris is in good mental and physical health?</p>	<p>1 MR. MOODY: I want to make a record of 2 this I understand the court's ruling. But we have 3 both hearsay and medical opinion now, and so I want 4 to enter an objection on that. 5 JUDGE GENTILE: No. Okay. I'm going 6 to say overruled. It's not hearsay because an 7 admission by party opponent. I don't know yet 8 whether it's medical or expert testimony, we'll hear 9 what she has to say. Overruled. 10 A: I won't even say what Chris has 11 told me. I'll say what I was present for. After 12 Chris sustained severe concussion that I thought he 13 was dying on the ice when I was pregnant with Evan. 14 I went to several of his doctor's appointments with 15 him immediately following that concussion. I won't 16 even tell you about the concussions he has told me 17 about. 18 MR. MOODY: Now I have a new objection 19 and it's relevance. 20 JUDGE GENTILE: It seems reasonable to 21 me. 22 Q: Can you please tell me what 23 injuries has Chris confided in you that he has 24 suffered? 25 JUDGE GENTILE: Okay. Wait a minute,</p>

<p>Page 122</p> <p>1 you are objecting to the relevance of what?</p> <p>2 MR. MOODY: Well, we are talking about</p> <p>3 the injuries that happened seven years ago that she</p> <p>4 observed and so...</p> <p>5 JUDGE GENTILE: Well, I mean you can</p> <p>6 make your point on that. But in terms of you didn't</p> <p>7 object to the question, well, you did, but I</p> <p>8 overruled it and she is answering it. In terms of</p> <p>9 whether it's relevant, you can make your argument</p> <p>10 that it is or isn't. Also, with regard to, and I'll</p> <p>11 find the rule, with regard to any expert testimony</p> <p>12 given by the party opponent that is admissible. If</p> <p>13 you were to say I had this diagnosis or that and she</p> <p>14 testifies to it, that's also admissible under an</p> <p>15 exception to the hearsay rule and I have to find it.</p> <p>16 But it is admissible. Anyway, go on.</p> <p>17 A: So what am I answering or allowed</p> <p>18 to? I'm sorry. I don't know what I'm allowed to</p> <p>19 answer.</p> <p>20 JUDGE GENTILE: You can go ahead and</p> <p>21 answer the question.</p> <p>22 Q: Yes, you can answer with no</p> <p>23 connotations, that's fine.</p> <p>24 MR. MOODY: I'm sorry I didn't hear the</p> <p>25 question.</p>	<p>Page 123</p> <p>1 JUDGE GENTILE: You can recall the</p> <p>2 question.</p> <p>3 Q: Okay. What is your understanding</p> <p>4 of Chris' mental and physical health?</p> <p>5 A: There was concerns years ago about</p> <p>6 his concussions and if he continued to play, which he</p> <p>7 played after that, I was told by a doctor in UCLA.</p> <p>8 His mental and physical, you said, he's had</p> <p>9 surgeries.</p> <p>10 MR. MOODY: Okay, judge, and I am sorry</p> <p>11 to interrupt, but there is a motion limiting that</p> <p>12 this court granted about medical history of our</p> <p>13 client prior to 2012.</p> <p>14 MS. WILSON: Well, it was--</p> <p>15 JUDGE GENTILE: Hold on, hold on.</p> <p>16 Stop.</p> <p>17 MS. WILSON: The order in limiting</p> <p>18 excluding facts and circumstances that were before</p> <p>19 the court prior to 2012 and Mr. Ferraro's entire</p> <p>20 medical--</p> <p>21 JUDGE GENTILE: Purposes of res</p> <p>22 judicata, yes. In terms of me utilizing-- if I were</p> <p>23 to utilize this information that happened prior to,</p> <p>24 then I would be in error. But whether it's</p> <p>25 admissible or she is allowed to testify to it,</p>	<p>Page 124</p> <p>1 absolutely, at this point I'll allow her to testify</p> <p>2 to it. But anything that happened prior to their</p> <p>3 last order, I cannot utilize that under the case law</p> <p>4 because of res judicata to make a determination that</p> <p>5 something should change based upon those facts, okay?</p> <p>6 MR. MOODY: Okay. So the court is</p> <p>7 going to hear it but not use it in its--</p> <p>8 JUDGE GENTILE: For that purpose, yes,</p> <p>9 absolutely.</p> <p>10 MR. MOODY: Okay. Thank you.</p> <p>11 JUDGE GENTILE: Go ahead.</p> <p>12 A: Answer your--</p> <p>13 Q: Yes, please continue.</p> <p>14 A: I don't know what-- okay. I'm</p> <p>15 concerned about past concussion related injuries with</p> <p>16 Chris. He has a law suit going on or it's been dism-</p> <p>17 - I don't know the status of the other law suit.</p> <p>18 It's obviously concerns with him that he has this</p> <p>19 going on. Aside from that, you said physical as</p> <p>20 well. When he came into Evan's life at six months</p> <p>21 old, he suffered a leg injury that caused him to end</p> <p>22 his career. He almost lost his leg. He has pins in</p> <p>23 his leg. I know he just recently had a surgery when</p> <p>24 Evan was in his care and his sister, or whatever,</p> <p>25 watched Evan while he went for some surgery that</p>	<p>Page 125</p> <p>1 happened. I believe it was for his leg unless it was</p> <p>2 for something else. If we are speaking of after 2012</p> <p>3 and 2013, I received a call from Red Rock Casino.</p> <p>4 Evan was in Kid's Quest that I was to come--</p> <p>5 MR. MOODY: Objection hearsay.</p> <p>6 JUDGE GENTILE: Sustained.</p> <p>7 Q: Did an incident occur at the Red</p> <p>8 Rock Casino?</p> <p>9 A: Yes.</p> <p>10 Q: Please tell me about that incident</p> <p>11 and don't tell me what anyone said to you.</p> <p>12 MR. MOODY: Can I ask for foundation to</p> <p>13 be laid down before she answers that question?</p> <p>14 MS. COOLEY: Okay.</p> <p>15 JUDGE GENTILE: Yes, you may.</p> <p>16 MS. COOLEY: Pardon?</p> <p>17 JUDGE GENTILE: Sorry. Yes, you may.</p> <p>18 Go ahead. You're going to do that.</p> <p>19 Q: You were expressing concerns</p> <p>20 regarding Chris' mental and physical health.</p> <p>21 A: Yes.</p> <p>22 Q: And you testified that you were</p> <p>23 contacted by Red Rock Casino?</p> <p>24 A: Yes, as an emergency contact, yes.</p> <p>25 Q: And as a result of the contact by</p>
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<p style="text-align: right;">Page 126</p> <p>1 Red Rock Casino, what were you required to do?</p> <p>2 MR. MOODY: Objection. What was she</p> <p>3 required to do?</p> <p>4 MS. COOLEY: Yeah, what's the</p> <p>5 objection?</p> <p>6 MR. MOODY: What's the objection?</p> <p>7 MR. NAIMI: The objection is hearsay of</p> <p>8 her actions.</p> <p>9 MR. MOODY: What was she required to do</p> <p>10 is the question. What's the objection to that?</p> <p>11 MR. NAIMI: Okay. Counsel, I'm just</p> <p>12 stating my objection. I know the court will rule on</p> <p>13 it.</p> <p>14 JUDGE GENTILE: Okay. So...</p> <p>15 MR. NAIMI: And the reason I asked for</p> <p>16 foundation is because of her actions were based on</p> <p>17 what she learned in hearsay then it still should be</p> <p>18 excluded.</p> <p>19 MR. MOODY: It's not calling for</p> <p>20 hearsay testimony, Your Honor.</p> <p>21 JUDGE GENTILE: Right or the truth of</p> <p>22 the matter. Yeah, the offer for the truth of the</p> <p>23 matter asserted. I'm going to overrule that and she</p> <p>24 can tell me what she did as a result of some contact.</p> <p>25 It doesn't mean that-- we don't know what the contact</p>	<p style="text-align: right;">Page 128</p> <p>1 no.</p> <p>2 Q: Do you know why he was in the ER?</p> <p>3 A: I know what I was told by Chris.</p> <p>4 Q: Right, we'll move on. What were</p> <p>5 you told by Chris?</p> <p>6 A: That he couldn't walk. He was put</p> <p>7 in a wheelchair and I had to come pick up Evan. And</p> <p>8 I was asking him and he had said he had taken, I</p> <p>9 think it was testosterone or steroids or something</p> <p>10 like that at the time.</p> <p>11 Q: And that caused him to go into the</p> <p>12 emergency room?</p> <p>13 A: Correct.</p> <p>14 Q: And that caused him to be unable to</p> <p>15 care for Evan?</p> <p>16 A: Yeah, it was like a day-- Evan</p> <p>17 didn't stay with me after that. He wasn't</p> <p>18 hospitalized. He went to the ER and then he was</p> <p>19 released after they treated him or did whatever.</p> <p>20 Q: How would you describe Evan's</p> <p>21 developmental needs?</p> <p>22 A: Developmental needs would be</p> <p>23 therapy, education, helping him with his diagnosis</p> <p>24 right now.</p> <p>25 Q: What is his diagnosis?</p>
<p style="text-align: right;">Page 127</p> <p>1 is or whether they were true or false at this point.</p> <p>2 So go ahead.</p> <p>3 Q: Right. As a result of that</p> <p>4 contact, what were you required to do?</p> <p>5 A: To come pick up Evan.</p> <p>6 Q: At the time that you picked Evan</p> <p>7 up, was he in Chris' custody?</p> <p>8 A: He was.</p> <p>9 Q: At the time you picked Evan up, was</p> <p>10 Chris present?</p> <p>11 A: No, he was not.</p> <p>12 Q: Do you know where Chris was?</p> <p>13 A: In the ER, as far as I know.</p> <p>14 Q: How would you describe Evan's</p> <p>15 physical needs?</p> <p>16 A: Describe them-- home, food,</p> <p>17 medical, physical activities.</p> <p>18 Q: Does he have any special physical</p> <p>19 needs?</p> <p>20 A: Special, no.</p> <p>21 Q: Do you know why Chris was in the</p> <p>22 ER?</p> <p>23 A: I know what I was told.</p> <p>24 Q: So you do not know?</p> <p>25 A: I don't have the medical record,</p>	<p style="text-align: right;">Page 129</p> <p>1 A: ADHD, GAD, generalized anxiety</p> <p>2 disorder, and a positional defiant disorder.</p> <p>3 Q: Did Chris ever discuss his concerns</p> <p>4 with you regarding Evan's behavior?</p> <p>5 A: At times.</p> <p>6 Q: And what were his concerns?</p> <p>7 A: When Evan was like three, he sent</p> <p>8 me an e-mail he was going to do some psych evaluation</p> <p>9 because he didn't like Evan's behavior and how he was</p> <p>10 acting at three years old. So that was the time that</p> <p>11 he had concerns. I know he's addressed that Evan has</p> <p>12 outbursts, had exchanges, and he directed him that he</p> <p>13 didn't want to come back with me is the direction he</p> <p>14 was taking at, things along those lines.</p> <p>15 Q: Is Evan in counseling?</p> <p>16 A: He is.</p> <p>17 Q: And why is he in counseling?</p> <p>18 A: It's in our parenting plan, first</p> <p>19 and foremost.</p> <p>20 Q: And you heard Chris testify that</p> <p>21 Evan stopped counseling for a few months, correct?</p> <p>22 A: Correct.</p> <p>23 Q: Why did Evan stop counseling for a</p> <p>24 few months?</p> <p>25 A: Well, when we reconciled and we</p>

<p style="text-align: right;">Page 130</p> <p>1 were talking, I had spoken with our therapist, it was 2 Evan's therapist, about all of us doing some family 3 therapy. She was encouraging it since we were all 4 communicating and getting along and all that. Chris 5 agreed he would do it. We kind of made some vacation 6 arrangements, or whatever, to go to New York during 7 this whole time but then Judith had left, that was 8 his therapist at the time, because he kind of bounced 9 back and forth through a couple of therapists before 10 that. He had been with her for several months and 11 she said, "I am leaving this facility. I'm moving 12 to another facility." The insurance should cover it 13 but we have to apply, or whatever they do, through 14 intake to make sure that the insurance covered her 15 new location. And then, like I said, in that time 16 frame is when I traveled to New York and we kind of 17 were just-- there was just this transitional time 18 frame of why Evan wasn't in therapy. It was only a 19 few months until we were able to get back on the 20 insurance thing or whatever was going on there. 21 Q: And did you notify Chris of this 22 information? 23 A: Oh Chris was aware of it, yes, of 24 course. 25 Q: Has Evan suffered from any serious</p>	<p style="text-align: right;">Page 132</p> <p>1 A: Serious, like hospitalization-wise, 2 no. 3 Q: Describe a typical weekday in your 4 life with Evan. 5 A: A typical weekday. I get up in the 6 morning. I get my children ready for school. Make 7 them breakfast. Make them lunch. Take them to 8 school. Pick them up from school. We always do 9 snack or whatever right after school because they're 10 hungry. And then whatever activity they have going 11 on. There is different things that are planned for 12 each day. After that, we come home usually for 13 dinner and homework time. And if there is some extra 14 time if the activities don't run too late, Evan is 15 allowed because he likes playing video games. 16 Twenty-five, 30 minutes or so on a school night, he 17 can play a game of his choice or watch a program or 18 whatever. We have reading every night before he goes 19 to bed because he loves reading and he is way 20 advanced. His required school reading is included in 21 that in the evening and he has a bedtime of 9:00 22 p.m., 9:00, 9:15 now. 23 Q: Describe a typical weekend day in 24 your life with Evan. 25 A: They either have-- my children</p>
<p style="text-align: right;">Page 131</p> <p>1 physical injuries or illnesses? 2 A: In his life, yes. 3 Q: Okay. Can you tell me about some 4 of those, please? 5 A: When he was around two years old, 6 he broke his finger. It was in Chris' timeshare so I 7 was told it was by a certain way and then... 8 Q: What was that way? 9 A: Chris told me he fell when he was 10 running. I was questioned several times by the 11 doctor if that was in fact the case and Evan had told 12 me later it was on a treadmill. 13 Q: And did he suffer any other 14 physical injuries or illnesses? 15 A: Yes, a dog bite to his chin that he 16 had stitches. 17 Q: Do you know what dog bit him? 18 A: One of Chris' dogs. I don't know 19 the name of the dog. I believe it was actually the 20 father's dog that was over at the time. 21 Q: And do you know if the father still 22 owns that dog? 23 A: Yes, he does. 24 Q: And were there any other serious 25 physical injuries or illnesses that Evan suffered?</p>	<p style="text-align: right;">Page 133</p> <p>1 either have a game or whatever going on. If not, we 2 plan something with the kids. He spends the weekend 3 with his cousins always. Sundays is church day and 4 family day. We do movies. We do community 5 activities, whatever is going on. 6 Q: Who prepares meals for Evan? 7 A: I do. 8 Q: How many meals a day does Evan have 9 at home? 10 A: At home, always two. If it's summer 11 three, maybe lunch and... 12 Q: And how many meals does Evan eat 13 away from home each day? 14 A: Each day, I would say a couple a 15 week, a couple a week. 16 Q: Okay. Do you generally have dinner 17 with Evan? 18 A: Always, yes. 19 Q: What time is dinner at? 20 A: Between 6:00 or 7:00. 21 Occasionally, if things are going on, it will run a 22 little later, 8:00, 8:30 something like that. 23 Q: Do you know when Evan has dinner 24 with Chris? 25 A: Well, I'm on face time with him at</p>

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1 8:30 and they are always going to diner. So I'm
2 assuming sometime after that.
3 Q: And what school does Evan currently
4 attend?
5 A: Givens Elementary, Linda Givens it
6 is.
7 Q: When did Evan begin attending
8 Givens Elementary?
9 A: 2014.
10 Q: And at what grade?
11 A: Kindergarten.
12 Q: When did you want Evan to begin
13 kindergarten?
14 A: In '13.
15 Q: And why is that?
16 A: He had been in preschool, and his
17 preschool had already went through all the
18 kindergarten milestones; colors, the alphabet. He
19 had Spanish. He had sign language at his preschool,
20 and he was one of the more excelled preschoolers.
21 There was a few of them in the class. I asked the
22 preschool to give their recommendation because I knew
23 Evan was turning five after, he would have been four
24 years old entering kindergarten. So the school said
25 that they felt he was ready, his preschool. Chris

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1 was made aware of that and that was my reasons.
2 Q: Did Chris agree with Evan starting
3 kindergarten in 2013 at the age of four?
4 A: He did when we were putting
5 together our parenting plan, but in August before
6 that he started, or I think it was July or August, he
7 started with this. He didn't want him going.
8 Q: Did Evan's counselor and Margaret
9 Pichard make recommendations?
10 A: She did.
11 Q: And what were those
12 recommendations?
13 A: They contacted the preschool. We
14 talked all amongst ourselves and then they
15 recommended that it's good for-- it would be good for
16 Evan to probably be held back, not held back, but to
17 wait another year than what we had planned in our
18 parenting plan.
19 Q: Did you follow Evan's counselor and
20 Margaret's recommendations?
21 A: I did, yes.
22 Q: And what grade level did Evan just
23 complete?
24 A: The first grade.
25 Q: So he is going into what grade?

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1 A: Second.
2 Q: Describe how Evan is doing in
3 school.
4 A: Excellent.
5 Q: Do you communicate with Evan's
6 teacher?
7 A: Yes, I do.
8 Q: Does the teacher in his previous
9 grade send home weekly progress reports?
10 A: Yes.
11 Q: And what, if anything, do you do
12 with those progress reports?
13 A: What if anything, well, I have a
14 reward system for Evan now, or I did this last year
15 with him.
16 Q: Tell me about the reward system.
17 A: In some of the weeks, he had
18 disrupted others or got some bad-- I wouldn't say
19 bad. They're just kid-- talking or excessive
20 talking. So he had sad faces or red marks or
21 whatever she did at the top. And I told him if we do
22 better with the reports and you take your time more
23 or you don't disrupt others that you'll get a little
24 reward at the end of the week. And it's nothing
25 huge. It's just something little that he chooses.

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1 Q: And who, if anyone, recommended you
2 utilize the reward system?
3 A: His therapist did.
4 Q: Do you help Evan with school work?
5 A: Every night, yes.
6 Q: Are you involved in Evan's school?
7 A: Yes.
8 Q: Describe your involvement.
9 A: This year or last year or all of
10 it?
11 Q: All of it.
12 A: All of it?
13 Q: Most recent year and then we can go
14 back from there.
15 A: Okay. This year I was a lunch
16 volunteer once a week, except I didn't sign up and
17 they ask you on Chris' timeshare during that week.
18 After lunch, I would ask his teacher if she needed
19 extra help. This year the teacher wasn't very
20 parent-- in need of parents, I guess, or however you
21 word that. So occasionally, she would ask and I
22 would go down to the teacher's lounge and do like
23 cutting and things like pasting or whatever for her.
24 I volunteered at field day and other events that
25 happen at the school as one of the parents. Whatever

<p style="text-align: right;">Page 138</p> <p>1 they need then they send home. I pretty much if I'm 2 available I do it. 3 Q: How often are you at Evan's school 4 volunteering? 5 A: Once a week except on his 6 timeshare. 7 Q: And when is the last time you saw 8 Principal Hungerford when you were volunteering at 9 school? 10 A: The last time I saw him was right 11 before school ended. Prior to that, I hadn't seen 12 him for a while, where ever I was in the school in 13 the lunch room or in the teacher's lounge. I didn't 14 personally run into him during the time that I was at 15 the school. 16 Q: Are you able to estimate what you 17 mean by a while? 18 A: Months, yeah. 19 Q: And you testified that you do not 20 volunteer at school on Chris' visitation days, 21 correct? 22 A: Unless it's-- Or actually field day 23 was in mine this year. Unless it's like an activity 24 like a school event, that would be the only time I 25 would volunteer.</p>	<p style="text-align: right;">Page 140</p> <p>1 grade" and all that. Those are reasons why he loves 2 his school, I guess. 3 Q: What grades did Evan earn for the 4 2015/2016 school year? 5 A: Straight A's. 6 Q: Does Evan participate in sports? 7 A: Yes, he does. 8 Q: What sports? 9 A: On my timeshare or on both? 10 Q: On yours. 11 A: On mine baseball, right now is the 12 sport he's in. 13 Q: Okay. Any other sports that he 14 participates in? 15 A: Not team sports, but we go to the 16 park all the time and he does a ton of activities 17 with his cousins and things like that. 18 Q: And you asked if my question was 19 regarding your custodial time or Chris' visitation. 20 What activities do you know of that Evan participates 21 in during Chris' visitation? 22 A: The majority of the time it's 23 hockey. He said soccer, and I believe there was some 24 other sports complex or something that he sent 25 information of. I think that's it and the baseball</p>
<p style="text-align: right;">Page 139</p> <p>1 Q: And why do you not volunteer at 2 Evan's school during Chris' visitation? 3 A: To allow him for me not to be there 4 during his time and just let him have his time with 5 Evan. 6 Q: Is Chris at school during your 7 custodial time? 8 A: Yes. 9 Q: Do you ever meet with Evan's 10 teacher? 11 A: At the conference or after school 12 if it's something that I have to address it's a quick 13 after school exchanges. There hasn't been anything 14 that needs to be addressed to set up additional 15 parent conferences with his teacher. 16 Q: In your opinion, does Evan like his 17 school? 18 A: He loves his school. 19 Q: And how do you know that? 20 A: Because he says it. We drive by 21 it, he waves at it "I love you, Linda Givens." 22 Things like that. I mean, I would think he loves his 23 school and he's told me, and I know he's told Chris 24 because I have seen him tell him on his face time, "I 25 want to stay at Linda Givens until I'm in fifth</p>	<p style="text-align: right;">Page 141</p> <p>1 or whatever Chris participates in too. 2 Q: Does Evan go to church? 3 A: Yes, he does. 4 Q: What religion is he? 5 A: Roman Catholic. 6 Q: Are you registered parishioners at 7 a church? 8 A: Yes. 9 Q: What Parish? 10 A: Saint Joseph, Husband of Mary. 11 Q: Does Evan participate in any 12 religious education classes? 13 A: He does. 14 Q: And what is his current goal? 15 A: Goal? 16 Q: What is he in religious education 17 classes for currently? 18 A: To meet his sacraments on time. 19 Next one is going to be first communion, then they go 20 into confirmation then it goes on from there. 21 Q: Does Evan have a pediatrician? 22 A: He does. 23 Q: Where is Evan's pediatrician 24 located? 25 A: Off Tenaya. It's like near Tenaya</p>

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<p>1 and Cheyenne but it's off Tenaya.</p> <p>2 Q: Is that in Las Vegas?</p> <p>3 A: Correct, yes.</p> <p>4 Q: What is the name of Evan's</p> <p>5 pediatrician?</p> <p>6 A: Mountain View Pediatrics.</p> <p>7 Q: Who takes Evan to the pediatrician?</p> <p>8 A: I do. Chris, a while ago, would</p> <p>9 come to some of the visits but he doesn't really</p> <p>10 anymore.</p> <p>11 Q: When is the last time he came for a</p> <p>12 pediatrician visit?</p> <p>13 A: I don't recall.</p> <p>14 Q: Who takes Evan to the doctor when</p> <p>15 he is ill?</p> <p>16 A: We both do. If he in Chris' care,</p> <p>17 he will. If he is my care, I will.</p> <p>18 Q: And you go to the pediatrician in</p> <p>19 Nevada?</p> <p>20 A: Correct, yes.</p> <p>21 Q: How would you describe your</p> <p>22 relationship with Evan's doctor?</p> <p>23 A: Good.</p> <p>24 Q: Approximately, how many times have</p> <p>25 you been to that doctor's office with Evan over the</p>	<p>1 relationship with Evan.</p> <p>2 A: The nature-- fun-loving. We have</p> <p>3 an open relationship. I tell him he can tell me</p> <p>4 anything good or bad. I encourage Evan to do what</p> <p>5 Evan wants but not what I want him to do. I tell</p> <p>6 him, "You could be anything you want to be in life.</p> <p>7 You can..." Because Evan talks about, "one day I</p> <p>8 don't know where I'm going to live if I'm going to</p> <p>9 live in New York or Las Vegas." I'm like, "When you</p> <p>10 get big enough, Evan, you can live anywhere. You</p> <p>11 know, you can make those choices." Evan has told me</p> <p>12 that because Chris has said you're going to be living</p> <p>13 in New York. And I have told Evan, and like I said,</p> <p>14 I encourage him, he can live in China if he wants to</p> <p>15 once-- just a very encouraging I guess relationship,</p> <p>16 an open-minded, open relationship.</p> <p>17 Q: Does Evan have a strong</p> <p>18 relationship with his father?</p> <p>19 A: He does, yes.</p> <p>20 Q: Do you have any children outside of</p> <p>21 this marriage?</p> <p>22 A: I do.</p> <p>23 Q: How many children?</p> <p>24 A: Two.</p> <p>25 Q: And please state their names.</p>
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<p>1 years?</p> <p>2 A: He has routine wellness checkups</p> <p>3 every six to eight months or whatever the routine</p> <p>4 schedule is.</p> <p>5 Q: And is he on track?</p> <p>6 A: Yes.</p> <p>7 Q: Does Evan have a dentist?</p> <p>8 A: He does.</p> <p>9 Q: Where is Evan's dentist located?</p> <p>10 A: It's now in Henderson.</p> <p>11 Q: In Nevada?</p> <p>12 A: Correct, yes.</p> <p>13 Q: And who takes Evan to the dentist?</p> <p>14 A: I have taken him. I take him, but</p> <p>15 the last dentist, I think it was the last one or the</p> <p>16 time before right after his dental appointment, Chris</p> <p>17 took him to a dental appointment or a follow up or</p> <p>18 whatever it was in New York right after that for</p> <p>19 like... I don't know if it was second evalu... I</p> <p>20 don't know what the reason was, but Chris took him to</p> <p>21 a dentist appointment out there. So I don't--</p> <p>22 Q: Did he notify you of that</p> <p>23 information?</p> <p>24 A: He did, yes.</p> <p>25 Q: Describe the nature of your</p>	<p>1 A: Desmond and Kayla.</p> <p>2 Q: And what is Desmond's birth date?</p> <p>3 A: 5/10/97.</p> <p>4 Q: How old is he?</p> <p>5 A: Nineteen</p> <p>6 Q: And what is Kayla's birth date?</p> <p>7 A: 9/06/02.</p> <p>8 Q: And she is how old?</p> <p>9 A: Thirteen.</p> <p>10 Q: How would you describe your co-</p> <p>11 parenting relationship with Desmond's dad?</p> <p>12 A: Great. We're friends. We've</p> <p>13 always communicated. He hasn't been in the picture</p> <p>14 much over the years for sure as much as I would have</p> <p>15 liked. But I've always, always encouraged a</p> <p>16 relationship there. I even offered him to live in my</p> <p>17 home to have a relationship when he didn't have a</p> <p>18 home to live in. At one time he was living with</p> <p>19 other relatives, I had an extra bedroom. We were not</p> <p>20 in a relationship. We were never going to get in a</p> <p>21 relationship. We were just friends and we've been</p> <p>22 friends for years. We're friends on social media and</p> <p>23 all that.</p> <p>24 Q: And do you foster and encourage</p> <p>25 Desmond's relationship with his father?</p>

<p style="text-align: right;">Page 146</p> <p>1 A: Yes, and his family too.</p> <p>2 Q: How?</p> <p>3 A: I have constant contact with</p> <p>4 Desmond's grandmother, his father's mother. She</p> <p>5 sends birthday cards and things like that over the</p> <p>6 years. We always maintained a relationship. Things</p> <p>7 like that. Just positive, "did you call them? Did</p> <p>8 you say thank you?" Type of thing. "Did you talk</p> <p>9 to your dad? Give him a call?" Those kinds of</p> <p>10 things.</p> <p>11 Q: How would you describe your co-</p> <p>12 parenting relationship with Kayla's dad?</p> <p>13 A: Excellent.</p> <p>14 Q: And do you foster and encourage</p> <p>15 Kayla's relationship with her dad?</p> <p>16 A: Yes.</p> <p>17 Q: How?</p> <p>18 A: The same ways. I never, ever,</p> <p>19 ever, ever say anything bad to my children about</p> <p>20 their fathers, no matter what's happened. The kids</p> <p>21 are never involved with that side. We communicate.</p> <p>22 Just the other night Kayla's dad picked her up on his</p> <p>23 timeshare and we sat out front for 25 minutes talking</p> <p>24 while Kayla was gathering her things. And I'm</p> <p>25 friends with his current girlfriend that he has. She</p>	<p style="text-align: right;">Page 148</p> <p>1 served. As a leges—</p> <p>2 JUDGE GENTILE: I know what the case</p> <p>3 law says.</p> <p>4 MS. COOLEY: Alight.</p> <p>5 JUDGE GENTILE: We've already dealt</p> <p>6 with this a couple of times in here. Lay some</p> <p>7 foundation, what are you talking about? What time</p> <p>8 frame, because we've addressed that issue as well and</p> <p>9 I've given counsel some directive on how to address</p> <p>10 those things that happened prior to, because a lot of</p> <p>11 this was raised prior to their last—</p> <p>12 MS. COOLEY: Correct, and this was</p> <p>13 prior o the November 2012 custodial order. However,</p> <p>14 Your Honor, the legislature has said that courts</p> <p>15 should consider instances of domestic violence</p> <p>16 because it negatively impacts the best interests of</p> <p>17 the child. We are not using these instances of</p> <p>18 domestic violence for purposes of change custody. We</p> <p>19 are using them for you to look at the best interests</p> <p>20 of Evan when making a determination as to dad's</p> <p>21 relocation. They are the moving party in this case,</p> <p>22 Your Honor. We are not. We are just asking you to</p> <p>23 consider the domestic violence issues and to</p> <p>24 acknowledge that they do negatively impact the child,</p> <p>25 and it is an issue in this case.</p>
<p style="text-align: right;">Page 147</p> <p>1 has my number. She'll call me at Christmas and say</p> <p>2 "What size does Kayla wear now? What does she want</p> <p>3 for Christmas?" I communicate on a regular basis</p> <p>4 with his mother, and I have-- those are the ways, I</p> <p>5 guess, that I foster those relationships.</p> <p>6 Q: And where does Kayla's father live?</p> <p>7 A: Kayla's, here in Nevada.</p> <p>8 Q: And where does Desmond's father</p> <p>9 live?</p> <p>10 A: In Chicago.</p> <p>11 Q: All right. Has Chris engaged in an</p> <p>12 active domestic violence against you?</p> <p>13 MS. WILSON: Objection.</p> <p>14 JUDGE GENTILE: Set the time frame</p> <p>15 because we have an order in limiting.</p> <p>16 MS. COOLEY: You Honor, this is covered</p> <p>17 under the castle exception. The doctrine of res</p> <p>18 judicata should not be used to preclude parties from</p> <p>19 introducing evidence of domestic violence that was</p> <p>20 unknown to the court when the prior custody</p> <p>21 determination was made. The District Court has an</p> <p>22 obligation to make a sound decision on the paramount</p> <p>23 concerning custody cases the child's best interests.</p> <p>24 Res judicata principle should not prevent the court</p> <p>25 from ensuring that the child's best interests are</p>	<p style="text-align: right;">Page 149</p> <p>1 JUDGE GENTILE: The Court already</p> <p>2 considered them and entered, or the parties actually</p> <p>3 entered, an order of joint physical custody.</p> <p>4 MS. COOLEY: But Your Honor, they were</p> <p>5 not considered by the court.</p> <p>6 JUDGE GENTILE: They were. In fact,</p> <p>7 they were raised with parenting coordinator and the</p> <p>8 court both, as I understand it, in pleadings I saw</p> <p>9 them. And in the parenting coordinator's reports, I</p> <p>10 believe it was addressed. So yes, it was, unless</p> <p>11 it's something different or new that was not raised</p> <p>12 way back then, then I should not hear it with regard</p> <p>13 to this issue. Do you understand? So in other</p> <p>14 words, we talked about this.</p> <p>15 MR. MOODY: Actually, Your Honor, your</p> <p>16 order off the motion in limine that was followed</p> <p>17 prior to us even coming in on the case, excuse me,</p> <p>18 Your Honor, I apologize. It specifically states that</p> <p>19 it would have been-- the burden was placed on the</p> <p>20 defendant to be prepared to direct their [1:02:29</p> <p>21 inaudible].</p> <p>22 JUDGE GENTILE: Look, the burden was</p> <p>23 there. I didn't have to search the entire record</p> <p>24 during the trial. I'm not placing the burden on them</p> <p>25 to say, "Oh, you know, you have to prove this in</p>

<p>Page 150</p> <p>1 order for me to deny your request." The bottom line 2 is you have to show me this wasn't raised before. 3 And then if she says but it was, then she's going to 4 show me where it was because I don't have knowledge 5 of the entire record because I'm a new judge in the 6 case. That was the point of my directing her to say-- 7 - 8 MR. NAIMI: I understand that. 9 JUDGE GENTILE: Okay. It wasn't that 10 the burden shifted to her to somehow prove that. 11 That is-- 12 MR. NAIMI: Do you understand we are 13 not here in this case in time so we -- 14 JUDGE GENTILE: We talked about that 15 when you were here, when we actually did address it. 16 My point was I don't have knowledge of the entire 17 record because it would take me years to know what's 18 happened in this case. It's obviously gone on for 19 many years. But I needed her help in directing me to 20 those points, if in fact it was alleged that it had 21 not been raised in the past. Does that make sense? 22 MR. NAIMI: Yes, Your Honor. 23 MS. WILSON: That does make sense 24 except that I would like to just put on the record my 25 objection that it's a slightly different reading from</p> <p>Page 151</p> <p>1 the courts. And I'm not trying to persuade you I 2 know you've already-- 3 JUDGE GENTILE: No it's fine. Go ahead. 4 MS. WILSON: -- decided but just for 5 the record that I think that if it was something that 6 was known to Ms. Nance, then it's still-- I know, 7 that's where you disagree but I am just making the 8 record-- 9 JUDGE GENTILE: I think that's the way 10 counsel reads. It's got to be this or that. 11 MS. COOLEY: It says or. 12 MS. WILSON: If it's something-- again, 13 just stating my reading for the record, if it's 14 something that's known to Ms. Nance, then it would be 15 precluded and she would be excluded. Then the other 16 thing that I would suggest is it's now 4:48 in the 17 afternoon. I would like to hear off the record from 18 counsel what exactly it is that they are going to 19 elicit from Ms. Nance so that I have an opportunity 20 to go through the voluminous record to determine 21 whether or not it has in fact been addressed. 22 JUDGE GENTILE: That's a good 23 suggestion. 24 MS. COOLEY: You Honor, we actually 25 will just move on.</p>	<p>Page 152</p> <p>1 JUDGE GENTILE: Okay. So move on, and 2 if you want to address that issue tomorrow let Ms. 3 Wilson know off the record what it is that you want to 4 raise, and then that way she can... 5 MS. COOLEY: Okay. Perfect. 6 MS. WILSON: Can I be notified this 7 evening, not tomorrow when we walk into court? I 8 know you folks don't do that. 9 JUDGE GENTILE: Yes, maybe right after 10 we recess for the day. How is that? Okay. So go 11 ahead, Ms. Cooley. 12 MS. COOLEY: Okay. Do you have family 13 in Nevada, Sandra? 14 A: I do. 15 Q: Who is your family in Nevada? 16 A: My parents, my sister and her 17 family, my brother-in-law and my niece and nephew, my 18 uncle and his three children. 19 Q: Okay. And how often, if ever, does 20 Evan see your family? 21 A: Daily and weekly. 22 Q: Who is Evan's best friend? 23 A: His cousin, Pierce. 24 Q: And who is Pierce? 25 A: His cousin. He is his cousin, my</p> <p>Page 153</p> <p>1 sister's son. 2 Q: And how often does Evan see Pierce? 3 A: Weekly up to several times a week 4 depending on the schedules. 5 Q: And how about you? Do you have 6 close friends in Nevada? 7 A: Yes, I do. 8 Q: And who are your close friends? 9 A: Their names or like their names? 10 Q: List a couple of your close 11 friends? 12 A: One of my-- my best friend, her 13 name is Joanna. She has... Do you want to know 14 about her or? 15 Q: Okay. How long have you known 16 Joanna? 17 A: The 17 years I've been here. I met 18 her probably a month or two after I moved here. 19 Q: And any other close friends in 20 Nevada? 21 A: Yes, I have several. Another one 22 is Lacheva. 23 Q: How long have you known her? 24 A: The same amount of time. 25 Q: Seventeen years?</p>
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<p>1 A: Yes.</p> <p>2 Q: Any other close friends in Nevada?</p> <p>3 A: Yes, Maria.</p> <p>4 Q: How--</p> <p>5 A: Ten years.</p> <p>6 Q: All right. How about Evan, does he</p> <p>7 have any other close friends in Nevada?</p> <p>8 A: He does.</p> <p>9 Q: And who are they?</p> <p>10 A: Braxton, Jace, Mason, classmates at</p> <p>11 school, he would call Braxton his best friend and he</p> <p>12 sees him daily. So he always says I have two best</p> <p>13 friends but Pierce is my cousin so he is my better</p> <p>14 best friend, or whatever, however he words it as a</p> <p>15 first grader.</p> <p>16 Q: And do your close friends know</p> <p>17 Chris' name?</p> <p>18 A: Absolutely, yes.</p> <p>19 Q: Do you close friends know that</p> <p>20 Chris is Evan's dad?</p> <p>21 A: Yes.</p> <p>22 Q: Describe your neighborhood,</p> <p>23 briefly.</p> <p>24 A: Neighborhood-- I have three parks</p> <p>25 right by us. One is a water park. there's two in the</p>	<p>1 fear for my life.</p> <p>2 Q: And why do you fear for your life,</p> <p>3 Sandra?</p> <p>4 A: Because of the ongoing threats,</p> <p>5 harassments, and problems that are going on with</p> <p>6 Chris.</p> <p>7 Q: These are threats, harassments that</p> <p>8 Chris has done to you?</p> <p>9 A: Him and his family.</p> <p>10 Q: Where was Evan born?</p> <p>11 A: Nevada.</p> <p>12 Q: When has Evan been raised?</p> <p>13 A: Nevada.</p> <p>14 Q: Where is Evan's community?</p> <p>15 A: Nevada.</p> <p>16 Q: Where is Evan's school?</p> <p>17 A: Nevada.</p> <p>18 Q: Where is Evan's church?</p> <p>19 A: Nevada.</p> <p>20 Q: Where are Evan's Friends?</p> <p>21 A: Nevada.</p> <p>22 Q: Where is Evan's home?</p> <p>23 A: Nevada.</p> <p>24 MS. COOLEY: I'll pass the witness.</p> <p>25 JUDGE GENTILE: Okay. It's 4:55. We'll</p>
Page 155	Page 157
<p>1 immediate area. We are up the Vistas in Summerlin.</p> <p>2 What else about the neighborhood?</p> <p>3 Q: Do you go to the parks?</p> <p>4 A: Like almost every day. We're there</p> <p>5 several times a week, yes.</p> <p>6 Q: Describe your residence.</p> <p>7 A: It's a five-bedroom home. One,</p> <p>8 two, three, four baths, two-story, everyone has their</p> <p>9 own room. We did a game room with a pinball machine</p> <p>10 that we inherited from my grandmother and that the</p> <p>11 kids play in. We have our family room, a kitchen, an</p> <p>12 office, a backyard.</p> <p>13 Q: Who lives in your residence?</p> <p>14 A: Myself, my three children, and my</p> <p>15 parents.</p> <p>16 Q: And does everyone have their own</p> <p>17 room?</p> <p>18 A: Yes.</p> <p>19 Q: And why do you live with your</p> <p>20 parents?</p> <p>21 A: One is to be a full-time mom. It</p> <p>22 gives me the opportunity to do that more.</p> <p>23 Q: Are there any other reasons? Need</p> <p>24 a second?</p> <p>25 A: The number one reason is because I</p>	<p>1 recess for the day and be back here at 1:30 tomorrow</p> <p>2 starting up with Ms. Wilson or Mr. Moody, whichever</p> <p>3 one of you is going to...</p> <p>4 MR. MOODY: It will be Ms. Wilson.</p> <p>5 JUDGE GENTILE: Okay.</p> <p>6 MR. MOODY: Judge, would it be okay to</p> <p>7 get an idea of who is going to be called tomorrow and</p> <p>8 whether you anticipate will get to closing arguments?</p> <p>9 JUDGE GENTILE: Yeah.</p> <p>10 MR. NAIMI: I would think we will not</p> <p>11 get to closing arguments. I would imagine-- Your</p> <p>12 Honor, can decide either-- sorry, Your Honor. Your</p> <p>13 Honor can make the decision. Perhaps you can either</p> <p>14 give us a brief moment somewhere down the line, just</p> <p>15 to make some closing arguments or you could say just</p> <p>16 [1:11:06 inaudible].</p> <p>17 JUDGE GENTILE: Do briefs or whatever,</p> <p>18 right. Okay.</p> <p>19 MR. NAIMI: I would anticipate in lieu</p> <p>20 of the fact that we still have re-cross and redirect</p> <p>21 of Ms. Nance and then three other witnesses.</p> <p>22 JUDGE GENTILE: What are the three</p> <p>23 other witnesses?</p> <p>24 MS. COOLEY: Judith. Judith Tolman, the</p> <p>25 child's counselor.</p>

<p style="text-align: right;">Page 158</p> <p>1 MR. NAIMI: And Ms. Nance's parents. 2 JUDGE GENTILE: Okay. They shouldn't 3 take long. Should they? 4 MR. NAIMI: I wouldn't imagine. 5 JUDGE GENTILE: How long do you expect 6 Ms. Tolman? 7 MR. NAIMI: That is always such a hard 8 question to answer. It's tough to say. I would 9 estimate that we would-- because we are looking at 10 what? Three and a half hours? 1:30 hours. 11 JUDGE GENTILE: Remember we only have 12 so much time we've allotted. I'll make sure that you 13 get your 13 and a half hours I give you 14. 14 MR. NAIMI: Well, it really depends on 15 how long the cross examinations are going to take and 16 the redirect and then we've got the-- I think we're 17 going to end up using the entire afternoon on 18 witnesses. So you can tell us now whether you would 19 anticipate us briefing our closing arguments or 20 whether you would like to give us a day sometime. 21 And I would think, and this is of course less 22 convenient for Mr. Ferraro, we would waive his 23 presence unless you want to be here. I want to make 24 agreements. 25 JUDGE GENTILE: The closing arguments?</p>	<p style="text-align: right;">Page 160</p> <p>1 MS. WILSON: Okay. 2 JUDGE GENTILE: And we either do 3 closing arguments where everybody can be here 4 especially if there is an exchange taking place. We 5 can time it that way or if it doesn't work and he 6 wants to appear via video conference, he can do that. 7 Or I ultimately may say just do briefs. I don't know 8 yet. 9 MR. NAIMI: I would estimate even if we 10 were done before, say 5:00 p.m. tomorrow, in lieu of 11 the magnitude of this case, I don't see us both 12 getting through closing arguments. 13 JUDGE GENTILE: Then you really don't 14 get to fully prepare for your closing. To do it 15 right, I believe in being able to go back, look at 16 your evidence, tie it all together and make your 17 argument the way it should be done. 18 MR. NAIMI: Right. 19 JUDGE GENTILE: I think it would be a 20 disservice to the parties who've sat through three 21 days of trial and then have their attorneys have to 22 wrap it up in 10 minutes at the end. That's just not 23 fair. All right. I will see you back here tomorrow 24 at 1:30 and... 25 MS. COOLEY: Your Honor, can you tell</p>
<p style="text-align: right;">Page 159</p> <p>1 MR. NAIMI: Yeah. 2 JUDGE GENTILE: I mean he can always 3 even appear on the... 4 MR. NAIMI: Yeah, I don't... 5 JUDGE GENTILE: One or two to hear 6 closing. 7 MR. NAIMI: Unless you wanted to do it 8 in brief format. 9 JUDGE GENTILE: Yeah, I don't know yet. 10 I'll wait till I hear from everybody tomorrow and 11 then I'll make a determination after. 12 MR. NAIMI: I think it's safe to say we 13 are not going to have-- you guys, I think it would be 14 safe to say we are not going to have closing 15 arguments. 16 JUDGE GENTILE: Probably not. 17 MR. NAIMI: It would sound fine. 18 MS. WILSON: So, I am, as you all know, 19 I leave Wednesday a night and I return on July 11 and 20 Mr. Ferraro's timeshare with Evan ends on the 15th of 21 July. I don't know that we really want to push the 22 closing argument out that far but [1:13:10 23 Inaudible]. 24 JUDGE GENTILE: I mean, why don't we 25 feel our way through it tomorrow.</p>	<p style="text-align: right;">Page 161</p> <p>1 me how long my cross-examination should go? Sorry, 2 my redirect. 3 JUDGE GENTILE: Remember I told you I 4 lost track. 5 MS. WILSON: That's when you lost 6 track? 7 JUDGE GENTILE: Yeah, it was during 8 that period I lost track but it was... 9 MR. NAIMI: It felt like a couple of 10 hours, Your Honor. 11 JUDGE GENTILE: It was not. But I will 12 do the calculation. How about this? I will try to 13 have something for you in the morning and maybe I 14 might get my JEA to let you know that it wasn't-- the 15 whole period that he was on was... Actually, you 16 know what? It was 3:00 to 3:40 that he was on 17 during-- you agree, but there was some back and forth 18 in that time frame. So it was a maximum 40 minutes 19 if I assisted all of you, but there was a period 20 where there was some back and forth redirect or re- 21 cross or how you know there was some back and forth 22 in there. But maximum was 40 minutes. 23 MS. WILSON: Okay. 24 JUDGE GENTILE: Okay. And then from 25 3:40 until now there was...</p>

<p style="text-align: right;">Page 162</p> <p>1 MR. NAIMI: Make sure we all don't have 2 any time constraint. I mean we have three-and-a-half 3 hours of time left. 4 JUDGE GENTILE: Yeah. 5 MR. NAIMI: So I don't think anyone is 6 going to meet or hit their ceiling in terms of time 7 allotted. I can't envision it in the three and a 8 half hours we've got remaining. If, for instance, if 9 we were to use the entire three and a half hours 10 ourselves, which isn't going to happen. We still 11 don't hit our max so I think we'll be okay. 12 JUDGE GENTILE: Right so from 3:40 to 13 [1:15:46 inaudible]. All right. I'll have some 14 calculations made. Very good. Thank you so much. 15 Going of the record-- 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 164</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 163</p> <p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 165</p> <p>1 CERTIFICATE OF RECORDER 2 STATE OF NEVADA } 3 COUNTY OF CLARK } 4 NAME OF CASE: SANDRA LYNN NANCE vs CHRISTOPHER MICHAEL FERRARO 5 I, Peter Hellman, a duly commissioned 6 Notary Public, Clark County, State of Nevada, do hereby 7 certify: That I transcribed or supervised transcription 8 of deposition of the witness, TRIAL TESTIMONY . 9 from Recorded Audio-and-Visual Record and said deposition 10 is a complete, true and accurate transcription, 11 12I further certify that I am not a relative or 13 employee of an attorney or counsel of any of the 14 parties, nor a relative or employee of an attorney or 15 counsel involved in said action, nor a person 16 financially interested in the action. 17IN WITNESS WHEREOF, I have hereunto set my 18 hand in my office in the County of Clark, State of 19 Nevada, this 06/28/2016. 20 21 22Peter J. Hellman Notary (12-9031-1) 23 24 25</p>

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\$100 109:18,20,22	1 10:18 13:4 46:9 97:6	1:11:06 157:16
\$125,000 20:4	1-0-5-5 47:24	1:13:10 159:22
\$135,000 13:24	1-1-2 51:20	1:15:46 162:13
\$150,000 20:2	1-1-4 52:2	1:30 157:1 158:10 160:24
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\$20 109:13	10 21:10 25:18 27:15 52:19 53:3, 15 54:13,15 56:16 57:8,14,15,20 59:15 60:7,8,11,13,15,17,21 98:10 103:15 160:22	2 13:11 47:16 48:4
\$200-and-something 110:2	10-day 17:15	2.1.2 23:23
\$221.50 15:15	10/25 52:14	2.2 3:23
\$2300 84:19	11 52:10 54:20,22 55:3 56:1,2,16 57:11,14,15,21 60:20,22,23,24,25 61:1,3,5 71:14 159:19	2.8 27:16
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\$2800 17:8 84:13	11th 11:5 59:16	2010 9:1
\$3 109:14	12 18:6 61:19 75:17	2012 8:13 20:11 95:23,24 101:19, 21 117:1 123:13,19 125:2 148:13
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Student Information		
Student Name	Ferraro, Evan D	
Student ID	12009962	
Track	14-15 Givens ES	
Grade	K	
Teacher	REHBEIN-RENGEL, DAWN CHRISTINE	
Grade Scale	Special Subjects and Learner Behaviors Grade Scale	Grade Scale
A 90-100%	Exceptional Progress E	4 Exceeds
B 80-89%	Satisfactory Progress S	3 Meets
C 70-79%	Needs Improvement N	2 Approaches
D 60-69%		1 Emergent
F 0-59%		

School Information			
School	Givens, Linda Rankin ES		
Principal	Daniel R Hungerford		
Phone	(702)799-1430		
Address	655 Park Vista Dr Las Vegas, NV 89138		
Website			
Attendance Summary	Semester 1	Semester 2	Total
Days Enrolled	89	0	89
Days Absent	7	0	7
Days Tardy	3	0	3
Early Out	0	0	0

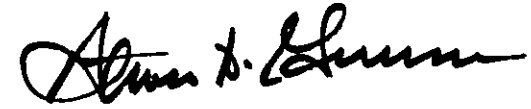
CONTENT AREAS	SEMESTER 1	SEMESTER 2
Language		
Overall Grade	2	
Mathematics		
Overall Grade	3	
Counting and Cardinality	3	
Operations and Algebraic Thinking		
Numbers and Operations in Base Ten		
Measurement and Data	3	
Geometry	3	
Reading		
Overall Grade	3	
Reading Literature	3	
Reading Informational Text	3	
Reading Foundational Skills	3	
Science/Health		
Overall Grade	3	
Nature of Science	3	
Physical Science	3	
Earth and Space Science	3	
Life Science	3	
Health	3	
Social Studies		
Overall Grade	3	
Speaking and Listening		
Overall Grade	3	
Writing		
Overall Grade	2	

SUCCESSFUL LEARNER BEHAVIORS		
Observes School Rules	S	
Follows Classroom Rules	S	
Follows Directions	S	
Accepts Responsibility	S	
Works Independently	S	
Works Cooperatively	S	
Completes and Returns Homework on Time	S	
Quality of Work	S	

SEMESTER 1 COMMENTS
 Evan is progressing nicely in kindergarten. Continued practice of reading daily and having him retell the story in order, including important details, would be beneficial. In math, he meets all grade level standards. Evan is working on correct spacing, punctuation, capitalization, stretching out words while writing what he hears, and adding details as well as a closing to his stories. He would profit from writing at home on a daily basis about topics that are interesting to him so he can work further on these skills. Also, he would benefit from additional practice in writing the following letters of the alphabet correctly: b, d, k, M, m, N, P, p, R, u, Y, and y. While writing and coloring, he would profit from taking his time and printing/coloring neatly. Evan is a cheerful student who responds readily to praise.

SEMESTER 2 COMMENTS

SPECIAL SUBJECTS		
Art		
Overall Grade	E	
Humanities		
Overall Grade	E	
Humanities		
Overall Grade	E	
Library		
Overall Grade	E	
Music		
Overall Grade	S	
PE		
Overall Grade	S	



CLERK OF THE COURT

1 **OPPC**
2 **Robert W. Weatherford, Esq.**
3 Nevada Bar No. 7949
4 **LAW OFFICES OF ERIC ROY**
5 818 East Charleston Boulevard
6 Las Vegas, NV 89104
7 (702) 423-3333
8 (702) 924-2517
9 robert@ericroylawfirm.com
10 Attorney for Sandra Nance

6 **DISTRICT COURT,**
7 **FAMILY DIVISION**
8 **CLARK COUNTY, NEVADA**

9 SANDRA L. NANCE,

10 Plaintiff,

11 vs.

12 CHRISTOPHER M. FERRARO,

13 Defendant.

CASE NO: D-10-426817-D

DEPT NO: K

Date of Hearing: 8/12/2015

Time of Hearing: 10:00 am

Oral Argument Requested X Yes ___ No

14
15 **PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO MODIFY**
16 **CUSTODY, FOR RELOCATION OF MINOR CHILD, AND OTHER RELATED**
17 **RELIEF AND COUNTERMOTION**
18 **FOR CONFIRMATION OF PRIMARY PHYSICAL CUSTODIAN;**
19 **MODIFICATION OF CHILD SUPPORT; STRIKE CHRIS' MOTION AS DEFECTIVE;**
20 **AND REASONABLE ATTORNEY FEES AND COSTS**

21 **COMES NOW** Plaintiff, SANDRA L. NANCE (hereinafter referred to as "Sandra"), by
22 and through her attorney, Robert W. Weatherford, Esq., of the Law Offices of Eric Roy, and
23 brings this Opposition and Countermotion requesting the following relief:

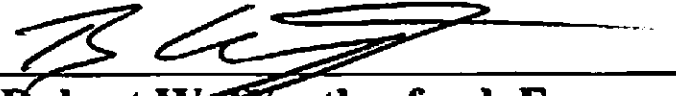
- 24
- 25 1. That this Court deny each and every request made by Defendant, CHRISTOPHER M.
 - 26 FERRARO (hereinafter referred to as "Chris"), in his instant Motion;
 - 27 2. That this Court confirm Sandra as the Primary Physical Custodian of the parties' minor
 - 28 child;

3. That this Court modify child support to conform with NRS 125B.070(b)(1);
4. That this Court strike Chris' Motion as defective;
5. That this Court grant Sandra her reasonable attorney fees and costs of at least \$7,500; and
6. For such other relief as this Court may deem just and proper under the circumstances.

This Opposition and Countermotion is made and based upon all of the papers, pleadings and records on file herein, the Points and Authorities and Affidavits submitted herewith, and any oral argument at the time of the hearing herein.

DATED this 4 day of July, 2015.

Law Offices of Eric P. Roy

By: 
Robert W. Weatherford, Esq.
Nevada Bar No.: 7949
818 E. Charleston Blvd.
Las Vegas, Nevada 89104
Tel. (702) 423-3333
Fax. (702) 924-2517
Attorney for Sandra Nance

I.

OPPOSITION

POINTS AND AUTHORITIES

Although the parties to this action, Sandra and Chris, were married for a short duration, they did date prior to the marriage and some reconciliation attempts were made after and throughout the instant action. As a result of the relationship, they have one minor child, Evan Daniel Ferraro, born September 30, 2008.

1 On May 6, 2010, this Court initially awarded the parties joint legal custody and
2 designated Sandra as temporary primary physical custodian. Subsequently, Chris' attorney
3 drafted a Stipulation and Order, which was signed by both parties (Sandra was in proper person)
4 and filed with this Court on April 8, 2011. This Stipulation and Agreement provided that "the
5 parties shall share joint legal custody of the infant child with the Mother being designated the
6 primary residential parent subject to the Father's rights of visitation..." Page 7 of 34. Chris'
7 visitation was specified as the last full week of the month, the second weekend of the month,
8 three weeks during the year, four consecutive weeks during the summer, and divided holidays.
9 Chris further agreed to pay \$345 per month for child support which he claimed was 18% of this
10 gross monthly income. The Stipulation and Order also contains a paragraph labeled relocation
11 and states, "... the Father has made living arrangements in the State of Nevada for purposes of
12 facilitating the timeshare schedule as provided herein..." Page 25 of 34.

15 At the Case Management Conference on October 12, 2011, this Court referred Evan for
16 an Outsourced Psychological Evaluation. Among other Orders, this Court Ordered that "The
17 parties shall FOLLOW the COURT ORDERS."

19 Subsequently on November 21, 2011, this Court awarded the parties joint legal and joint
20 physical custody. This Court further Ordered that Dr. John Paglini perform the child custody
21 evaluation; that the parties communicate through the Our Family Wizard website; that the parties
22 have no direct communication; that they each complete the UNLV Cooperative Parenting Class;
23 and that Chris file a Financial Disclosure Form ("FDF") by November 28, 2011. The reason this
24 Court Ordered no direct contact between the parties is because Chris was harassing Sandra with
25 emails and text messages that were often crude, disparaging, and sometimes threatening. Several
26 examples clearly demonstrating harassment were attached to Sandra's pleadings.
27
28

1 On November 30, 2011, Chris filed his FDF indicating that his gross monthly income
2 was \$700 with \$1,300 in self employment income. Although his FDF only contained pages 1, 2,
3 and 7, he did attach a copy of a pay stub to verify his income. However, approximately two
4 weeks later, on December 16, 2011, Chris filed another FDF indicating his gross monthly
5 income was \$1,675 with \$1,300 in self employment income. Same employer.
6

7 On January 4, 2012 this Court issued a Minute Order that Chris is to pay for Dr. Paglini's
8 evaluation and set his child support at \$201.50 per month pursuant to *Wright v. Osburn*.
9 Interestingly, Chris filed his most recent FDF with this Court on July 15, 2015, indicating that he
10 has been working at Twin Rinks at Eisenhower, LLC., since November 15, 2012. In Chris'
11 instant Motion, he claims to have a minority ownership interest in this company, which is
12 currently in Chapter 11, Bankruptcy. Regardless he claims, he will be able to earn a substantial
13 amount of income. Selfishly, he failed to update his FDF when he obtained this job / ownership
14 interest and failed to increase his child support as he earns well in excess of \$100,000 per year.
15 Chris' year to date gross income, as of May 31, 2015, was \$57,692.28. Five full months
16 (\$57,692.28 / 5 = \$11,538.46) a gross monthly income of \$11,538.48, or a yearly gross monthly
17 income of \$138,461.52.
18
19

20 The parties were before this Court on March 27, 2013 for a return hearing regarding Dr.
21 Paglini's report (hereinafter referred to as the "Report"). The Report was very clear in
22 recommendations. The first of note, is that Dr. Paglini recommends, based on "...Evan's best
23 interest... {Chris is}...to have visitation in New York."¹ That the parties complete extensive co-
24 parenting class, use a parenting coordinator, and focus on co-parenting. Dr. Paglini further
25 makes it clear that Chris should refrain from speaking derogatorily about Sandra and her family
26
27
28

¹ See Paglini's Custody Evaluation, p. 61 under Recommendations.

1 in front of Evan, "...as he has done before."² Dr. Paglini also noted an issue with Chris
2 neglecting to keep Sandra informed and admonished that he has a responsibility during times of
3 emergency "...if he wishes to have joint legal custody."³

4 Dr. Paglini states unequivocally, "...Evan is extremely young, and it is difficult to
5 tolerate long periods of time away from the primary caretaker. Although it may be argued that
6 Mr. Ferraro has shared custody, by history, Ms. Nance has been the primary caretaker."⁴ Dr.
7 Paglini acknowledges that "...Evan is going to attend school likely in the fall of 2013, or 2014."⁵
8 Dr. Paglini then recommends that Chris' visitation decrease once school starts to "...having his
9 son five days after the school year ends, to ten days before the new school year begins."⁶ Of
10 course, there are recommended holidays and Sandra is given vacation during Chris' timeshare. It
11 is clear that Dr. Paglini is acknowledging Sandra as the historical primary physical custodian, is
12 recommending that continue, even when Evan begins school.

13
14
15 During the March 27, 2013 hearing, this Court reminded the parties that they need to
16 attend the UNLV parenting classes and provided the internet website. Due to the fact that Chris
17 was not co-parenting, this Court Ordered, based on Dr. Paglini's recommendations, that Chris'
18 visitation shall take place in Las Vegas for the next four months pending completion of the
19 UNLV parenting classes. This Court further adopted and affirmed Dr. Paglini's
20 recommendations and assigned Margaret Pickard as a parenting coordinator. The parties were to
21 address their issues through Ms. Pickard, including Evan's counseling.
22
23

24 ///

26 ² *Id.*

27 ³ *Id.*

28 ⁴ *Id.* at p. 62.

⁵ *Id.*

⁶ *Id.*

1 Sandra completed the COPE Class on July 17, 2012 and filed her completion. Chris did
2 not complete the class until February 12, 2015.

3 The most recent custody order, facilitated by Ms. Pickard, is a Stipulation and Order Re:
4 Parenting Plan (hereinafter referred to as the "Parenting Plan"), filed with this Court on
5 November 30, 2012. This Parenting Plan provides that the parties share joint legal and joint
6 physical custody. At the time the Parenting Plan was negotiated, Chris was residing in New
7 York and represented to Sandra, as he has before, that he was going to live in Las Vegas. In fact,
8 paragraph 2.1 reads, "Until such time as the Father permanently relocates to the Las Vegas,
9 Nevada, area..." Chris is to have 10 days per month starting the third Friday of each month after
10 school or at 3 pm if Evan is not in school.
11

12 The Parenting Plan further provides in paragraph 2.1.2 "... that the Father may exercise
13 his residential time with the minor child in New York until the child begins Kindergarten in the
14 Clark County School District." Paragraph 2.1.2.3 provides that "The parties agree that during
15 the monthly 10-day visits in New York [which may occur until the child begins elementary
16 school in the Fall of 2013]. . ." The brackets are part of the quote and shows that the parties had
17 at all times agreed that once school started, the monthly traveling to New York would end.
18 Lastly, paragraph 2.8 states "The parties will begin counseling for Evan with a counselor
19 provided through HOPE counseling or an alternative provider, agreed by the parties in writing.
20 Both parents will participate in counseling, as recommended by the child's therapist."
21

22 Evan's current therapist is Judith Tollman, and he sees her one time per week and has
23 been doing so for several years. Ms. Tollman diagnosed Evan with severe anxiety which was
24 also noted by Dr. Paglini. Unfortunately Evan does not see a therapist during the time that Evan
25 is with Chris in New York as Chris believes Evan does not need a therapist. However, Chris
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1 neither has the education background to negate such a diagnosis nor does he have any
2 professional evidence otherwise. He is simply making a judgment call that suits his particular
3 wants.

4 Evan's anxious condition is believed to be not just a product of the constant travel
5 between New York and Nevada; but also of the stress this young child undergoes being
6 constantly exposed to Chris' family's hostility towards Sandra. Dr. Paglini has on a prior
7 occasion made reference to the fact that Defendant's family members are far too involved with
8 Sandra and Chris' relationship as well as their relationship with Evan. These family members
9 continuously show up at various events involving Evan, including those in which extended
10 family would not normally be present. Examples of these include meetings with the school
11 principal, therapists, and mediator, amongst others.

12 It is important for this Court to know that although it was previously agreed by the parties
13 and memorialized in the Parenting Agreement that Evan would start kindergarten in the Clark
14 County School district in 2013, Chris objected. Ms. Pickard was brought into the discussion,
15 because Sandra wanted to enroll Evan into kindergarten as contemplated. Attached hereto as
16 Exhibit 1 is an email exchange between the parties and Ms. Pickard regarding kindergarten.

17 On May 21, 2013, Ms. Pickard suggested to the parties that, "My proposal to resolve the
18 current issues is to see if the two of you will agree to enroll Evan in a private Kindergarten. This
19 will resolve the issues that are in dispute, and allow Evan to have the option of either entering
20 into Kindergarten or First Grade through CCSD next year." On the same day but in a different
21 email, Ms. Pickard states, "This is a reasonable solution as it accommodates his learning
22 environment and does not hold him back. Many children who are academically ready but not
23 emotionally prepared for kindegarten [sic] do this." However, Chris will not agree to this
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1 proposal and complains that he and Sandra are being forced to agree on something.

2 On July 10, 2013 Ms. Pickard notified Chris that "Sandra would like Evan to begin
3 kindergarten through CCSD for the 2013-2014 school year." She further states that Sandra is
4 willing to make some concessions with Chris' agreement. Chris is opposed to the idea. Chris
5 unilaterally decides what he will do despite the help and requests of Ms. Pickard. As can be seen
6 from his emails, on July 10, 2013 he states, "I will make plans as they are for August and if Evan
7 starts pre k school late then that will be for Sandra to deal with in Las Vegas. Three days later,
8 he states, "I do not agree to any testing or further testing that will suggest that Evan will skip
9 kindergarten and attend 1st grade for the 2014-2015 school year." He then gives Sandra two
10 options, which are not incorporated in the Parenting Agreement, and threatens, "I will no longer
11 pay for Evan's schooling in Las Vegas moving forward."
12

13 Sandra reluctantly agreed to keep Evan back in school although Evan was well within
14 age, maturity, and educational progress to move forward. However, Evan has recently
15 completed Kindergarten and despite the Stipulation and Order, Chris continued to travel to New
16 York with Evan. Sandra became increasingly concerned because Evan was missing a lot of
17 school and his anxiety increased. As per the Order appointing Ms. Pickard, Sandra brought the
18 issue to the parenting coordinator. Although Chris in his Motion states that Ms. Pickard ".
19 .employed an expedient resolution as opposed to one that balanced the weightier factors of
20 Evan's best interests. . .," Ms. Pickard reviewed the Clark County School absence policy,
21 communicated with Evan's teacher and principal, and Evan's therapist and concluded that each
22 party would be allowed five (5) absences during the school year.
23
24
25

26 Chris "... will be the first to admit that he was a terrible co-parent in the beginning. . ."
27 but then places all the blame on Sandra because her other children's fathers are not involved. He
28

1 does remind this Court that he took the 19-hour co-parenting program and says that when he tries
2 to co-parent, Sandra mistakes this for harassment. However, a screen shot of the interactions not
3 only between the parties, but with Ms. Pickard, indicate that Chris is not co-parenting at all. Still.

4 Attached hereto as Exhibit 2, are emails sent between the parties and Ms. Pickard
5 regarding Evan missing school. All of these emails were provided in Chris' Appendix to his
6 Motion. On October 9, 2014, Ms. Pickard emailed the parties indicating that she had spoken to
7 Ms. Tolman, who "indicated that school is important for Evan, both academically, socially, and
8 emotionally. Therefore, it is crucial that he attend school regularly, even in kindergarten."
9 Further she states, "Judith does not recommend that Evan be removed from school early on
10 Fridays or for extended periods of time, as this distances him from school activities and his
11 social interactions. Essentially, Judith notes that for "Evan to be successful in school, he needs
12 to be in school."

13 Although both, Ms. Pickard and Ms. Tolman, considered Evan's best interests and
14 suggested that Evan remain in Las Vegas for Chris' visitation, on October 10, 2014, Chris emails
15 Ms. Pickard (and Sandra) saying "...all you seemed focused on are words on a piece of paper..."
16 and that neither she "...or Judith are going to tell me this is wrong for Evan? Not a chance!" He
17 then states, "My timeshare in October will be in New York." He goes further and states:
18
19
20

21 Judith is NOT court ordered and I never agreed to this and in the
22 SAO it states that both parties need to agree on paper to counseling
23 and I do not have to follow her recommendations. This is a one
24 sided case and I will enroll Evan in counseling in New York if
need be to challenge what Judith feels.

25 Kindergarten is not required in Nevada and I pay for his full day
26 schooling. I will be calling Dan Hungerford [Evan's school
principal] and canceling my payment plan for Evan's full day
schooling and ask that Evan is put into half day schooling.

27 ...
28

1 I'm exhausted from this and tired of proving myself. I will be
2 picking Evan up in October on Friday to fly to New York. Judith
3 is not court ordered and I told her to her face that I do not agree
4 with counseling and have never agreed to counseling from day 1,
the school cant stop me, Sandra will be interfering with my
timeshare if she involves herself and tries to disrupt my pick up.

5 Chris' co-parenting is not done. On October 18, 2014 at 10:00 am, Chris again emails
6 Ms. Pickard (and Sandra) stating:

7 I spoke with Dan Hungerford (principal) and Givens Elementary
8 School Accounting Department and effective immediately I will be
9 forced to withdraw Evan from Full Day Kindergarten with Mrs.
10 Rengel and will be canceling payment and putting Evan into Half
Day Kindergarten.

11 Sandra will be notified by the school and will be updated with all
other details involved.

12 Evan will be placed in a new class with a new teacher and new
13 classmates and Evan's new school hours will be from 9:10am –
11:40am.

14 This transfer will take place on Wednesday of next week once I
15 submit the Withdrawal and Accounting paperwork on Monday.

16 This will solve the issue of Friday early dismissal pick ups.

17 The school has stressed that once this decision is made that there is
18 no turning back as MRs. Rengel's class is the most popular
19 program in the school and that there is a waiting list for anxious
students to enter Mrs. Rengel's Full Day Program when students
withdraw.

20 I am disappointed that I am forced to take these steps in order to
21 avoid conflict with my timeshare and timeshare pick ups and
disappointed that I am left with no choice, but to remove Evan
from Full Day Kindergarten because of lack of cooperation.

22 I am saddened with this course of action as Evan is thriving in Mrs.
23 Rengel's Full Day Program, but this is necessary due to the
circumstances to avoid and keep Evan away from conflict.

24 On October 18, 2014 at 11:54 am, Sandra replies to the email stating Chris is not
25 authorized to make unilateral decisions and that "Evan will not be switching any classes, as he's
26 in enough turmoil this month thinking he's missing all his October activities with his
27 classmates." Obviously Sandra is concerned about Evan's welfare. And then Sandra correctly
28

1 points out, "Chris' timeshare begins at 3 pm or the release of his school program on Fridays."

2 On October 19, 2014, Chris responds that his timeshare begins when the school bell
3 rings. "When I cancel credit card payment tomorrow, Evan is automatically withdrawn from
4 Full Day Kindergarten and moved to Half Day Kindergarten in which school bell rings at
5 11:40am."

6
7 In Chris' instant Motion, he would have this Court believe "...his communications are
8 polite and to the point." However, when examining the attached Exhibits, Chris is anything but
9 polite and to the point. Further, it is obvious that Chris is not thinking of Evan's best interests
10 because he refuses to follow professional recommendations, including those of Ms. Tilman's and
11 Ms. Pickard. Chris selfishly wanted to remove Evan from a program that he is excelling in with
12 a desired teacher. In fact, attached hereto as Exhibit 3, is an email from Chris to Evan's teacher
13 dated January 23, 2015 thanking Ms. Rengel for all she does as a teacher. Attached hereto as
14 Exhibit 4, is Evan's report card for 2014-2015 school year indicating that he missed 20 days of
15 school out of 180, twice the amount allowed under Clark County School District Policy.
16
17
18

19 II.

20 LEGAL ANALYSIS

21 1. Sandra is the Primary Physical Custodial Parent.

22 Nevada Revised Statute 125.510(1) provides, in pertinent part, that:

23
24 In determining the custody of a minor child in an action brought
25 pursuant to this chapter, the court may, except as otherwise
26 provided in this section, NRS 125C.0601 to 125C.0693, inclusive,
27 and chapter 130 of NRS:

28 (a) During the pendency of the action, at the final hearing or at any
time thereafter during the minority of any of the children of the
marriage, make such an order for the custody, care, education,
maintenance and support of the minor children *as appears in their*

*best interest...*⁷

“We conclude that the terms of the parties’ custody agreement will control except when the parties move the court to modify the custody arrangement. In custody modification cases, the court must use the terms and definitions provided under Nevada Law.”⁸

A parent has primary physical custody when he or she has physical custody of the child subject to the district court’s power to award the other parent visitation rights. See, e.g., Ellis, 123 Nev. At 147, 161 P.3d at 240. The focus of primary physical custody is the child’s residence. The party with primary physical custody is the party that has the primary responsibility for maintaining a home for the child and providing for the child’s basic needs. . . . This focus on residency is consistent with NRS 125C.010, which requires that a court, when ordering visitation, specify the “habitual residence” of the child. Thus, the determination of who has primary physical custody revolves around where the child resides.⁹

In determining whether the parents have joint Physical custody, “The district court should calculate the time during which a party has physical custody of a child over one calendar year. Each parent must have physical custody of the child at least 40 percent of the time, which is 146 days per year.”¹⁰

Although Chris would like this Court to believe he “. . . exercises a little more or a little less than a 40% timeshare...” he is clearly misleading this Court. The simple truth of the matter is that Evan resides with Sandra in Las Vegas, Nevada, and Chris exercises visitation.

Dr. Paglini states clearly that Sandra has historically been the primary custodian and recommends specified visitation for Chris. Further, the Parenting Agreement provides that “The parties shall share joint physical custody of the minor child, with the child to reside with the

⁷ Emphasis added. NRS 125.510(1).

⁸ *Rivero v. Rivero*, 125 Nev. 410, 429, 215 P.3d 213 226 (2009).

⁹ *Id.* 125 Nev. at 427-428.

¹⁰ *Id.* 125 Nev. at 427.

1 Mother subject to the following timeshares by the Father:"¹¹ Although the parties labeled their
2 agreement in this matter as joint physical custody, it was agreed that Sandra would be the
3 primary residential parent and Chris would have visitation. Further, this Parenting Agreement
4 was made under the belief that Evan would always reside in Nevada and Chris would
5 permanently relocate to the Las Vegas, Nevada area.¹²
6

7
8 **a. Sandra is the Primary Custodian in 2015.**

9 A close examination of Chris' visitation for odd years, specifically 2015, Chris has
10 visitation with Evan for only 130 days, or just under 36 percent of the time. Attached hereto as
11 Exhibit 4 is a calendar with Chris' visitation circled. Here is how it breaks down:

12 10 days total in January; 1-16 through 1-25. Chris was awarded his birthday (1-24) and
13 Martin Luther King Day (1-19), but those days fall on his regular timeshare.
14

15 9 days total in February; 2-20 through 2-28. Chris was awarded 10 days beginning on the
16 third Friday of the month, since February is a short month, Chris gets an extra day in March.
17

18 11 days total in March; 3-1 and 3-20 through 3-29.

19 10 days total in April; 4-17 through 4-26.

20 10 days total in May; 5-15 through 5-25. Chris was awarded Memorial Day (5-25) which
21 is during his regular timeshare.

22 14 days total in June; 6-12 through 6-25.

23 14 days total in July; 7-10 through 7-23.

24 14 days total in August; 8-14 through 8-27.

25 11 days total in September; 9-18 through 9-27 and Evan's birthday (9-30).
26
27

28 ¹¹ See Parenting Agreement P. 5 of 15 Paragraph 2.

¹² See Parenting Agreement P. 5 of 15 Paragraph 2.1.

1 10 days total in October; 10-16 through 10-25.

2 5 days total in November; 11-20 through 11-29. However, Sandra was awarded
3 Thanksgiving during this year and according to CCDC calendar, the holiday is 11-26 through 11-
4 27. The Parenting Agreement says Sandra gets from "the release of school before Thanksgiving
5 and shall continue until school resumes following the holiday..." So Sandra would have
6 Wednesday 11-25 through Monday 11-30.¹³
7

8 10 days total in December; 12-18 through 12-27.

9 Adding up every month of Chris' regular visitation, his holiday visitation, and then
10 subtracting Sandra's holiday visitation, Chris only has 130 days each and every odd numbered
11 year. Accordingly, Sandra is the de facto primary physical / residential parent for 2015 and thus,
12 odd numbered years.
13

14
15 **b. Sandra is the Primary Physical Custodian in 2014.**

16 A close examination of Chris' visitation for even years, specifically 2014, Chris had a
17 total of 140 days, or 38 percent of the custodial timeshare. Attached hereto as Exhibit 5 shows
18 Chris' visitation circled. Those times in which Sandra's holiday schedule takes precedence over
19 Chris' is marked with an X. Chris' visitation breaks down as follows:
20

21 15 days total in January; 1-1 through 1-5 and 1-17 through 1-26.

22 11 days total in February; 1-15 through 1-17 and 1-21 through 1-28.

23 12 days total in March; 3-1 through 3-2 and 3-21 through 3-30.

24 10 days total in April; 4-18 through 4-27.
25
26

27 ¹³ See Parenting Agreement P. 8 of 15 Paragraph 2.3 Holiday/Summer Timeshare: The parties agree to share
28 holiday and summer timeshare periods pursuant to the Nance/Ferraro Timeshare and Holiday Schedule Agreement
set forth on the attached schedule, Exhibit 1. The holiday schedule shall take precedence over the regularly
scheduled timeshare. Emphasis added.

1 10 days total in May; 5-16 through 5-25.

2 14 days total in June; 6-13 through 6-26.

3 17 days total in July; 7-4 through 7-6 and 7-11 through 7-24.

4 14 days total in August; 8-8 through 8-21.

5 10 days total in September; 9-19 through 9-28.

6 11 days total in October; 10-17 through 10-26 and 10-31.

7 13 days total in November; 11-1 through 11-2, 11-11, and 11-21 through 11-30.

8 3 days in December; 12-29 through 12-31.

9 Accordingly, Sandra is the primary physical / residential custodian for 2014, and thus
10 even numbered years.
11

12
13
14 **2. Chris has misstated the Legal Standard.**

15 The type of physical custody arrangement is particularly important in
16 three situations. First, it determines the standard for modifying
17 physical custody. Second, it requires a specific procedure if a parent
18 wants to move out of state with the child. *Potter v. Patter*, 121 Nev.
19 613, 618, 119 P.3d 1246, 1249 (2005). Third, the type of physical
custody arrangement affects the child support award. *Barbagallo*,
105 Nev. at 549, 779 P.2d at 534.

20
21 In the present matter, Chris relies on *Truax*¹⁴ for the standard for modifying joint physical
22 custody. Although he cites the correct legal standard for modifying joint legal custody, his only
23 support that the parties have joint legal custody is that the Parenting Agreement labels it joint
24 physical custody and "Depending on how the holidays fall in a given year, Chris exercises a little
25 more or a little less than 40% timeshare..."¹⁵ Granted, *Rivero* states that the timeshare should not
26

27
28 ¹⁴ *Truax v. Truax*, 110 Nev. 473, 874 P.2d 10 (1994).

¹⁵ See *Chris' Motion* Page 21-22.

1 be a simple calculation of hours, but it is clear from the foregoing that Sandra is in fact and law the
2 primary physical / residential parent.

3
4 **a. Chris has not shown that Circumstances have Changed to Such an Extent**
5 **that a Modification is Appropriate.**

6
7 The Nevada Supreme Court clarified the *Murphy*¹⁶ standard in *Ellis v. Carucci*:¹⁷

8 While the *Murphy* test is too restrictive because it improperly focuses
9 on the circumstances of the parents and not the child, custodial
10 stability is still of significant concern when considering a child's best
11 interest. The "changed circumstances" prong of the revised test
12 serves the important purpose of guaranteeing stability unless
13 circumstances have changed to such an extent that a modification is
14 appropriate. In determining whether the facts warrant a custody
15 modification, courts should not take the "changed circumstances"
16 prong lightly. Moreover, any change in circumstances must
17 generally have occurred since the last custody determination because
18 the "changed circumstances" prong "is based on the principle of res
19 judicata" and "prevents 'persons dissatisfied with the custody
20 decrees [from filing] immediate, repetitive, serial motions until the
21 right circumstances or the right judge allows them to achieve a
22 different result, based on essentially the same facts'"¹⁸

23
24 Chris' present Motion has not met the aforementioned standard. In fact, Chris Motion goes
25 into detail regarding Chris and his brother's history in hockey, talks about extended family still in
26 New York, how horrible a mother Sandra is, that her children are from different fathers who are not
27 involved, etc. Chris brings up no new information regarding a substantial change in Evan's
28 circumstances that warrant a change in custody.

Although Chris acknowledges that Evan is excelling in school while in the primary custody
of Sandra, he attempts to make an argument that he can financially provide better for Evan than

¹⁶ *Murphy v. Murphy*, 84 Nev. 710, 447 P.2d 664 (1968).

¹⁷ *Ellis v. Carucci*, 123 Nev. 145, 161 P.3d 239 (2007).

¹⁸ *Id.*

1 Sandra. However, this is a change of circumstances involving Chris, NOT Evan. Although Chris
2 has selfishly forced his way with Mr. Tolman, Ms. Pickard, and Sandra regarding holding Evan
3 back a grade, he has allowed Evan to miss an exorbitant amount of time in school and Evan is still
4 excelling. Evan's report card attached hereto indicates Evan is doing fantastic in school and Sandra
5 is more than providing the stable residential environment wherein Evan thrives.
6

7 Chris even stoops to the level of saying that Sandra lives with her parent's and is in a second
8 foreclosure. However, this is not an issue. Sandra and her three children, including Evan, are living
9 in a stable home surrounded by stable people who look after his interests. They have never been
10 without a bedroom to sleep in, they have never had the power, gas, or any other necessary services
11 disconnected, nor have they ever been without food to eat. Chris acknowledges himself that his
12 employment / minority business interest pays him in excess of \$138,000 per year, which will
13 continue despite the company being in Chapter 11 Bankruptcy. If Chris would have been thinking
14 about Evan's interests rather than his own, he would have updated his FDF and provided the
15 appropriate amount of child support for Evan.
16

17
18 Ms. Tolman recommends counseling for Evan one time per week for his anxiety, Sandra
19 makes sure Evan attends. Chris on the other hand protests that he doesn't have to listen to her
20 recommendations. When Ms. Pickard makes recommendations to the parties regarding Evan,
21 Sandra complies if possible. However, if it is not what Chris wants, he throws his money into the
22 argument to alter the suggestions of what is best for Evan to get his own way. Typical narcissist as
23 diagnosed by Dr. Paglini.
24

25 ///

26 ///

27 ///

b. Because Chris has not Shown Substantial Change in Circumstances, his Relocation Argument is Premature.

Pursuant to *Rivero*, Chris is a non custodial parent exercising visitation less than 146 days or 40 percent of the time with Evan. As such, any relocation request would have to be accompanied by a request to change his custodial status. Chris has not done so. He merely relies on this Court believing he has more or less than 40 percent of the timeshare depending on how the holidays land. According to Dr. Paglini, Chris "... tends to project himself in a consistently favorable light, and as being relatively free of common shortcomings to which individuals admit."¹⁹ Being a joint physical custodian is another one of Chris' delusions. Therefore, because Chris has failed to prove to this Court that he is either a joint physical custodian or a primary physical custodian, and cannot meet the first prong of *Murphy* later clarified by *Ellis*.

Even assuming that Chris was able to meet the first prong of the test, Chris fails to demonstrate through competent evidence that Evan's quality of life will be improved. Interestingly, Chris argues pursuant to the first *Schartz* factor that "Chris' quality of life [will improve] by reducing some of the expense he incurs to spend his timeshares in Las Vegas..."

The second *Schwarz* factor must be questioned, because as this Court can clearly see, even as recently as October of 2014, Chris was changing the rules at Evan's expense to fit his desires. He would rather have withdrawn Evan from a desired teacher with a waiting list to get into her classroom, then have to wait a couple hours until Evan gets out of school. This is also after Chris, against the professional advice of the parenting coordinator demanded that Evan stay back in school so he could continue his visits in New York. Clearly, this Court should see through his narcissistic self serving justifications and see that Chris is thinking only of himself, not Evan.

Chris has repeatedly shown by his actions that he is not capable of following any substitute

¹⁹ See Paglini's Custody Evaluation p. 12.

1 orders pursuant to the third *Schwarz* factor as he does not listen to the recommendations of Ms.
2 Pickard, Ms. Tolman, or any other person who disagrees with Chris.

3 Sandra's objection to Chris' request to relocate is absolutely honorable as she has
4 historically been Evan's primary / residential parent. Sandra has provided Evan a stable home
5 environment with his brother and sister. Evan just completed kindergarten and despite missing 20
6 days due to Chris' traveling, is ready to proceed into the first grade. Sandra follows Ms. Tolman's
7 advice regarding therapy for Evan's anxiety, which Chris mocks and refuses to follow.
8

9 Interestingly, Chris cites to NRS 125.480 but neglects to mention the occasion that he was
10 witnessed by his neighbor yanking on Sandra's hair, or committing an act of domestic battery. He
11 further neglects to mention the occasions when he put a brick through the front windshield of the
12 vehicle containing Sandra's children, including Evan. His excuse was that he was attempting to
13 stop her from leaving and didn't know the kids were in the car. The neighbor who witnessed the
14 incident noticed the kids in the car from the next door.
15

16 He mentions that it is Sandra's fault for not co parenting. However, it took Chris two years
17 to finally complete the UNLV co parenting classes recommended by Dr. Paglini and Ordered by
18 this Court. Which he probably would never have done except for preparation of the instant Motion.
19 As for citing to his emails for being a co parent, this Court can clearly see that Chris acts like a child
20 throwing a tantrum when he does not get his way. Then, he uses his money, or threats to withhold
21 his money, to the detriment of Evan, in order to get his way.
22

23 Chris would also have this Court believe that neither parties' mental or physical health is at
24 issue. Maybe Chris should go back and read Dr. Paglini's Custody Evaluation wherein he is
25 diagnosed with "adjustment disorder, mixed anxiety and depressed mood...,"²⁰ extremely
26
27

28

²⁰ *Id.* citing Dr. Kinsora's evaluation of Chris.

1 defensive,²¹ narcissistically inclined, hypervigilant and likely obsessive-compulsive, with
2 exceptionally strong needs to be accepted by others.²²

3 Chris completely overlooks Evan's need for counseling. Evan has been diagnosed by Ms.
4 Tolman as having sever anxiety and requires counseling, which is also recommended by Dr. Paglini
5 and Ms. Pickard. He has said in the attached exhibits, that Ms. Pickard or Ms. Tolman are not
6 going to tell him what is wrong with Evan nor does he have to follow their recommendations.²³
7

8
9 **3. Chris' Motion should be Stricken as Defective.**

10 Eighth Judicial District Court Rule 2.21 reads as follows:

11
12 (a) Factual contentions involved in any pretrial or post-trial
13 motion **must be initially presented and heard upon affidavits,**
14 unsworn declarations under penalty of perjury, depositions,
15 answers to interrogatories, and admissions on file. **Oral testimony**
16 **will not be received at the hearing, except upon the stipulation**
17 **of parties** and with the approval of the court, but the court may set
18 the matter for a hearing at a time in the future and require or allow
19 oral examination of the affiants/declarants to resolve factual issues
20 shown by the affidavits/declarations to be in dispute. . . .

21 (b) Each affidavit/declaration shall identify the affiant/declarant,
22 the party on whose behalf it is submitted, and the motion or
23 application to which it pertains and must be served and filed with
24 the motion, opposition, or reply to which it relates.

25 (c) Affidavits/declarations must contain only factual, evidentiary
26 matter, conform with the requirements of NRCP 56(e), and avoid
27 mere general conclusions or argument. Affidavits/declarations
28 substantially defective in these respects may be stricken, wholly or
in part.

23 ///

24 ///

27 ²¹ *Id.* p. 11. "The client's conscious efforts to influence the outcome of the evaluation and to project normally a
positive self image..."

28 ²² *Id.*

²³ See Attached Exhibit 2.

1 Eighth Judicial District Court Rule 2.21, Emphasis added. EDCR 5.25(b) reads,
2 **“Factual contentions involved in any family matter must be present to the judge or master**
3 **as provided in Rule 2.21.”** Emphasis added. Further, EDCR 5.26 states, **“Affidavits in family**
4 **division motions must comply with Rule 2.21.”** Emphasis added.

5 Chris’ instant Motion lacks an affidavit altogether and does not set forth any factual
6 allegations. As such, Chris’ Motion should be stricken as defective and he should be precluded
7 from making any oral argument / testimony as Sandra does stipulate to allow him to do so.
8

9
10
11 **4. Child Support should be set Pursuant to NRS 125B.070.**

12 Nevada imposes upon both parents the duty to provide a child necessary maintenance,
13 health care, education, and support. Although the district court has discretion in setting child
14 support awards, it must act within the confines of the statutory scheme. In cases where one party
15 has primary physical custody and the other has visitation rights...the court applies the statutory
16 formulas and the noncustodial parent pays the custodial parent support.²⁴ Furthermore, if Sandra
17 is confirmed as the primary physical custodian, this Court must award support pursuant to NRS
18 125B.070(1)(b)(1), which dictates Chris must pay eighteen percent (18%) of his gross monthly
19 income.
20

21
22 According to Chris FDF filed with this Court on July 15, 2015, his gross monthly income
23 is \$11,538.46, of which eighteen percent is \$2,076.92. However in July 2015, the Supreme
24 Court of Nevada issued the updated presumptive maximum amount of child support wherein
25 Chris falls into the category capped at \$954 per month.
26

27
28 ²⁴ *Rivero v. Rivero*, 216 P.3d 213, 231 (Nev. 2009); citing, *Barbagallo v. Barbagallo*, 105 Nev. 546, 779 P.2d 532 (1989).

1 **5. Sandra should be Awarded Attorney Fees and Costs.**

2 The Nevada Supreme Court stated factors that the District Court should consider in
3 determining whether to award attorney fees in *Barney*²⁵ follows:

- 4 (1) The advocate's qualities, including ability, training,
5 education, experience, professional standing, and skill;
6 (2) The character of the work, including its difficulty,
7 intricacy, importance, as well as the time and skill required, the
8 responsibility imposed, and the prominence and character of the
9 parties when affecting the importance of the litigation;
10 (3) The work performed, including the skill time, and attention
11 given to the work; and
12 (4) The result-whether the attorney was successful and what
13 benefits were derived.

14 As this Court can see, Sandra has clearly met the above factors as her counsel has over 13
15 years practicing family law litigation, has extensive training, and is a skilled advocate. The
16 current Opposition and Countermotion is necessary as Chris is attempting to wrongly convince
17 this Court he is a joint physical custodian, become primary physical custodian, and relocated
18 with Evan. According to his FDF, Chris spent at total of \$44,818.16 at the time of filing his
19 FDF. This does not include the time spent post filing and for the hearing. As such, Sandra's
20 counsel has been forced to spend a lot of time reading, preparing, researching, and writing the
21 instant Opposition and Countermotion.

22 An award of attorney fees is warranted when the opposing party's actions are without
23 reasonable ground, or to harass the moving party. An award of attorney's fees is within the
24 sound discretion of the Court²⁶. In the instant matter, Chris has not met the correct legal standard
25 as set for above and has not brought any new evidence indicating a change of material
26 circumstances involving Evan. As such, Sandra should be awarded her reasonable attorney fees
27 and costs in an amount no less than \$7,500.

28 ²⁵ *Barney v. Mt. Rose Heating & Air Conditioning*, 192 P.3d 730, 736 (2008), citing *Brunzell v. Golden Gate National Bank*, 85 Nev. 345. 455 P.2d 31 (1969).

²⁶ *County of Clark v. Richard Blanchard Const. Co.*, 98 Nev. 48 (1982).

III.

CONCLUSION


Chris's Motion should be denied in its entirety and Sandra should be awarded the relief she seeks in the foregoing Countermotion.

WHEREFORE, Sandra prays for relief as follows:

1. That this Court deny each and every request made by Chris in his instant Motion;
2. That this Court confirm Sandra as the Primary Physical Custodian of the parties' minor child;
3. That this Court modify child support to conform with NRS 125B.070(b)(1);
4. That this Court strike Chris' Motion as defective;
5. That this Court grant Sandra her reasonable attorney fees and costs of at least \$7,500; and
6. For such other relief as this Court may deem just and proper under the circumstances.

DATED this 4 day of July, 2015.

Law Offices of Eric P. Roy

By: 
Robert W. Weatherford, Esq.
Nevada Bar No.: 7949
818 E. Charleston Blvd.
Las Vegas, Nevada 89104
Tel. (702) 423-3333
Fax. (702) 924-2517
Attorney for Sandra Nance

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AFFIDAVIT OF SANDRA NANCE

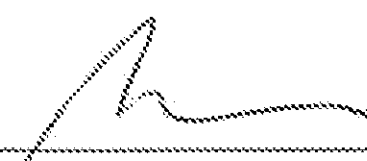
STATE OF NEVADA)
COUNTY OF CLARK) ss.

I, SANDRA NANCE, being first duly sworn, deposes and says:

1. That I am the Plaintiff in the instant matter;
2. That I have read the above and foregoing Opposition and Countermotion and know the contents thereof; that the same is true of my own knowledge, except those matters stated therein on information and belief, and as to those matters I believe them to be true;
3. That I make this affidavit in good faith;
4. That Chris and I have one minor child in common, Evan Daniel Ferraro, born September 30, 2008;
5. That at all times herein I have attempted to listen to the advice and recommendations of Ms. Pickard and Ms. Tolman;
6. That Evan suffers from anxiety and therapy with Ms. Tolman helps;
7. That after visits in New York Evan's anxiety increases;
8. That Chris has been resistant to follow Ms. Pickard and Ms. Tolman's advice at the expense of Evan's wellbeing;
9. That I have historically been the primary physical custodian / residential parent of Evan;
10. That I have more than 60% of time with Evan during even and odd years;
11. That Chris has not shown a change in circumstances regarding Evan;
12. That I provide a stable home and ensure he goes to school and counseling;
13. That Evan could be ahead one year in school except Chris demanded he stay back;
14. That Chris often threatens to withhold paying for things if he does not get his way;


- 1 15. That Chris pay me \$201.50 as and for monthly child support;
- 2 16. That Chris has failed to update his Financial Disclosure Form; and
- 3 17. That I have been forced to defend against Chris' Motion and believe I am entitled to
- 4 attorney fees and costs.

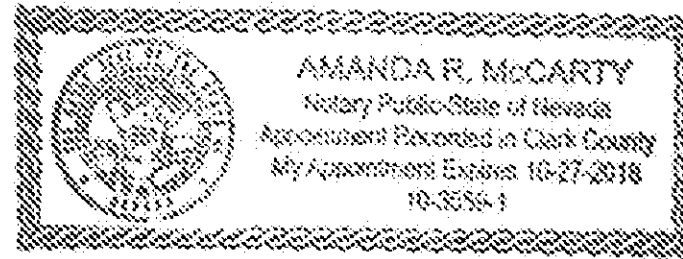
5

6 
SANDRA NANCE

7 SUBSCRIBED AND SWORN TO

8 Before me this 4 day of ~~July~~, 2014. August

9 
10 NOTARY PUBLIC in and for
11 Said COUNTY and STATE



Law Offices of Eric Roy
818 East Charleston Boulevard
Las Vegas, Nevada 89104
702.423.3333

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on the 4th day of August, 2015, pursuant to Administrative Order 14.2, I e-served a true and correct copy of the above and foregoing Plaintiff's Opposition to Defendant's Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief and Countermotion for Confirmation of Primary Physical Custodian; Modification of Child Support; Strike Chris' Motion as Defective; and Reasonable Attorney Fees and Costs, to the following individuals addressed as follows:

Shannon R. Wilson, Esq.
Hutchison & Steffen, LLC
Swilson@Hutchlegal.com

//s// Katrina Schaab
An employee of Eric Roy, Esq.

MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

SANDRA L. NANCE

Plaintiff/Petitioner

v.

CHRISTOPHER M. FERRARO

Defendant/Respondent

Case No. D-10-426817-D

Dept. K

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

- ☒ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
- OR-
- ☐ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
 - ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
 - ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
 - ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☒ **\$0** The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because:
- ☒ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
 - ☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
- OR-
- ☐ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
- OR-
- ☐ **\$57** The Motion/Opposition being filed with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☐\$0 ☒\$25 ☐\$57 ☐\$82 ☐\$129 ☐\$154

Party filing Motion/Opposition: SANDRA L. NANCE, Plaintiff

Date 8/4/15

Signature of Party or Preparer //s// Katrina Schaab

EXHIBIT 1

Chris

Re: School Issue

From: Margaret Pickard <margaretpickard@aol.com>

To: Chris Ferraro <cferraro1513@aol.com>; lasvegasforever1 <lasvegasforever1@aol.com>

Date: Tue, May 21, 2013 10:41 am

Chris,

This is a reasonable solution as it accommodates his learning environment and does not hold him back. Many children who are academically ready but not emotionally prepared for kindergarten do this.

On Tue, May 21, 2013 at 10:27 AM, Chris Ferraro <cferraro1513@aol.com> wrote:
Margaret,

I do not agree with this proposal. This makes no sense to me. This is an attempt to force Sandra and I to agree on something I don't feel comfortable.

Lets not complicate this and come up with alternatives to force Evan into a situation that can be detrimental to his future and to make Sandra happy.

I do not agree with this suggestion.

Chris

Sent from my iPhone

On May 21, 2013, at 1:19 PM, Margaret Pickard <margaretpickard@aol.com> wrote:

Hello All,

I have not received a response from The Learning Adventure or HOPE, but if I don't hear from them soon, I will call again.

My proposal to resolve the current issues is to see if the two of you will agree to enroll Evan in a private Kindergarten. This will resolve the issues that are in dispute, and allow Evan to have the option of either entering into Kindergarten or First Grade through CCSD next year.

It is my understanding per parenting plan that holidays close to timeshare were worked into & around timeshare days, and not in addition to?

Chris is proposing a 16 day timeshare for the month off August due to labor day being his year. I was not aware that is how the timeshare looked.

Please get back to us on this matter.

Thank you,

Sandra

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Margaret Pickard <mnevadamediator@gmail.com>

Date: 07/10/2013 2:30 PM (GMT-08:00)

To: Chris Ferraro <cferraro1513@aol.com>

Cc: lasvegasforever1@aol.com

Subject: Re: Any Word?

Chris,

I spoke to Sandra today about the school issues. Sandra would like Evan to begin kindergarten through CCSD for the 2013-2014 school year. However, she is willing to agree that Evan will continue at the Learning Adventure for the upcoming school year, in the pre-kindergarten program if, prior to the summer of 2014, you will agree that Evan can be tested through an appropriate third party, to determine if he is emotionally, cognitively and academically prepared to enter 1st grade. In the event the testing agency determines that he is, you will both agree that Evan will enter CCSD as a 1st grader at that time.

Please let me know if you are in agreement with the above.

In addition, she and I discussed the following:

1. **Exchanges:** Exchanges remain emotional and this is inappropriate. You are the adult and you cannot become distraught at the exchanges, as this is negative for Evan. In addition, whether Desmond, Sandra's mother, or any other reasonable caretaker arrives at the pickup location, you must transfer Evan to them, just as Sandra does with your sister or your agent. You are not permitted to personally put Evan in a third party's car. These issues have been addressed so many times and I am surprised that this is continuing.

2. **Skype Calls:** I will reiterate, if you are not available for a Skype call when you are the non-residential parent, you waive this call and Sandra is under no obligation to agree to any time modifications. When Sandra is the non-residential parent, the same rule applies. However, if the residential parent misses a

call, that parent must make up the missed call at a mutually agreeable time. Calls are to be limited to 1/2 hour and can be terminated by the residential parent thereafter; however, the non-residential parent should be responsible enough to respect this time frame and terminate the call in 1/2 hour.

I will contact HOPE to determine how Evan is doing with the extended visits and if any modifications need to be made.

Please review the above.

On Wed, Jul 10, 2013 at 1:50 PM, Chris Ferraro <cferraro1513@aol.com> wrote:

I will make plans as they are for August and if Evan starts pre k school late then that will be for Sandra to deal with in Las Vegas.

Chris

Sent from my iPhone

On Jul 10, 2013, at 2:10 PM, Margaret Pickard <nevadamediator@gmail.com> wrote:

Chris,

I see no reason why you cannot schedule your flights and proceed with the plans.

Sandra,

I have not received a return call from you and I left another message today; I am available throughout the day today to discuss this issue and get a resolution.

If no resolution is reached today, Chris can proceed with his travel arrangements.

----- Forwarded message -----

From: <cferraro1513@aol.com>

Date: Tue, Jul 9, 2013 at 8:35 PM

Subject: Any Word?

To: nevadamediator@gmail.com, margaretpickard@aol.com

Margaret,

Any word from Sandra? I need to make plans for my August Timeshare and Evan's schooling for next year.

This is taking to long. Please get her moving on this. The longer she waits the more expensive flights are.

I also need to get my finances in place to pay school tuition for next year.

Thank you,

Chris

Re: Any Word?

From: cferraro1513 <cferraro1513@aol.com>

To: lasvegasforever1 <lasvegasforever1@aol.com>; tnevadamediator
<tnevadamediator@gmail.com>

Date: Sat, Jul 13, 2013 5:26 am

Margaret,

Schooling:

You mention that Sandra conditionally agrees to not enroll Evan into kindergarten next year. Sandra has the ability to litigate the kindergarten issue in court and attempt this approach for next year.

I do not agree to any testing or further testing that will suggest that Evan will skip kindergarten and attend 1st grade for the 2014-2015 school year. This defeats the purpose of Evan waiting this year to enter kindergarten as he will be the youngest in his class and the potential problems that may occur. After doing extensive research and due diligence on this matter I will remain firm on this.

Sandra's Options: Starting Monday September 2, 2013

1. The Challenger School - Pre K Program

2. MerryHill School - Pre K Program

I will take the approach starting Monday September 2, 2013 that when Evan is in New York for his timeshare with dad, I will enroll him into a top Pre K Program in New York and I will be financially responsible of Evan's Schooling ONLY in New York.

While Evan is doing his timeshare in Las Vegas with his mother, she will enroll him in a Pre K Program and she be financially responsible for Evan's schooling in Las Vegas. I will no longer pay for Evan's schooling in Las Vegas moving forward.

Sandra's suggestion to send Evan to a Christian Private School I will not agree to. I will not participate in forcing a certain Religion onto a 4 year old at this early stage of his life. I have looked into their curriculum and it is below average at best.

I have made my attempts for the past 2 years to find the top schools in Las Vegas for Evan's best interest and development and Sandra has not and does not support this. In the end the only one she is impacting and hurting is Evan.

Chris

EXHIBIT 2

I would like to have a phone conversation with you today.

Thank you,
Chris

-----Original Message-----

From: Margaret Pickard <nevadanmediator@gmail.com>

To: sandra nance <fabulouslylilnicki@gmail.com>, CFERRARO1513@aol.com
<cferraro1513@aol.com>

Sent: Thu, Oct 9, 2014 5:39 pm

Subject: Phone Consult with Judith Tolman

Chris and Sandra,

I had the opportunity to speak with Judith Tolman, Evan's counselor, on Tuesday.

Judith indicated that Evan is caught in a tug-of-war between the two of you and he needs to be allowed to be a child.

She indicated that school is important for Evan, both academically, socially, and emotionally. Therefore, it is crucial that he attend school regularly, even in kindergarten. Judith noted that for Evan to be fully engaged in school, he needs to regularly be in school, with both parents attending his programs and participating in classroom activities.

Judith recognizes that in order for Evan to maintain his relationships with both parents, as well as his paternal family, he will need to travel to New York for some periods, particularly holidays and vacation periods. However, she does not recommend that Evan regularly travel to New York for monthly visitations, as this creates several transition issues for Evan, including anxiety issues which he clearly manifests.

Judith does not recommend that Evan be removed from school early on Fridays or for extended periods of time, as this distances him from his school activities and his social interactions. Essentially, Judith notes that for Evan to be successful in school, he needs to be in school. Even if he is able to keep up with the academic portion, his social relationships and emotional stability will suffer if he is inconsistent in his school attendance.

Therefore, Judith and I discussed that an appropriate limit be set on Evan's travel to New York. This can include allowing Chris to travel up to New York during holidays and vacation periods, with Evan missing no more than 1/2 of the allowed CCSD absences of 10 days per year. This would leave approximately 10 days per year for sick days for Evan if he has health issues that require him to miss school.

Judith indicated that there are several issues that Evan faces when traveling and perhaps the most important issue is that Evan has an almost impossible task of meeting the expectations of both parents, which are divergent.

I will re-iterate that Evan will do best when the two of you are able to get along and effectively co-parent together.

Please note the recommended limitations on travel for the benefit of Evan.

DEFT0018

AA00567

Judith is a non-biased provider and she indicated that some travel will necessarily occur but it should not be monthly and it should not interfere with Evan's schooling.

Essentially, the bottomline is that Evan needs stability and Judith has indicated that his needs can best be served by providing him consistency in his schooling.

On Fri, Oct 10, 2014 at 8:02 AM, <eferraro1513@aol.com> wrote:
Margaret,

I am very discouraged with this email.

Evan is not caught in a tug-of-war! Evan has a mother and Evan has a father and his father lives and resides in New York.

Its extremely disappointing as we have spent hours talking about this topic and its seems as though all involved including you from our very first meeting at your office have been in favor of Evan continuing his timeshare in New York with his father and his family this school year.

It appears you are trying to come to a resolution that just wont happen. I will not fall over and lose out on this time with my son as I can never get these days back with my child and all you seemed focused on are words on a piece of paper that suggest Evan will do his timeshare in Las Vegas when he starts kindergarten that you drew up in a SAO and it is quit clear that you are protecting yourself and your work and don't have the motivation to step outside and push for what is right even after all the support I received from you, the school and Judith indicating that my timeshare in New York is important for Evan because dad lives in New York.

Evan has stability in New York! He has a home, family, love, guidance, best friends, sports, activities and a routine.

When I do my timeshare in Las Vegas, Evan is living in a hotel, no friends, no sports, no routine, etc. Don't you see this and understand this? All it is is just timeshare with no substance. He has substance here in New York with ALL the love and support any child could receive and you or Judith are going to tell me this is wrong for Evan? Not a chance!

I was unaware of my true rights with the SAO and it was never explained to me by you, an expert in the Nevada court system and now I feel trapped! It is disheartening that you wont stick to your word as you clearly said "I see no problem with Evan continuing his timeshare in New York this year, plus it's only kindergarten."

My timeshare in October will be in New York. I paid for my flights and they are non refundable and I have made plans for Halloween with Evan and his friends here in New York.

DEFT0016

AA00568

Sandra can take me to court as she threatened and I will address my concerns and ask to modify the SAO.

Judith is NOT court ordered and I never agreed to this and in the SAO it states that both parties need to agree on paper to counseling and I do not have to follow her recommendations. This is a one sided case and I will enroll Evan in counseling in New York if need be to challenge what Judith feels.

Kindergarten is not required in Nevada and I pay for his full day schooling. I will be calling Dan Hungerford and canceling my payment plan for Evan's full day schooling and ask that Evan is put into half day schooling.

As far as Sandra and I getting along? Both you and Judith are clear on this and the steps I have taken to have a friendship with her and its just not possible. I am no longer interested in a friendship with her or her other children or providing a better quality of life for them as my sole responsibility and interest is Evan and Evan only and there will be limited communication and contact with Sandra and her children.

Its interesting, a few weeks ago Sandra proposed Evan traveling to New York for 7 months out of 12 months this year and now she changes her mind and wants to litigate. The women is unstable and mean and you and Judith cant pick up on this, but I know her and her intentions.

Judith is suggesting stability for Evan. I guess calling the cops on your child and your child running away and living with another family for a month because that child is so bitter that the mother is never around, never parented properly, has dated a million guys in her days in Las Vegas and has never created any opportunities in life for that child! This is SOLID stability!

I will protect my child from this as Sandra gave up on Desmond until I intervened and got him back to his mother and he is not even my child, but I was the strongest father figure he has ever had. I'm not going to sit and wait for Evan to turn into this because of a SAO and Sandra calling all the shots!

I'm exhausted from this and tired of proving myself. I will be picking Evan up in October on Friday to fly to New York. Judith is not court ordered and I told her to her face that I do not agree with counseling and have never agreed to counseling from day 1. the school cant stop me. Sandra will be interfering with my timeshare if she involves herself and tries to disrupt my pick up.

Sandra can take me to court on this matter as "I cant get these days back with my son" and I wont be under her control! I have rights and I have reasonable requests to be with my son as they are not extreme.

Margaret, we have had great conversations, but you are so hung up on this SAO. This is supposed to be about Evan, not words put on a document! I'm very disappointed.

DEFT0017

AA00569

Archived: Saturday, May 16, 2015 11:24:31 AM
From: cferraro1513@aol.com
Sent: Thursday, January 15, 2015 10:17:36 AM
To: Shannon R. Wilson; Nikki Trautman
Subject: Fwd: Evan Ferraro
Importance: Normal

-----Original Message-----

From: cferraro1513 <cferraro1513@aol.com>
To: dorehbein <dorehbein@interact.ocsd.net>
Sent: Tue, Oct 14, 2014 12:49 pm
Subject: Evan Ferraro

Hello Mrs. Rengel,

Can you please prepare Evan's curriculum for Monday October 27th - Thursday October 30th.

I will be picking Evan up on Friday October 24th as Evan will be coming to New York for my timeshare and for the Halloween Monday.

I hope all is well.

Thank you,
Chris Ferraro

DEFT0022

AA00570

Archived: Saturday, May 16, 2015 10:20:55 AM
From: Chris Ferraro
Sent: Thursday, October 23, 2014 12:29:34 PM
To: Shannon R. Wilson
Subject: Fwd: Evan Ferraro "Full Day Kindergarten Cancellation"
Importance: Normal

Sent from my iPhone

Begin forwarded message:

From: cferraro1513@aol.com
Date: October 18, 2014 at 10:00:28 AM EDT
To: nevadamediator@gmail.com, lasvegasforever1@aol.com
Subject: Evan Ferraro "Full Day Kindergarten Cancellation"

Hello Margaret,

I spoke with Dan Hungerford (Principal) and Givenis Elementary School Accounting Department and effective immediately I will be forced to withdraw Evan from Full Day Kindergarten with Mrs. Rengel and will be canceling payment and putting Evan into Half Day Kindergarten.

~~Shannon will be notified by the school and will be updated with all other details involved.~~

~~Evan will be placed in a new class with a new teacher and new classmates and Evan's new school hours will be from 9:10am - 11:40am.~~

This transfer will take place on Wednesday of next week once I submit the Withdrawal and Accounting paperwork on Monday.

~~This will solve the issue of Friday early dismissal pick ups.~~

The school has stressed that once this decision is made that there is no turning back as Mrs. Rengel's class is the most popular program in the school and that there is a waiting list for anxious students to enter Mrs. Rengel's Full Day Program when students withdraw.

I am disappointed that I am forced to take these steps in order to avoid conflict with my timeshare and timeshare pick ups and disappointed that I am left with no choice, but to remove Evan from Full Day Kindergarten because of the lack of cooperation.

I am saddened with this course of action as ~~Evan is thriving in Mrs. Rengel's Full Day Program~~, but this is necessary due to the circumstances to avoid and keep Evan away from conflict.

Regards,
Chris

DEFT0023

AA00571

Archived: Saturday, May 16, 2015 10:21:50 AM
From: Chris Ferraro
Sent: Thursday, October 23, 2014 12:30:08 PM
To: Shannon R. Wilson
Subject: Fwd: Evan Ferraro "Full Day Kindergarten Cancellation"
Importance: Normal

Sent from my iPhone

Begin forwarded message:

From: cferraro1513@aol.com
Date: October 19, 2014 at 11:24:19 AM EDT
To: lasvegasforever1@aol.com, nevadamediator@gmail.com
Subject: Re: Evan Ferraro "Full Day Kindergarten Cancellation"

~~Incorrect: As per SAC my timeshare starts when the school bell rings.~~

~~When I cancel credit card payment tomorrow, Evan is automatically withdrawn from Full Day Kindergarten and moved to Half Day Kindergarten in which school bell rings at 11:40am.~~

-----Original Message-----

From: lasvegasforever1 <lasvegasforever1@aol.com>
To: cferraro1513 <cferraro1513@aol.com>
Sent: Sat, Oct 18, 2014 2:56 pm
Subject: Fwd: Evan Ferraro "Full Day Kindergarten Cancellation"

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: lasvegasforever1 <lasvegasforever1@aol.com>
Date: 10/18/2014 11:54 AM (GMT-08:00)
To: nevadamediator@gmail.com, alex@eriprovlawfirm.com
Subject: Fwd: Evan Ferraro "Full Day Kindergarten Cancellation"

Hello Margaret,

Chris is not authorized to make these kind a decisions solely.

DEFT0024

AA00572

Evan will not be switching any classes, as he's in enough turmoil this month thinking he's missing all his October activities with his classmates.

More so, with this matter, switching Evan classes will make NO difference in timeshare. Chris's timeshare begins at 3 pm or the release of his school program on Fridays. This is MY timeshare and that is what will be followed until further notice after litigation.

My attorneys will be in touch.

-Sandra

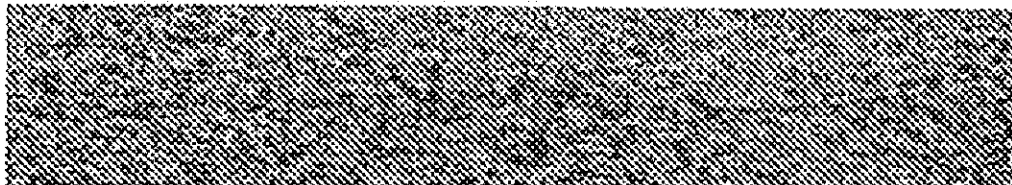
Sent from my T-Mobile 4G LTE Device

DEFT0025

AA00573

EXHIBIT 3

Archived: Saturday, May 16, 2015 11:48:59 AM
From: Chris Ferraro
Sent: Friday, January 23, 2015 4:50:33 PM
To: Shannon R. Wilson; Nikki Trautman
Subject: Fwd: Evan Ferraro "Thank You"
Importance: Normal



Sent from my iPhone

Begin forwarded message:

From: "Dawn C. Rengel" <dcrehbein@interact.ecsd.net>
Date: January 23, 2015 at 5:40:01 PM EST
To: cferraro1513@aol.com
Subject: Re: Evan Ferraro "Thank You"

Chris Ferraro <cferraro1513@aol.com> writes:
Mrs. Rengel,

I wanted to take a moment to thank you for all you do as a teacher.

I am sitting here experiencing my child read a book from front to back and it is bringing tears to my eyes.

Thank you again for all you do to impact children's growth and development educationally, socially, and behaviorally.

Chris Ferraro

Sent from my iPhone

Chris,

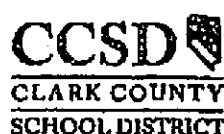
Thank you so much for your kind words. They truly do mean a lot!

Mrs. Rengel
Linda Givens E.S.
Kindergarten

DEFT0050

AA00575

EXHIBIT 4



Student Information		
Student Name	Ferraro, Evan D.	
Student ID	12009962	
Track	14-15 Glvens ES	
Grade	K	
Teacher	REHBEIN-RENGEL, DAWN CHRISTINE	
Grade Scale	Special Subjects and Learner Behaviors Grade Scale	Grade Scale
A 90-100%	Exceptional Progress E	4 Exceeds
B 80-89%	Satisfactory Progress S	3 Meets
C 70-79%	Needs Improvement N	2 Approaches
D 60-69%		1 Emergent
F 0-59%		

School Information			
School	Glvens, Linda Rankin ES		
Principal	Daniel R Hungerford		
Phone	(702)799-1430		
Address	655 Park Vista Dr Las Vegas, NV 89138		
Website			
Attendance Summary	Semester 1	Semester 2	Total
Days Enrolled	89	91	180
Days Absent	7	13	20
Days Tardy	3	0	3
Early Out	0	0	0

CONTENT AREAS	SEMESTER 1	SEMESTER 2
Language		
Overall Grade	2	3
Mathematics		
Overall Grade	3	3
Counting and Cardinality		3
Operations and Algebraic Thinking		3
Numbers and Operations in Base Ten		3
Measurement and Data		3
Geometry		3
Reading		
Overall Grade	3	3
Reading Literature		3
Reading Informational Text		3
Reading Foundational Skills		3
Science/Health		
Overall Grade	3	3
Nature of Science		3
Physical Science		3
Earth and Space Science		3
Life Science		3
Health		3
Social Studies		
Overall Grade	3	3
Speaking and Listening		
Overall Grade	3	3
Writing		
Overall Grade	2	3

SUCCESSFUL LEARNER BEHAVIORS	
Observes School Rules	S
Follows Classroom Rules	S
Follows Directions	S
Accepts Responsibility	S
Works Independently	S
Works Cooperatively	S
Completes and Returns Homework on Time	E
Quality of Work	S

SEMESTER 1 COMMENTS
 Evan is progressing nicely in kindergarten. Continued practice of reading daily and having him retell the story in order, including important details, would be beneficial. In math, he meets all grade level standards. Evan is working on correct spacing, punctuation, capitalization, stretching out words while writing what he hears, and adding details as well as a closing to his stories. He would profit from writing at home on a daily basis about topics that are interesting to him so he can work further on these skills. Also, he would benefit from additional practice in writing the following letters of the alphabet correctly: b, d, k, M, m, N, P, p, R, u, Y, and y. While writing and coloring, he would profit from taking his time and printing/coloring neatly. Evan is a cheerful student who responds readily to praise.

SEMESTER 2 COMMENTS
 Evan is a sweet boy and I am happy to have had him in my classroom. His academic growth has been exciting to see over the past year and I am so proud of him! Continued reading and retelling stories throughout the summer would help strengthen Evan's skills. Evan would also benefit from writing a story at least three times per week to maintain his writing skills. He will be a welcome addition to any 1st grade classroom.

SPECIAL SUBJECTS		
Art		
Overall Grade	E	E
Humanities		
Overall Grade	E	E
Humanities		
Overall Grade	E	E
Library		
Overall Grade	E	E
Music		
Overall Grade	S	S
PE		
Overall Grade	S	S

Mrs. Rengel
 Teacher Signature

Principal Signature

This student will be assigned to grade 1 next school year.

NOTE: Strand level grades (ie. Reading Literature, Reading Informational Text) are dynamic and always changing, therefore only the most current strand grade will appear on the report card.

EXHIBIT 5

Calendar for year 2014 (United States)

January Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1: 7: 15: 24: 30:	February Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 6: 14: 22:	March Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1: 8: 16: 23: 30:
April Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 7: 15: 22: 29:	May Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 6: 14: 21: 28:	June Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 5: 13: 19: 27:
July Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 5: 12: 18: 26:	August Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 3: 10: 17: 25:	September Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 2: 8: 15: 24:
October Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1: 8: 15: 23: 30:	November Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 6: 14: 22: 29:	December Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 6: 14: 21: 28:

Holidays and Observances:

Jan 1 New Year's Day	May 11 Mother's Day	Oct 31 Halloween
Jan 20 Martin Luther King Day	May 26 Memorial Day	Nov 11 Veterans Day
Feb 14 Valentine's Day	Jun 15 Father's Day	Nov 27 Thanksgiving Day
Feb 17 Presidents' Day	Jul 4 Independence Day	Dec 24 Christmas Eve
Apr 13 Thomas Jefferson's Birthday	Sep 1 Labor Day	Dec 25 Christmas Day
Apr 20 Easter Sunday	Oct 13 Columbus Day (Most regions)	Dec 31 New Year's Eve

Calendar generated on www.timeanddate.com/calendar

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EXHIBIT 6

Calendar for year 2015 (United States)

January Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 4:○ 13:● 20:● 26:●	February Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 3:○ 11:● 18:● 25:●	March Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 5:○ 13:● 20:● 27:●
April Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 4:○ 11:● 18:● 25:●	May Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 3:○ 11:● 18:● 25:●	June Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 2:○ 9:● 16:● 24:●
July Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 1:○ 8:● 15:● 24:● 31:○	August Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 6:● 14:● 22:● 29:○	September Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 5:● 13:● 21:● 27:○
October Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 4:● 12:● 20:● 27:○	November Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 3:● 11:● 19:● 25:○	December Su Mo Tu We Th Fr Sa 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 3:● 11:● 18:● 25:○

Holidays and Observances:

Jan 1 New Year's Day	Jul 4 Independence Day
Jan 19 Martin Luther King Day	Sep 7 Labor Day
Feb 14 Valentine's Day	Oct 12 Columbus Day (Most regions)
Feb 16 Presidents' Day	Oct 31 Halloween
Apr 5 Easter Sunday	Nov 11 Veterans Day
Apr 13 Thomas Jefferson's Birthday	Nov 26 Thanksgiving Day
May 10 Mother's Day	Dec 24 Christmas Eve
May 25 Memorial Day	Dec 25 Christmas Day
Jun 21 Father's Day	Dec 26 Day After Christmas Day
Jul 3 'Independence Day' observed	Dec 31 New Year's Eve

Calendar generated on www.timeanddate.com/calendar

Attorneys for *Defendant Christopher Michael Ferraro*

Date of Hearing: August 12, 2015
Time of Hearing: 10:00 a.m.
Oral Argument Requested: Yes

//

1 This case concerns Evan Ferraro, the parties son, who will turn seven on September 30,
2 2015 and will start the first grade at the end of August. Chris seeks to modify custody for the
3 purpose of allowing Evan's relocation to New York. The main thing that Chris asks the Court
4 to consider in his reply is that since his motion was prepared, he received from the Evan's
5 counselor a Clinical Summary for a Comprehensive Child Assessment (hereinafter,
6 "Assessment"). The Assessment states that Evan suffers from: (1) generalized anxiety disorder;
7 (2) oppositional defiant disorder; and (3) ADHD/combined presentation. The assessment
8 describes behaviors and traits allegedly exhibited by Evan that support the counselor's
9 diagnosis; however, these behaviors are notably absent when Evan is with Chris and, perhaps
10 more importantly, do not appear to have been observed by his kindergarten teacher or principal
11 during the entire last school year. (*See* Ex. E to Deft. Mot. filed Jun. 19, 2015 at DEFT 78-79,
12 94-95, 113 (emails from C. Rengel and D. Hungerford); *see also id.* at Ex. K at DEFT 285
13 (Evan's mid-year report card); *see also* Ex. L Evan's year-end report card, attached hereto.)
14 Notably absent from the school's correspondences and report cards are notes or comments one
15 would typically see of a child with the diagnoses given to Evan. (*Id.*)

16 It is disconcerting to Chris, that if Evan is indeed exhibiting these behaviors, the only
17 place he appears to exhibit them is in his mother's household, and he does not believe that Evan
18 should have to spend his childhood in therapy when no problems present themselves outside of
19 his mother's household. Therefore, Chris requests the Court grant him temporary primary
20 physical custody and allow Evan to temporarily relocate to New York to begin first grade there
21 while this action is pending a final decision. That Evan's temporary relocation is in his best
22 interest is further supported by the fact that Chris spends his days with children – his very job is
23 to coach children of all ages. Consequently, Chris is uniquely qualified and positioned to
24 parent Evan and be with him both before and after school and foster Evan's participation in a
25 variety of activities.

26 //

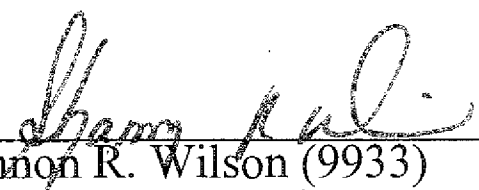
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1 This Reply is made and based on, *inter alia*, NRS Chapters 125 and 125C, the
2 following memorandum of points and authorities, the pleadings and papers on file herein and
3 any oral argument the Court may allow.

4 DATED this 11th day of August, 2015.

5 HUTCHISON & STEFFEN, LLC

6 By: 
7 Shannon R. Wilson (9933)
8 Todd L. Moody (5430)
9 Peccole Professional Park
10 10080 West Alta Drive, Suite 200
11 Las Vegas, NV 89145
12 Tel: (702) 385-2500
13 Fax: (702) 385-2086
14 swilson@hutchlegal.com

15 Attorneys for *Defendant Christopher Michael Ferraro*

16 POINTS & AUTHORITIES

17 1. FACTS

18 Sandra appears determined to recycle old, inflammatory and unsubstantiated allegations.
19 If she wants to go down this path, then Chris could talk about the multiple times that Sandra
20 punched him in his face or the time that she poured bleach on his clothes, but Chris does not
21 believe that those type of allegations and the many similar allegation that Sandra has recycled
22 against him are relevant to the present action whereas these things she alleges, to the extent that
23 they occurred at all, occurred not just prior to the last order, but prior to the parties filing their
24 original custody actions in New York and Nevada in 2010.

25 Sandra's opposition also dredged up Dr. Paglini's criticisms of Chris dating back over
26 three years to March 2012, without acknowledging that Dr. Paglini has criticisms of Sandra too.
27 For example, Dr. Paglini said of Sandra:

28 The issues of concern are listed because they are potential risk
factors regarding Evan. To illustrate, Ms. Nance did have three
children by three different men. Hence, Ms. Nance's relationship
instability is considered a risk factor for Evan. . . . She had an
assault charge in a nightclub that was dismissed. This evaluator
spoke with Mr. Philiposian who reported the altercation did occur
and they both share responsibility for that incident. . . . Another
issue of concern is in regards to Ms. Nance's occasional anger.

1 (On file herein, Report by Dr. Paglini dated March 26, 2012 at p. 52.) Dr. Paglini went on to
2 note that, "She has no skills and wants to provide for her family." (*Id.* at p. 53.) Notably, Dr.
3 Paglini also indicated that Sandra exhibited "issues of mild narcissism." (*Id.*) So, why is
4 Sandra continually criticizing Chris for a diagnosis that, according to Dr. Paglini, she shares?
5 That said, as explained in Chris's underlying motion, he submitted himself to an evaluation
6 with a board certified psychiatrist and a psychologist, experienced in child custody matters, who
7 did not detect any narcissism in Chris.

8 Sandra goes on to discuss Dr. Paglini's recommendations, but his recommendations
9 were rendered moot by the parties' own stipulated parenting plan, reached a few months later in
10 November 2012, which is the agreement they have been exercising ever since. Here we finally
11 come to a relevant issue: what is the custodial arrangement pursuant to the parenting plan?
12 The parenting plan states that they share joint legal and joint physical custody. Chris's motion
13 and Sandra's opposition each attempted to identify Chris's percentage timeshare over the last
14 few years, and there is clearly a factual dispute as to the actual dates of visitation. Sandra
15 argues that in odd years Chris has a 36% timeshare and in even years he has a 38% timeshare.
16 Chris's tables of the actual visitation he exercised show timeshares in the last three years
17 ranging from 38% to 42%. The question for the Court is, what to do with this in light of
18 *Bluestein*, this issue is the legal argument section below, but also, if Sandra is the *de facto*
19 primary physical custodian, how does that help her case in so far as she contends that Evan
20 exhibits the symptoms that give rise to Ms. Tolman's diagnoses of Evan while in her care.
21 Really, it suggests that it is time for Chris to step in as Evan's primary custodian.

22 In addition to the timeshare issue, Chris urges the more relevant allegations in Sandra's
23 motion pertain to Evan's schooling, co-parenting issues generally, and Evan's mental health
24 and emotional development. With respect to the school allegations, Evan's birthday is the
25 cutoff date for kindergarten enrollment. Chris clearly recalls conversations with Margaret
26 Pickard and Judith Tollman in which they said, to the effect, that if they had a son whose
27 birthday was that close to the cut-off date, then they would wait until the next year to enroll
28

1 him. Chris's reason for delaying Evan's enrollment in Kindergarten was not to maintain his
2 New York timeshare, it was based on his research and Evan's development at that time. With
3 respect to the allegation that Chris did not complete the co-parenting seminar until February of
4 this year; he had in fact completed more than 75 or 80% of the program, and when he and
5 Sandra were in a period of equanimity, it fell by the wayside. When he realized that he had not
6 completed it, he contacted the course administrator and completed it.

7 Chris is amazed that Sandra thinks his family still talks about her. She alleges, "Evan's
8 anxious condition is believed to be not just a product of constant travel between New York and
9 Nevada; but also the stress this young child undergoes being constantly exposed to Chris'
10 family's hostility toward Sandra." Evan is an experienced traveler, it is second nature to him,
11 and does not create any anxiety. Nor is Evan exposed to any hostility toward Sandra. Chris's
12 family does not even talk about Sandra. He is also mystified by her allegation that his family's
13 participation in Evan's events is somehow contrary to Evan's best interest. The Ferraro's are a
14 close-knit family, and that is not a bad thing.

15 The anxiety and other behaviors that Sandra alleges Evan exhibits are not something
16 that Chris or his family observe in Evan. Years ago, the parties were ordered to have Evan in
17 counseling. When the parties were getting along, Sandra took Evan out of counseling, and
18 when they became at loggerheads again, Sandra unilaterally re-enrolled Evan in counseling and
19 he has remained in counseling for almost a year now, over Chris's objections.

20 Chris does not object because he thinks he knows better than the counselor; Chris
21 objects because nothing that he observes, nor apparently Evan's school observes, suggests that
22 counseling is necessary. He does not believe that a child should spend his life in counseling.
23 He should be playing with his friends and family and dogs, running around, skating at the
24 hockey rink, playing baseball and soccer, swimming, learning an instrument, etc. These are
25 things that Chris believes Evan needs, which Sandra does not provide. Even if Evan does need
26 therapy, and Chris is happy to continue Evan in therapy if the Court allows him to relocate to
27 New York to help Evan adjust with the transition, Chris also believes that Evan needs all of
28 those other things every bit as much.

2. LEGAL ARGUMENT

A. Temporary relocation to New York.

NRS 125.510 provides in relevant part:

1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section, NRS 125C.0601 to 125C.0693, inclusive, and chapter 130 of NRS:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest[.]

NRS 125.510(1)(a). Sandra argues that she is Evan's primary physical custodian, yet she states that in her care Evan exhibits anxiety and behavioral problems, which require her to keep him in weekly or bi-weekly therapy. These behaviors are remarkably absent when Evan is at school and when Evan is in Chris's care, which strongly suggests that the problem lies in Sandra's home. Chris has made a *prima facie* case that a change of custody is warranted. Evan is starting the first grade in a few weeks. What was most remarkable about Sandra's motion was its omission of what she and Nevada have to offer Evan over the voluminous opportunities that life in New York presents for him. This is an opportune time for relocation, whether it is temporary or permanent, and all of the facts and circumstances lean strongly in favor of Evan's relocation to New York, provided that reasonable alternative visitation can be afforded to Sandra, and it can as set forth in Chris's proposed visitation schedule, attached to his underlying motion.

B. Legal Standard for Modification and Relocation

Sandra alleges that Chris has misstated the applicable legal standard. Her allegation is based on the idea that even though their parenting plan states they have joint physical custody, she asserts that he exercises less than a 40% timeshare. In *Bluestein v. Bluestein*, _____ the Nevada Supreme Court said, "*Rivero's* 40-percent guideline should not be so rigidly applied that it would preclude joint physical custody when the court has determined in the exercise of its broad discretion that such a custodial designation is in the child's best interest." Indeed, as Sandra acknowledged in opposition, this Court awarded the parties joint legal and joint physical custody on November 21, 2011. Therefore, a determination was previously made that joint physical

1 custody was in Evan's best interest. The parties subsequently affirmed this by their agreement and
2 Chris has maintain at or near a 40% timeshare despite living and work in New York.

3 Therefore, Chris believes that the legal standards articulated in his motion are correct, but
4 even if the Court applied *Murphy v. Murphy*, 84 Nev. 710, 447 P.2d 664 (1968) and *Ellis v.*
5 *Carucci*, 123 Nev. 145, 161 P.3d 239 (2007), the same result would obtain. The substantial change
6 in circumstances includes, but is not necessarily limited to: (a) Sandra alleges Evan experiences
7 anxiety and behavioral issues in her home, whereas these things are not observed in Chris's home
8 or apparently at school; (b) Evan is of an age where extracurricular activities and socialization with
9 his peers is important and Sandra does not foster this; (c) Evan's is entering first grade and the
10 schools in New York are better than Las Vegas; (d) Evan mentioned to Chris that Sandra may be
11 moving soon; and (d) albeit of lesser importance than things effecting the circumstances of the
12 child, Chris's circumstances have changed in that since the parenting plan was entered, the business
13 opportunities presented to him ended up being in New York, and that is where he has built his
14 second career.

15 C. Child Support

16 Chris does not disagree that child support is subject to review pursuant to NRS 125B.145;
17 however, if Evan is to stay in Las Vegas to begin first grade, then Chris intends to find a way to
18 continue to exercise his current timeshare, in Las Vegas. As it is, Chris already spends the majority
19 of his income to make his visitations with Evan possible. As set forth in his financial disclosure
20 form he spends an average of \$6,500 per month to make joint physical custody possible.

21 Of course, if Chris is granted temporary primary physical custody of Evan, then Sandra will
22 pay child support to Chris, and Chris will pay the costs of transportation for her visitation with
23 Evan.

24 D. Attorney's Fees and Costs

25 Sandra's request for attorney's fees and costs should be denied for several reasons,
26 including, *inter alia*, Chris brought this motion because it is strongly in Evan's best interest to
27 relocate to New York, and while Chris understands that Sandra loves Evan and wants to be his
28 primary custodian as much as Chris does, it is Evan's best interest that is paramount.

1 **3. CONCLUSION**

2 Based on the foregoing, Chris respectfully requests that the Court: (1) grant him
3 temporary primary physical custody and allow Evan's relocation to New York, pending a final
4 determination of the matter; (2) set the matter for evidentiary hearing on the issue of granting
5 Chris permanent primary physical custody and allowing Evan's relocation to New York; (3) set
6 child support consistent with custody arrangement, and if Evan remains in Las Vegas, provide
7 Chris an appropriate offset for the costs he incurs to exercise his visitation; and (4) deny Sandra
8 an award of attorney's fees and costs.

9 DATED this 17th day of August, 2015.

10 HUTCHISON & STEFFEN, LLC

11 By: 
12 Shannon R. Wilson (9933)
13 Todd L. Moody (5430)
14 Peccole Professional Park
15 10080 West Alta Drive, Suite 200
16 Las Vegas, NV 89145
17 Tel: (702) 385-2500
18 Fax: (702) 385-2086
19 swilson@hutchlegal.com

20 Attorneys for *Defendant Christopher Michael Ferraro*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN, LLC and that on this 11th day of August, 2015, I caused the above and foregoing document entitled **DEFENDANT CHRISTOPHER FERRARO'S REPLY IN SUPPORT OF MOTION TO MODIFY CUSTODY, FOR RELOCATION OF MINOR CHILD, AND OTHER RELATED RELIEF** to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☐ pursuant to EDCR 7.26, to be sent **via facsimile**; and/or
- ☒ pursuant to EDCR 8.05, sent electronically via the Court's electronic service system; the date and time of this electronic service is in place of the date and in place of deposit in the mail.
- ☐ to be hand-delivered;

to the attorney(s) listed below at the address and/or facsimile number indicated below:

Eric P. Roy, Esq.
Robert Weatherford, Esq.
LAW OFFICES OF ERIC P. ROY
818 E. Charleston Blvd.
Las Vegas, NV 89104
Email: eric@ericroylawfirm.com
robert@ericroylawfirm.com

Attorney for *Plaintiff Sandra Lynn Nance*


An employee of Hutchison & Steffen, LLC

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Location : Family Courts Images Help

REGISTER OF ACTIONS

[CASE No. D-10-426817-D](#)

Sandra Lynn Nance, Plaintiff vs. Christopher Michael Ferraro, Defendant.

§
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Case Type: **Divorce - Complaint**
Subtype: **Complaint Subject Minor(s)**
Date Filed: **03/15/2010**
Location: **Department F**
Cross-Reference Case Number: **D426817**

RELATED CASE INFORMATION

Related Cases

D-09-409606-C (Linked - 1J1F)

PARTY INFORMATION

Defendant Ferraro, Christopher Michael
54 Hempstad DR
Sound Beach, NY 11789

Lead Attorneys
Shannon R. Wilson
Retained
702-385-2500(W)

Plaintiff Nance, Sandra Lynn Female
11220 Hedgemont AVE
Las Vegas, NV 89138

Pro Se

Subject Minor Nance, Evan Daniel Male

EVENTS & ORDERS OF THE COURT

02/02/2016 [Minute Order](#) (10:40 AM) (Judicial Officer Gentile, Denise L)

Minutes

02/02/2016 10:40 AM

- As stated by the Court; NRCP 1 and EDCR 1.10 states the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.11(e), this Court can consider a motion and issue a decision on the papers at any time without a hearing. COURT, having read and considered Defendant's Motions in Limine Nos. 1 and 2, and Plaintiff's Oppositions and Countermotions thereto, FINDS and ORDERS as follows: The Court reviewed Defendant's Motion in Limine #1 requesting to preclude any objections to the authenticity or genuineness of documents produced in discovery and FINDS as follows: the Court agrees, NRCP 16.2015(b)(5) requires that any objection be lodged within 21 days of the date of receipt, in writing, otherwise, the documents shall be presumed to be authentic and genuine, and shall not be excluded on those grounds. Based upon the representations of Defendant, and being there was no objection lodged pursuant to this rule, any such objections shall be prohibited at the time of trial. Therefore, Defendant's Motion is GRANTED insofar as the documents produced during discovery cannot be excluded on those grounds. This ruling does not preclude Plaintiff from raising any other valid evidentiary objections. IT IS SO ORDERED. The Court having reviewed the history of this case and Defendant's Motion in Limine #2, which includes a request to preclude using any pleading, testimony, remarks, questions or arguments relative to the facts and circumstances existing between the parties prior to the last custody order of November 30, 2012, FINDS as follows:

this Court will appropriately apply *McMonigle v. McMonigle*, to testimony, documentary evidence, and the like, relating to the facts and circumstances that pre-date the last custody order. As it pertains to any allegations of domestic violence, this Court also GRANTS Defendant's request to bar any and all allegations of domestic violence, prior to the date of the last custody order of November 30, 2012, unless it was unknown to Plaintiff (which means it could not have been perpetrated on Plaintiff), or unknown to the Court at the time of the last order, as prescribed by *Castle v. Simmons*. Thus, Court GRANTS Defendant's Motion in Limine and will instruct both parties, their counsel, and all witnesses called on their behalves, not to mention or refer to facts either, directly or indirectly, which occurred prior to November 30, 2012, other than those which fall within the exception under *Castle v. Simmons*, if any. If there is a dispute as to whether certain allegations were raised, Defendant should be prepared to direct the court to a cite in the record for when those incidents were brought to the court's attention. IT IS SO ORDERED. COURT ORDERS, Plaintiff's Countermotion to attorney's fees and costs DEFERRED to the time of trial. COURT FURTHER ORDERS, the hearings currently scheduled for March 15, 2016 at 10:00 a.m. VACATED. CLERK'S NOTE: A copy of this Minute Order was placed in Attorney Ghibaudo and Attorney Wilson's attorney folders located in the Clerk's Office.

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DISTRICT COURT
CLARK COUNTY, NEVADA

SANDRA LYNN NANCE,) Case No.: D-10-426817-D
Plaintiff,) Dept. No. F
vs.)
CHRISTOPHER MICHAEL FERRARO,)
Defendant.)
_____)

TRIAL TESTIMONY
Taken on June 27, 2016

Nevada Court Reporting

10080 Alta Drive, Suite 100
Las Vegas, NV 89148
Office: 702-490-3376
Calendar@Nvreporting.com



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DISTRICT COURT

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CLARK COUNTY, NEVADA

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SANDRA LYNN NANCE,

) Case No.: D-10-426817-D

6

Plaintiff,

) Dept. No. F

7

vs.

)

8

CHRISTOPHER MICHAEL FERRARO,)

9

Defendant.

)

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TRIAL TESTIMONY

14

Taken on June 27, 2016

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<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2 For the Plaintiffs: JASON NAIMI, ESQ.</p> <p>3 SHELLEY COOLEY, ESQ.</p> <p>4 STANDISH NAIMI LAW GROUP</p> <p>5 1635 Village Center Circle</p> <p>6 Suite 180</p> <p>7 Las Vegas, Nevada 89134</p> <p>8</p> <p>9</p> <p>10 For the Defendants: SHANNON WILSON, ESQ.</p> <p>11 TODD MOODY, ESQ.</p> <p>12 HUTCHISON STEFFEN</p> <p>13 10080 Alta Drive</p> <p>14 Suite 200</p> <p>15 Las Vegas, Nevada 89145</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1 theory or another, and so quite frankly I mean I've</p> <p>2 read both of your briefs. I understand what your</p> <p>3 positions are. For me to make that determination</p> <p>4 before I hear the evidence I think makes... I don't</p> <p>5 think I need to do that. I think I understand where</p> <p>6 both of you are coming from but in the end you</p> <p>7 ultimately either do closings or maybe closing briefs</p> <p>8 depending upon what I feel I need to hear from you</p> <p>9 and go from there. But I understand the issue but I</p> <p>10 don't think I need to make a ruling before we start.</p> <p>11 That's the way I look at it anyway. You need to</p> <p>12 persuade me to use this legal standard over that</p> <p>13 before or make a ruling as to whether someone has</p> <p>14 primary de facto, I don't think that's appropriate at</p> <p>15 this point.</p> <p>16 MR. NAIMI: If I may Your Honor.</p> <p>17 JUDGE GENTILE: You may.</p> <p>18 MR. NAIMI: I think it is appropriate</p> <p>19 in the sense that in knowing where we stand</p> <p>20 custodially at this point in time. It could make a</p> <p>21 difference on whether we have a...</p> <p>22 JUDGE GENTILE: Isn't that a factual</p> <p>23 issue?</p> <p>24 MR. NAIMI: Pardon.</p> <p>25 JUDGE GENTILE: Isn't that a factual</p>
<p>Page 3</p> <p>1 JUDGE GENTILE: Okay. We're on the record in</p> <p>2 the Nance versus Ferraro matter, case D426-817.</p> <p>3 State your appearances, please.</p> <p>4 MR. NAIMI: Good morning Your Honor.</p> <p>5 Jason Naimi, bar number 9441, on behalf of Ms. Sandra</p> <p>6 Nance who is present with me today. Also with me is</p> <p>7 Ms. Cooley. Go ahead.</p> <p>8 MS. COOLEY: Bar number 8992, also in</p> <p>9 behalf of Ms. Nance.</p> <p>10 JUDGE GENTILE: Okay.</p> <p>11 MS. WILSON: Good morning, Your Honor.</p> <p>12 Shannon Wilson, bar number 9933, on behalf of</p> <p>13 Christopher Ferraro who is present and also Todd</p> <p>14 Moody.</p> <p>15 MR. MOODY: Good morning.</p> <p>16 JUDGE GENTILE: Good morning. Okay, so</p> <p>17 we're here. We got to follow the timed method of</p> <p>18 this thing. So, is everybody ready to proceed? I</p> <p>19 know you had a one... you had sent a letter in.</p> <p>20 MS. WILSON: Right. We didn't expect</p> <p>21 you to do that last week. We just wanted you to be</p> <p>22 prepared for this morning on that issue.</p> <p>23 JUDGE GENTILE: Okay. Well, I mean I</p> <p>24 think that that's part of your overall case in terms</p> <p>25 of whether to persuade me to either follow one legal</p>	<p>Page 5</p> <p>1 issue in terms of me having to hear from each of you</p> <p>2 as to what's been going on up the time?</p> <p>3 MR. NAIMI: Your Honor is absolutely</p> <p>4 correct. It is a factual issue. There's no question</p> <p>5 on that. I think there is objective material here</p> <p>6 apart from the testimony and parties that you can</p> <p>7 look at in a matter of moments and in doing so we can</p> <p>8 eliminate that whole part of this trial. I think it</p> <p>9 would be much more efficient. Now, now of course, you</p> <p>10 have the discretion to do this however you please.</p> <p>11 If you say I'm just not interested in that, you have</p> <p>12 that right, but I think if candidly if I were on the</p> <p>13 bench I would probably want to look at any objective</p> <p>14 information that can be presented to me in a summary</p> <p>15 format that might be a lot easier and quicker to</p> <p>16 grasp.</p> <p>17 JUDGE GENTILE: Okay.</p> <p>18 MR. NAIMI: So we say okay we're on the</p> <p>19 same page.</p> <p>20 JUDGE GENTILE: Are we all on the same</p> <p>21 page though?</p> <p>22 MS. WILSON: Jason and I are in fact.</p> <p>23 JUDGE GENTILE: Okay.</p> <p>24 MS. WILSON: I think if we do believe</p> <p>25 that there are a couple of issues within this that</p>

<p style="text-align: right;">Page 6</p> <p>1 are decisions to be made as a matter of law. So 2 for... and I think they roughly break down into two. 3 There is one, the question of how do you as a judge 4 count timeshare under Rivero. And then the second 5 piece is again you as a judge as a matter of law, are 6 you following the new... I don't remember the 7 subsection, off the top of my head, under the 8 revision of NRS 125C right there is a section of that 9 statute now that reads that when the court is 10 considering whether joint physical custody isn't the 11 best interest of the child, the court shall consider 12 whether or not the parent can exercise 146 days. So, 13 Mr. Naimi and I have a slight difference of opinion 14 about how that statute applies and its effect on this 15 case which we could argue as a matter of law 16 simulating we argue how you count timeshare. We 17 think those are the issues that you can decide as a 18 matter of law in giving your decision then we know 19 what facts to present. 20 MR. NAIMI: Where I defer so we're 21 clear on the record at this point... 22 JUDGE GENTILE: Yeah, I don't know that 23 I can say I specifically rule a certain way based 24 upon any or either of those two things because it's 25 all fact specific and the case law doesn't define</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. NAIMI: Okay. 2 JUDGE GENTILE: Okay? 3 MS. WILSON: Okay. 4 MR. NAIMI: Go ahead. 5 JUDGE GENTILE: All right. Ms. Wilson 6 MS. WILSON: Thank you. Give me just a 7 moment to opening if you would. 8 JUDGE GENTILE: Sure. 9 MS. WILSON: Ready? 10 JUDGE GENTILE: Sure. 11 MS. WILSON: All right. Thank you. 12 Your Honor I think pretty well familiar with the very 13 background facts of the case. The parties have a 14 minor child together, Evan, who is now seven years 15 old just about seven and a half years old, who was 16 born September 30, 2009. 17 MR. FERRARO: 2008. 18 MS. WILSON: 2010. 2008, sorry. After 19 a very bumpy beginning in November of 2012, they 20 negotiated a parenting plan with the assistance of 21 Margaret Picker that stated the parties would share 22 joint legal and joint physical custody. This is what 23 we were just talking about. So the parenting plan 24 states that they will have joint physical custody and 25 it sets forth a timeshare where in the years where</p>
<p style="text-align: right;">Page 7</p> <p>1 specifically how we do it, so in each case it could 2 be different so I don't know that I can... I mean I'm 3 just saying I don't believe it's appropriate for me 4 to make that determination. 5 MR. NAIMI: Actually I disagree with 6 that last statement Your Honor, if I may, 7 respectfully. 8 JUDGE GENTILE: Disagree? I'm just 9 telling you how I look at it. 10 MR. NAIMI: Rivero actually lays out 11 the calculation very clearly. It essentially said to 12 look at... 13 JUDGE GENTILE: But now we have 14 Bluestein and others... you've both argued Rivero and 15 Bluestein and so, you're right, it lays it out but 16 what I'm saying is I don't think that I can make a 17 determination as a matter of law before I start if I 18 haven't heard the facts in detail. I would prefer to 19 hear them. I mean I obviously don't want you to 20 spend a ton of time on it. You can get that 21 information out fairly quickly I would imagine if it 22 comes down to that, what's been done up until now, 23 what the timeshare has been. Then, you make your 24 legal argument as to which way you think I should go 25 with regard to the law so that's my position.</p>	<p style="text-align: right;">Page 9</p> <p>1 Chris would have Evan for the Christmas or spring 2 break. He would in fact have 146 days or better of 3 timeshare. In the years when he doesn't have that 4 break, he would not have 146 days. So even under a 5 parenting plan that was negotiated at the time of 6 Rivero, it was after Rivero, the parties knew what 7 Rivero was, they understood the designation of joint 8 physical custody that the Supreme Court had roughly 9 defined as a 40/60 timeshare but did not specifically 10 tell us how we would count those days. It said we 11 wouldn't count hours but it never told us how exactly 12 we were going to count days. So they agreed that 13 this timeshare even though some years you wouldn't 14 meet 146 days and sometimes on every year even if 15 certain things fell on certain... if certain holidays 16 coincide with routine timeshare then he still 17 wouldn't make the 146 days but nevertheless they 18 agreed that this would be joint physical custody. 19 Now, we fast forward a few years we have some new 20 case law, we have a new statute and as I understand 21 the opposing party would read that statute to impose 22 a strict bright line of 146 days of timeshare per 23 year. Therefore, under the facts that will be 24 presented to you today, Mr. Ferraro would not have 25 146 days every year. Therefore, their argument goes</p>

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1 he is not a joint physical custodian. In fact Ms.
2 Nance is the de facto primary physical custodian and
3 therefore the legal standard to be applied in this
4 hearing is a slightly higher burden for Mr. Ferraro
5 meaning that he will have to additionally prove that
6 there is a change circumstance and that the proposed
7 modification is in the best interest of the child.
8 We think that as set forth in our pretrial memo that
9 Mr. Ferraro is a joint physical custodian and that
10 additional burden should not be applied to the case.
11 But if it is, that's okay, he can meet that burden.
12 We believe that there are several change
13 circumstances that you will hear about, change
14 circumstances that affecting the best interest of the
15 child namely that for two or more years consistently,
16 the minor child has been enrolled in weekly therapy
17 by his mother that the counselor continues to
18 identify deficiencies in the child's behavior and
19 diagnosis him with Anxiety Disorder albeit that in
20 remission, Attention Deficit Disorder and
21 Oppositional Defiant Disorder. All of the things
22 that Ms. Nance complaints of on her timeshare but Mr.
23 Ferraro does not see on his timeshare and if Ms.
24 Nance and Evan's counselor have been unable for two
25 years to cure these issues that exist only in her

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1 timeshare then that is something that affects the
2 best interest of the child. That is effectively a
3 change circumstance if you will and if they can't
4 cure this problem in a child of eight years old
5 should not have to be in weekly therapy for the
6 duration of his childhood. So that's one of the
7 circumstances. Another one is more about Mr.
8 Ferraro's own circumstances. Shortly after the
9 parenting plan was negotiated, he joined a
10 partnership that allowed him to work predominantly in
11 New York, have a good salary, be able to travel
12 effectively at his own leisure, allowed him to
13 maintain the timeshare in Las Vegas that he's been
14 exercising. However, that company went bankrupt in
15 September of last year. His financial and work
16 circumstances have changed. You'll hear about that
17 and it is making his ability to maintain this
18 timeshare increasingly difficult. He really needs to
19 be based in New York in order to resume his
20 operations with him and his brothers' hockey company.
21 And while he's not saying that he won't be able to do
22 that if Evan is not relocated to New York, the
23 resources are questionable of how long he will be
24 able to maintain that and it's drawing resources away
25 from Evan. Clearly the court can understand that it

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1 would be extremely expensive to come to Las Vegas to
2 exercise a 10-day timeshare every month. So those
3 are at least two of the facts that meet the change
4 circumstances analysis if we have to show that. Then
5 secondarily, whether the proposed modification is in
6 the best interest of the child, you will hear from
7 Mr. Ferraro and from other witnesses that why the
8 proposed modification is in Evan's best interest that
9 ties closely to what I already spoke about in terms
10 of Ms. Tolman's diagnosis and the reasons why she
11 still thinks that Evan needs to be in weekly therapy
12 and how it is that Chris addresses exactly the issues
13 that she identifies, and therefore, he is the
14 stronger parent to have primary physical custody of
15 Evan. As far as the remaining factors for a
16 relocation analysis, certainly, Mr. Ferraro has
17 brought the motion in good faith. Most parents do.
18 They desire to be able to have maximize their time
19 with their children. Mr. Ferraro is not interested
20 in denying Ms. Nance's timeshare with Evan. We set
21 forth a timeshare attached as an exhibit in the
22 pretrial memorandum. He will talk about that. He
23 will talk about what else he is willing to do in
24 order to facilitate additional timeshare with Ms.
25 Nance if need be. And he of course will talk about

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1 as I think other witnesses will testify to the extent
2 to which living primarily in New York will improve
3 Evan's quality of life in terms of the ability to
4 participate in extracurricular activities, improves
5 school opportunities that exist there, the ability to
6 be raised by a parent who has a very unique set of
7 skills for training children. This is what he does
8 for a living. He coaches children. He will talk
9 about how that experience and what he does is
10 applicable to developing his own child into an
11 intelligent, healthy, productive member of society.
12 I think that the court is going to see evidence of
13 ways in which Ms. Nance has, throughout the years,
14 resisted Evan's relationship with New York and his
15 New York family that suggest that her resistance to
16 Chris' motion to relocate Evan is not necessarily in
17 good faith. That's not to say that Chris doubts for
18 a moment Sandra's love for Evan but that she has her
19 own motivations for not allowing that to happen when
20 it is clearly in his best interest. Then, with
21 respect to the particular best interest factors that
22 are part of the relocation analysis, of course Evan
23 is only eight so we're going to be looking at what
24 his preferences assuming that he even had one. The
25 parents had a very difficult beginning in their co-

<p>Page 14</p> <p>1 parenting relationship. I think the court will see 2 that in the last year that has calm down a little bit 3 but there still continue to be co-parenting 4 challenges. Mr. Ferraro has attempted to co-parent 5 with Sandra on some very important issues, 6 participation in extracurricular activities, access 7 to better school systems, and Ms. Nance has 8 consistently denied those requests without really 9 explaining why. She seems to perceive any 10 communication from him as harassment. I think the 11 court is going to see that Chris and Evan have a very 12 close relationship and they have I think what's very 13 important in the context of what Ms. Tolman has to 14 say and what must be the conditions in Ms. Nance's 15 household in order to think that her child needs 16 weekly therapy. Chris has a good working 17 relationship with his son. He does not see the 18 problems that are identified by Ms. Nance and Ms. 19 Tolman, and so his relationship is one that actually 20 works for Evan's benefit. There were allegations of 21 domestic violence between the parties prior to the 22 November 2012 order and those have been excluded by 23 this court based on its order in limine and the 24 applicable case law of course if there were instances 25 that were unknown to the parties then those are</p>	<p>Page 15</p> <p>1 things that the court might be able to consider, but 2 there are no such instances and there have been no 3 instances of domestic violence between the parties 4 and/or against the child since the implementation of 5 that last... 6 MR. NAIMI: I'm going to object to that 7 statement Your Honor as being about the law and not a 8 factual opening statement. 9 JUDGE GENTILE: Okay. 10 MR. NAIMI: In fact if I were to 11 explain further, Your Honor, the Castle versus 12 Simmons exception is what she's referring to. 13 JUDGE GENTILE: Right. We talked about 14 this already. 15 MR. NAIMI: And that is actually an 16 inaccurate statement about the interpretation of 17 Castle v Simmons. Castle v Simmons specifically 18 states "unknown to the parties or the court" and 19 that the court has got to adjudicate on the domestic 20 violence. So, in fact, in the motion in limine that 21 she is referring to, again, in another argument in 22 opening statement. Your orders were very clear in 23 that they have to be prepared to cite where on the 24 record it had been presented to the court and that 25 the court had ruled on it. And so if they cannot do</p>	<p>Page 16</p> <p>1 so then the Castle v Simmons exception would apply... 2 JUDGE GENTILE: Well, I didn't say the 3 court had ruled on it because the court had to know 4 about it. 5 MR. NAIMI: Correct. 6 JUDGE GENTILE: So as long as they can 7 cite to me that... 8 MR. NAIMI: I meant that you considered 9 it in making any kind of findings, yes. 10 JUDGE GENTILE: Correct. Correct. 11 Okay. 12 MR. NAIMI: Can I get a ruling on the 13 objection Your Honor? 14 JUDGE GENTILE: So it's sustained. I 15 mean you don't need to go into that because I already 16 know where I stand on that one. 17 MR. NAIMI: Thank you, Your Honor. 18 JUDGE GENTILE: Everybody knows my 19 stand on that one so she can proceed. 20 MS. WILSON: All right. That was 21 essentially my last point. That takes us through the 22 potentially applicable best interest of the child 23 factors. So, in conclusion, Chris has brought his 24 motion in good faith. He is ready, willing, desirous 25 and very capable of having primary physical custody</p>	<p>Page 17</p> <p>1 of Evan in New York. That actually raised it back. 2 I want to point out to the court one other important 3 sort of change circumstance. When this parenting 4 plan was initially negotiated, Evan wasn't in school 5 yet, and so under that parenting plan, Chris had the 6 ability to pick up Evan and return him to New York 7 for his 10-day timeshares. Of course, once the child 8 started school then that was no longer possible and 9 that in turn both increased the expense for Mr. 10 Ferraro in exercising the timeshare and it decreased 11 Evan's connections to his family in New York. That's 12 one other reason why he brought this motion and also 13 satisfies the change circumstance criteria open 14 statement. Thank you. 15 JUDGE GENTILE: Thank you. 16 MR. NAIMI: I'll be quick, Your Honor. 17 JUDGE GENTILE: Okay. That was exactly 18 15 minutes. 19 MR. NAIMI: I'll be less than three or 20 five. 21 JUDGE GENTILE: Okay. 22 MR. NAIMI: While it was interesting to 23 hear the perspective of Mr. Ferraro in presenting why 24 he's before the court here today, I don't view this 25 case the same way, Your Honor. My client, Sandra</p>
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<p>Page 18</p> <p>1 Nance, does not view this case the same way. We see 2 this a case about Evan's home. It's not a case about 3 custody of Evan. Evan's home is in Nevada. He was 4 born here. He's been raised here. His family is 5 here including his father. The evidence will show 6 that his father routinely comes to Nevada to visit 7 his son. His friends are here. His school has been 8 here. Albeit as she stated he only recently enter 9 school it's been two years now. School is in Las 10 Vegas. His extracurricular activities are in Las 11 Vegas. His doctors are in Las Vegas. His dentist is 12 in Las Vegas. Evan's world is in Las Vegas. With 13 Sandra, Evan experiences and if the court will see 14 here throughout this trial that Evan experiences 15 traditional family values. Evan lives primarily with 16 Ms. Sandra Nance's mother, his grandparents and then 17 he experiences almost on a regular basis his 18 relationships with his aunt, his uncles, his cousins, 19 one of whom is his best friend and without Pears, 20 Evan would have... would he be missing his best 21 friend. With Chris, Evan is routinely on vacation. 22 He goes to New York on vacation with Chris. He goes 23 to IA on vacation with Chris. He goes to Orlando on 24 vacation with Chris and he's here in Las Vegas on 25 vacation with Chris. In addition, Evan has a brother</p> <p>Page 19</p> <p>1 here in Las Vegas and he has a sister here in Las 2 Vegas. He doesn't have any siblings in New York or 3 Los Angeles or Orlando. Chris is now before you 4 today alleging that he is exercising joint physical 5 custody. He isn't and the evidence before and the 6 evidence that will come out throughout this trial 7 will demonstrate that in no year has he exercised 8 joint physical custody. Moreover, if we apply the 9 Rivero case as will come out in trial, the 10 calculation will show that under any circumstances 11 has he ever exercised joint physical custody. The 12 other argument they're going to try and make is how 13 Evan is so significantly connected to New York. 14 There isn't much of a connection to New York. We're 15 not trying to downplay New York. We respect the fact 16 that Evan's father is from New York but the court 17 must recall where this case stems from. Evan was 18 born in Nevada. Chris was aware that his son was 19 born in Nevada. Chris also knew of the circumstances 20 surrounding his son being raised in Nevada and 21 contemplated a parenting agreement keeping that in 22 mind. At the end of the day, you're going to see 23 that there is no basis to uplift Evan from his home 24 here in Nevada. After all home means Nevada, Your 25 Honor. And so with that the motion requesting</p>	<p>Page 20</p> <p>1 relocation to New York must be denied. In addition 2 to that, not only will you deny that motion, you will 3 find that my client is the primary custodian of Evan 4 because his home is here in Nevada. Also to that 5 effect, you have no choice but to award us some 6 attorney's fees because had they looked at this case 7 pragmatically from the beginning they would have seen 8 that there's going to be no substantial change to 9 move this child and even in the event, Your Honor, 10 we're to see that okay it's possible if I were to 11 manipulate the law a little bit here I'm going to 12 call it a joint physical custody relationship, which 13 I don't see by the way, even under those 14 circumstances he is at best this is his own admission 15 Your Honor at the ceiling, his ceiling would be 146 16 days. Never has he ever had 50 percent or more. And 17 so with that when home is Nevada, Your Honor, why 18 would we uplift that and move this child to a place 19 that is his vacation spot? Thank you. 20 JUDGE GENTILE: Ms. Wilson. 21 MS. WILSON: I call Mr. Ferraro. 22 JUDGE GENTILE: That was five minutes. 23 That was five minutes for you, Mr. Naimi. Five 24 minutes. 25 MS. WILSON: He said three to five.</p> <p>Page 21</p> <p>1 JUDGE GENTILE: I just want to let you 2 know. I'm trying to keep track here while we're 3 doing this. 4 MS. MCCULLOCH: Do you solemnly swear 5 that the testimony you're about to give this action 6 shall be the truth, the whole truth, and nothing but 7 the truth so help you God? 8 MR. FERRARO: Yes, I do. 9 MS. WILSON: Your Honor, we also have 10 exhibit binders for the witness of the report. May I 11 approach? 12 JUDGE GENTILE: Okay. You may 13 approach, yes. 14 MS. WILSON: And a copy for you also 15 Judge. May I approach. 16 JUDGE GENTILE: Sure. Thank you. 17 DIRECT EXAMINATION 18 By: Shannon Wilson 19 MS. WILSON: Mr. Ferraro, would you 20 please state and spell your name for the record? 21 MR. FERRARO: Chris Ferraro, C-H-R-I-S, 22 F-E-R-R-A-R-O. 23 Q: And are you the defendant in this 24 action? 25 A: Yes, I am.</p>
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<p style="text-align: right;">Page 22</p> <p>1 Q: And briefly why did you bring this 2 motion? 3 A: To relocate my son, Evan Ferraro, 4 from Las Vegas to New York. 5 Q: Do you recognize the woman sitting 6 in the green dress to the right? 7 A: I do. 8 Q: Who is that? 9 A: That is Evan's mother. 10 Q: What is her name? 11 A: Sorry. Sandra Nance. 12 Q: What is your current address? 13 A: 54 Hempstead Drive, Sound Beach, 14 New York 11789. 15 Q: How long have you lived there? 16 A: Forty-three years. 17 Q: How long do you intend to continue 18 to reside there? 19 A: I continue to do that for the time 20 being. 21 Q: Do you have any plans of moving 22 from that address? 23 A: No. 24 Q: Who else lives there with you? 25 A: My twin brother, Peter, and my</p>	<p style="text-align: right;">Page 24</p> <p>1 A: I would say at least six years, 2 five years, six years. 3 Q: Are there occasional months where 4 he's been in school all month and he's not gone back 5 to New York? 6 A: Yes. 7 Q: So certainly in the first grade 8 there were months that he didn't go to that? 9 A: Correct. 10 Q: Has he been there this month of 11 June? 12 A: Yes, he was there for two weeks. 13 Q: And prior to June when was the last 14 time he was at the house? 15 A: I want to say it was during spring 16 break in February. 17 Q: And before that one when was he 18 there? 19 A: December for the Christmas holiday. 20 Q: And before that one when was he 21 there? 22 A: He was there I believe 23 Thanksgiving. I could be off. 24 Q: Then is it fair to say that he was 25 in school September, October so he was in Las Vegas</p>
<p style="text-align: right;">Page 23</p> <p>1 mother. 2 Q: Who owns the residence? 3 A: My mother. 4 Q: And what kind of residence is it? 5 A: It is a 3000 square foot ranch 6 style home, finished basement, four-bedroom, three 7 baths on two acres of land, fenced in land, backyard, 8 large deck, in ground pool in a safe, quiet 9 community. If Evan is relocated to New York, I have 10 plans on building a sport court in the back for him 11 and his friends. 12 Q: Does Evan have his own bedroom 13 there? 14 A: Yes, he does. 15 Q: What kind of neighborhood is it in 16 generally? Is it residential neighborhood? Is it a 17 mixed used neighborhood? 18 A: It's a residential. 19 Q: Is it all single family homes? Are 20 there any apartments? 21 A: No apartments. 22 Q: How often has Evan visited that 23 house? 24 A: Every month. 25 Q: Every month for how long?</p>	<p style="text-align: right;">Page 25</p> <p>1 in those months. Correct? 2 A: Correct. 3 Q: Was he there June, July and August 4 of last year? 5 A: Yes, he was. 6 MR. NAIMI: Objection. Leading. 7 JUDGE GENTILE: Sustained. 8 Q: Okay. So if we think about the 9 timeframe between January 2015 and August 2015, what 10 months was Evan in New York? 11 A: June, July, August for two weeks in 12 June, two weeks in July and two weeks in August. And 13 Christmas time he was there for the Christmas holiday 14 break and for spring break as well. I'm sorry from 15 2015 to 2015? 16 Q: Yeah, that's the year. 17 A: Oh I'm sorry. This is when he was 18 in Kindergarten. 19 Q: That would be correct. 20 A: Yes. He was in New York quite 21 frequently. 22 Q: And so in 2014 how many months of 23 2014 had he been in New York? 24 A: Virtually every month. 25 Q: And in 2013 how many months was he</p>

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<p>1 in New York?</p> <p>2 A: Same.</p> <p>3 Q: And what about in 2012? So the</p> <p>4 parenting plan wasn't negotiated yet but how</p> <p>5 frequently was he in New York in 2012?</p> <p>6 A: He was in New York every month.</p> <p>7 Q: Who was he with when he was in New</p> <p>8 York?</p> <p>9 A: He was with myself, my family, my</p> <p>10 twin brother, my sister, my mother and my brother-in-</p> <p>11 law, my father routinely. My older brother Michael,</p> <p>12 my older brother Joey, his friends, extended family.</p> <p>13 Q: We'll come back around to them in a</p> <p>14 moment. Let's go back and do a little more</p> <p>15 background. How old are you?</p> <p>16 A: Forty-three.</p> <p>17 Q: What is the highest level of</p> <p>18 education you have completed?</p> <p>19 A: I did one and a half years of</p> <p>20 university.</p> <p>21 Q: And why did you leave?</p> <p>22 A: I was fortunate enough to play for</p> <p>23 the 1994 US Olympic team and then sign a professional</p> <p>24 hockey career.</p> <p>25 Q: How many times have you been</p>	<p>1 Q: That's in New York, right?</p> <p>2 A: In New York, yes.</p> <p>3 Q: Are you working at present?</p> <p>4 A: I am not.</p> <p>5 Q: Why not?</p> <p>6 A: Last September, the business that I</p> <p>7 was working under, the partnership group, filed for</p> <p>8 bankruptcy which came to a surprise to myself and</p> <p>9 that ended my relationship and employment with that</p> <p>10 company.</p> <p>11 Q: And were you a majority partner in</p> <p>12 that company?</p> <p>13 A: I was not.</p> <p>14 Q: What was your percentage ownership?</p> <p>15 A: 7.5 percent.</p> <p>16 Q: Did you have any responsibility for</p> <p>17 financial management?</p> <p>18 A: No.</p> <p>19 Q: Did you set your own salary?</p> <p>20 A: No.</p> <p>21 Q: What have you been doing since</p> <p>22 September of last year when the bankruptcy happened?</p> <p>23 A: I spent the majority of the year in</p> <p>24 Los Angeles. My sister and brother-in-law have a</p> <p>25 home, a part-time home for business purposes.</p>
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<p>1 married?</p> <p>2 A: Two.</p> <p>3 Q: And one of those was to Ms. Nance.</p> <p>4 Correct?</p> <p>5 A: Correct.</p> <p>6 Q: And what was your other marriage?</p> <p>7 A: I was with a tragic loss to my wife</p> <p>8 that passed away from cancer. We were together for</p> <p>9 10 years and married for a year and a half.</p> <p>10 Q: Was she diagnosed before or after</p> <p>11 your marriage?</p> <p>12 A: After.</p> <p>13 Q: Is Evan your only child?</p> <p>14 A: Yes.</p> <p>15 Q: You talked about having a pro</p> <p>16 hockey career. Did that hockey career take you away</p> <p>17 from the house in New York from time to time?</p> <p>18 A: Every year.</p> <p>19 Q: And so where did you live during</p> <p>20 those times?</p> <p>21 A: Wherever I was located. If I was</p> <p>22 playing for the Washington Capitals, I would be there</p> <p>23 for the season nine months, ten months, and then</p> <p>24 resume. In the off season, I would go back home to</p> <p>25 my home in Sound Beach.</p>	<p>1 They're from New York but they have a part-time home</p> <p>2 in Los Angeles and I spent the majority of the year</p> <p>3 there to be closer to Evan here in Las Vegas and to</p> <p>4 save on flight travel expenses to and from New York</p> <p>5 to Las Vegas. And of course I would spend my 10 days</p> <p>6 here in Las Vegas to exercise my timeshare with Evan.</p> <p>7 Q: Did you take Evan to LA at anytime</p> <p>8 during that period?</p> <p>9 A: Yes, I did.</p> <p>10 Q: When did you take him there?</p> <p>11 A: Throughout the year, probably five</p> <p>12 or six occasions on the weekends.</p> <p>13 Q: How many days of school did Evan</p> <p>14 miss on your timeshare in the first grade?</p> <p>15 A: He missed one full day to travel</p> <p>16 back to New York for my niece's sweet 16 party. He</p> <p>17 missed another half day to celebrate my brother-in-</p> <p>18 law's birthday party in Los Angeles and then he</p> <p>19 missed another half day for an eye appointment that</p> <p>20 Sandra set up on my timeshare for me to remove Evan</p> <p>21 from school to take him to his doctor's appointment,</p> <p>22 so a total of two days.</p> <p>23 Q: Was Ms. Nance aware that Evan was</p> <p>24 missing school to travel to his cousin's sweet 16</p> <p>25 party?</p>

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1 A: Yes, she was.
2 Q: And was she aware that he was
3 missing that half day to travel for your brother's
4 birthday party?
5 A: Yes, she was.
6 Q: What are your future work plans?
7 A: My future work plans are to move
8 back to New York and reestablish our Ferraro Brothers
9 Hockey in September.
10 Q: Explain what is Ferraro Brothers
11 Hockey?
12 A: Ferraro Brothers Hockey is a
13 multilevel hockey academy which develops youth hockey
14 players from age six to NHL level players. Hockey on
15 ice development, camps, clinics, hockey teams,
16 education, off-ice training.
17 Q: What age groups do you work with?
18 A: I primarily work with age groups
19 from 6, 5 to 12, but as mentioned there are times
20 where we work with older level players even at the
21 NHL level.
22 Q: Prior to the bankruptcy, how many
23 players a year did you train?
24 A: Thousands.
25 Q: In a single year, thousands?

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1 A: In a single year I've come across
2 between Ferraro Brothers Hockey and working with
3 multiple different organizations, the Long Island
4 Goals, the New York Bobcats and Long Island Dynamo,
5 the Long Island Goals in itself had 600, 700 players
6 in the organization that I've worked with.
7 Q: Of the players that you train who
8 are in that age range of 5 to 12, how many players do
9 you have as a core group that you train?
10 A: I don't know the exact number but
11 hundreds. I have a database of close to 4000 to
12 5000.
13 Q: What are your current sources of
14 income?
15 A: I have three sources of income.
16 The first is the NHL emergency fund. Second is a
17 family commercial real estate investment. And third
18 is a family business loan.
19 Q: What is that NHL relief fund?
20 A: The NHL relief fund is a program
21 that is designed for players post career that are in
22 need of financial resources. As a player you... as a
23 current player, you pay your dues into this program.
24 Players are fined throughout the year and it goes
25 into a pool for the NHL to help players in assistance

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1 and in need and that is a program that was available
2 to me during the time of bankruptcy. They learned of
3 my situation and was accommodating to my needs.
4 Q: How much do you receive a month
5 from that fund?
6 A: \$2500.
7 Q: And how long do you expect that to
8 continue?
9 A: Until September.
10 Q: You mentioned a family investment.
11 What's that?
12 A: During my playing career, I was
13 able to get into a partnership with my twin brother
14 and my father and purchase a real estate property
15 waterfront in Montauk, New York and I'm a 25 percent
16 owner in that investment and that brings me a
17 guaranteed income each month.
18 Q: Of how much?
19 A: At this particular time \$2500.
20 Q: When did you start receiving that
21 money?
22 A: Right around the time of the
23 bankruptcy.
24 Q: So prior to that you have not
25 realized any proceeds from that real estate

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1 investment?
2 A: No.
3 Q: And then you mentioned also a loan
4 of some kind.
5 A: Yes.
6 Q: What is that about?
7 A: When I was playing pro hockey, my
8 financial resources, I was doing well and the family
9 business needed some assistance to the family
10 sporting goods business, I'm sorry. That's the
11 business that my family is in and throughout those
12 years I loaned the business close to \$150,000.00 and
13 this is their way of paying me back in a time of
14 need.
15 Q: And how much are they paying you?
16 A: \$2500.
17 Q: So three sources at 2500 each
18 that's \$7500 a month total?
19 A: Correct.
20 Q: What sources of income will you
21 have in the fall of 2016?
22 A: I will reestablish Ferraro Brothers
23 Hockey. Of course, there is no telling of the type
24 of income I will make there. I don't suspect that it
25 will be what it was with Twin Rinks as I sold off my

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1 shares with Twin Rinks and had a salary and it's a
2 big reason why I need Evan relocated to New York.
3 Another source is New York Ranger Alumni events. As
4 a former player for the New York Rangers, they give
5 players opportunities to do hospital visits, home
6 game appearances, youth hockey programs and getting
7 it out into the community and give us the opportunity
8 to get paid for these appearances. Number three on
9 the list would be my ongoing guaranteed income from
10 the family investment property, the family loan as
11 well.
12 Q: That's a lot of activity. How will
13 you have time for Evan?
14 A: My schedule and my work schedule is
15 very flexible. I have a partnership with Ferraro
16 Brothers Hockey where it's Peter and myself that own
17 and run the company.
18 Q: Who is Peter?
19 A: I'm sorry. Peter is my twin
20 brother.
21 Q: Okay.
22 A: And if we are running a program or
23 programs we have worked in conjunction with one
24 another where he will stay and run the program while
25 I have to meet the needs of Evan's expectations.

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1 Q: What about the alumni events that
2 you talked about, how frequent are those?
3 A: That's an open relationship which
4 depends on your availability and your schedule. I
5 can book as many as one a year or 20 a year. There's
6 no set. In fact, many former players earn a pretty
7 good living doing that as their only source of
8 income.
9 Q: Did you say you get to make that
10 schedule yourself?
11 A: Yes, not myself... myself and the
12 New York Rangers organization collaborate and decide
13 what events.
14 Q: Okay. There is a binder in front
15 of you, it's marked number 1, Volume 1. If you take
16 a moment and turn to Exhibit L.
17 MS. COOLEY: L, what number?
18 Q: Just L1. Take a moment to look
19 through the pages that are marked L1 and let me know
20 when you're done.
21 A: Okay.
22 Q: Do you recognize this document?
23 A: Yes, I do.
24 Q: What is it?
25 A: This is my financial disclosure.

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1 Q: And if you look at the first page
2 in the upper right hand corner, it tells you the
3 filing date. What's that date?
4 A: 01/11/2016.
5 Q: Have your income or expenses
6 changed significantly since January of 2016?
7 A: Yes.
8 Q: How have they changed? Let's do
9 this. Let's go through the disclosure and you can
10 let us know what has changed if anything.
11 A: Okay.
12 Q: Your Honor, we move to admit L1.
13 JUDGE GENTILE: No judge here, right.
14 I'll be admitting it.
15 MR. NAIMI: Leading Your Honor, it's
16 okay.
17 Q: Mr. Ferraro, turn to the second
18 page of that disclosure at the top it says monthly
19 personal income statement.
20 A: Monthly personal income schedule?
21 Q: Yeah. Exactly.
22 A: Okay.
23 Q: So at the top there it says that as
24 of the pay period ending 09/2015 you have received
25 \$96,000.00. Was that from Twin Rinks?

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1 A: Yes, it was.
2 Q: Okay. So should that number have
3 been removed from your financial disclosure? You no
4 longer have income from Twin Rinks?
5 A: I have no longer income, yes.
6 Q: All right. And then the other
7 sources of income, what were those? At the bottom is
8 says \$7500.
9 A: Those were the NHL emergency fund
10 and the one we discussed earlier the NHL emergency
11 fund, the family loan and the investment property.
12 Q: And were you receiving any of those
13 prior to the bankruptcy?
14 A: No.
15 Q: If we turn the page there's monthly
16 deductions. What are those?
17 A: Child support, health insurance.
18 Q: I think you went one page too far.
19 See it says D Monthly Deductions.
20 A: Yes.
21 Q: What deductions do you have from
22 your income?
23 A: Social Security dues, sorry.
24 Q: What deductions did you identify?
25 A: Child support, health insurance,

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1 disability.
2 Q: You don't have amounts for any of
3 those though do you?
4 A: No.
5 MR. NAIMI: Objection. Leading.
6 JUDGE GENTILE: Sustained.
7 Q: Do you child support automatically
8 deducted from any of your checks?
9 A: I do not.
10 Q: Okay. Do you have a federal health
11 savings plan?
12 MR. NAIMI: Objection. Leading.
13 A: No, I do not.
14 JUDGE GENTILE: Overruled.
15 MR. NAIMI: Was that sustained Your
16 Honor?
17 JUDGE GENTILE: No, it was overruled.
18 Q: Thank you. Do you have federal
19 income tax directly deducted from any of those
20 checks? Let me ask you this way. How do you pay
21 your federal income tax?
22 A: It's taken out of my check.
23 Q: What check is it taken out of?
24 A: Twin Rinks.
25 Q: We're not talking about Twin Rinks.

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1 A: Okay.
2 Q: We're talking about the income that
3 you have currently, any of the checks that you
4 receive from the NHL emergency fund, from your family
5 business or your investment income. Do you receive a
6 full \$2500 for each of those?
7 A: Yes, I do.
8 Q: Okay. So how do you pay your
9 federal taxes?
10 A: At the yearend, I pay my taxes
11 through tax accountant.
12 Q: And how much is that?
13 A: I'm not sure.
14 Q: You don't recall. Okay. Turn to
15 page 4. Take a moment to look that over.
16 A: Okay.
17 Q: Do you still pay your auto
18 insurance?
19 A: Yes.
20 Q: And is the amount identified there
21 \$338.13 is that approximately what you pay?
22 A: Yes.
23 Q: Do you still have a car loan or
24 lease payment?
25 A: Yes, I do.

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1 Q: Do you own your car, do you lease
2 it?
3 A: I lease it.
4 Q: And what's the lease payment?
5 A: 695.
6 Q: And child support, how much do you
7 pay per month for that?
8 A: 221.50.
9 Q: And then do you have an estimated
10 amount for your clothing and shoes and accessories?
11 A: Yeah, roughly around \$300.00 as
12 well.
13 Q: And food and groceries including
14 restaurants how much is that?
15 A: \$1500.
16 Q: Has that changed?
17 A: No.
18 Q: And gas for vehicle, you had 250
19 there, has that changed?
20 A: No.
21 Q: Health insurance. Do you pay your
22 own health insurance directly?
23 A: Yes.
24 Q: Is that still the same amount,
25 \$649.56?

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1 A: Yes.
2 Q: And then you've identified
3 membership fees of some kind. What were those?
4 A: There was a gym membership or
5 membership for being on a plane and accessing online
6 access.
7 Q: You still have a gym membership
8 that you pay for?
9 A: Yes.
10 Q: And what is your total monthly
11 expenses?
12 A: \$4134.09.
13 Q: And if you turn to page 5 section
14 B, you've identified some expenses for Evan.
15 A: Yes.
16 Q: Is on average of \$125.00 a month
17 for clothing for him still correct?
18 A: Yes.
19 Q: You've identified \$150.00 for
20 entertainment. What would that include?
21 MR. NAIMI: Objection. Leading.
22 Perhaps she could ask it in an open fashion, Your
23 Honor. I don't mean to continuously interrupt but
24 the previous question was you pay \$125.00 for his
25 clothing then this question was you pay this don't

<p style="text-align: right;">Page 42</p> <p>1 you. There is a fashion in which we can go about 2 this without...</p> <p>3 JUDGE GENTILE: Right. I mean I agree 4 except we're just... she's just confirming these 5 numbers.</p> <p>6 Q: Confirming, exactly.</p> <p>7 JUDGE GENTILE: So if you want to do it 8 so that we don't continue to get an objection from 9 Mr. Naimi if you would just ask him the open-ended 10 direct.</p> <p>11 Q: Mr. Ferraro, how much do you pay 12 for entertainment for Evan?</p> <p>13 A: \$150.00.</p> <p>14 Q: And what would that include?</p> <p>15 A: Anything entertainment wise. Kids 16 Quest at Red Rock where we stay, movies, anything 17 along those lines. We've been to shows while we're 18 in town. During play dates, I am very generous with 19 his friends. Extracurricular activities in sports 20 \$125.00 a month for his hockey lessons, soccer. 21 Those are dedicated to that. Summer camps and 22 programs and then of course my transportation cost 23 for visitation is \$3000.</p> <p>24 Q: And how did you estimate that 25 number?</p>	<p style="text-align: right;">Page 44</p> <p>1 travel and I no longer have a share in Twin Rinks and 2 I do not longer have a salary in Twin Rinks. This is 3 the challenge that I'm faced with through travel 4 expenses to and from Las Vegas and is why it's 5 critical.</p> <p>6 Q: Thank you. You can close that 7 binder if you like. Earlier, you started to mention 8 family in New York. You said that you live with your 9 brother and your mother, correct?</p> <p>10 A: Yes.</p> <p>11 Q: Does anyone else live in that 12 household?</p> <p>13 A: No.</p> <p>14 Q: What other family do you have in 15 New York?</p> <p>16 A: Well, if I can go back, Evan lives 17 there when he's in New York.</p> <p>18 Q: And what other family do you have 19 there?</p> <p>20 A: I have my father, my older brother 21 Michael, his three daughters, my nieces. My sister, 22 my brother-in-law. My cousin, her husband, her two 23 children.</p> <p>24 Q: Is that pretty much the close 25 family?</p>
<p style="text-align: right;">Page 43</p> <p>1 A: Through flights. Flight records.</p> <p>2 Q: Okay. So that transportation cost 3 for visitation, that 3000 a month, that's just 4 dedicated for flights?</p> <p>5 A: Flights, rental cars, driving.</p> <p>6 Q: And then you've identified other 7 category. What did you include within that?</p> <p>8 A: Food and lodging. My 10-day stay 9 or 11-day stay, sometimes 12-day stay in Red Rock 10 hotel.</p> <p>11 Q: And how did you estimate that?</p> <p>12 A: With receipts from Red Rock.</p> <p>13 Q: And so what are your estimated 14 expenses with respect to Evan?</p> <p>15 A: \$6233.33.</p> <p>16 Q: So if we add your personal expenses 17 with Evan's expenses, we arrive at a number that is 18 greater than your current monthly income. How do you 19 cover the deficit?</p> <p>20 A: At this particular time?</p> <p>21 Q: Right.</p> <p>22 A: My funds are depleting.</p> <p>23 Q: What funds do you have then?</p> <p>24 A: Anything that I was able to earn 25 through Twin Rinks I was able to dedicate towards my</p>	<p style="text-align: right;">Page 45</p> <p>1 A: Yes.</p> <p>2 Q: And where do they live in relation 3 to your home?</p> <p>4 A: My father lives in Montauk so he's 5 an hour away but he works very close and he commutes 6 everyday to where we live so we see him quite often. 7 But generally, everyone lives within four to five 8 miles apart from each other.</p> <p>9 Q: You've mentioned a family business. 10 What kind of family business is this?</p> <p>11 A: Sporting goods.</p> <p>12 Q: And who works for the family 13 business?</p> <p>14 A: My father, my older brother Michael 15 and my mother.</p> <p>16 Q: Are your parents divorced?</p> <p>17 A: They are.</p> <p>18 Q: And they still work together?</p> <p>19 A: They do.</p> <p>20 Q: How frequently does Evan see your 21 father when he's in New York?</p> <p>22 A: Often. Three, four days a week.</p> <p>23 Q: And how often does he see his uncle 24 Mike?</p> <p>25 A: Same. We visit the sporting goods</p>

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1 business more than three or four days, probably five
2 days a week, so we see them often.
3 Q: And do you see them other than
4 visiting them at the business?
5 A: Yes.
6 Q: How do you see them?
7 A: We visit my brother Michael's
8 house. He has a beautiful backyard and a pool. We
9 have barbeques. He visits Evan while he's playing
10 hockey. My dad we visit him in Montauk and we go to
11 the beach. We visit his home and same he supports
12 Evan's extracurricular activities, comes to the
13 hockey rink and supports his events.
14 Q: And what about your sister
15 Michelle. You said she lives both in New York and
16 LA?
17 A: Yes.
18 Q: How much time does she spend in New
19 York versus LA?
20 A: Her primary residence is New York
21 and she spends little time in Los Angeles. This year
22 has been a little different. She's spent a little
23 more time this year but overall she's based in New
24 York and her husband and all her husband's family all
25 live in New York.

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1 Q: How much time does she spend with
2 Evan when he is in New York?
3 A: A significant amount of time.
4 Q: Can you quantify that for us?
5 A: Yes. She does not work so she is
6 always available for Evan and Evan's needs. Her and
7 my brother-in-law are fortunate to have a very
8 flexible open schedule and they spend a significant
9 amount of time.
10 Q: So that if Evan is there on a 10-
11 day timeshare how many days would he see his Aunt
12 Michelle?
13 A: Almost every day.
14 Q: And then you mentioned some
15 extended family members too, some cousins, how
16 frequently does Evan see those?
17 A: A few times a week. It could be
18 more if we chose but busy lifestyles.
19 Q: What kinds of things does your
20 family do together?
21 A: We meet for dinner, family
22 functions, supporting each other's events. My
23 sister-in-law owns a dance studio so we visit her
24 dance studio. They visit Evan's extracurricular
25 activities. We meet at their home. They meet at our

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1 home. We go for dinners together.
2 Q: Let's talk about Evan. What kind
3 of kid is Evan?
4 A: He's bright.
5 Q: What's going on right now?
6 JUDGE GENTILE: Do you need a break?
7 Q: Would you like a break, Mr.
8 Ferraro?
9 A: I'm good. He's bright. He's
10 talented. He's special. He's gifted. He's my life.
11 Q: You say that he's bright, how does
12 he exhibit his brightness?
13 A: He's not only academically bright.
14 He's got a great personality. He's a great child.
15 Q: How did he do in school?
16 A: Straight A student.
17 Q: And you mentioned that he's gifted.
18 How is he gifted?
19 A: He just has a talent. He's gifted
20 with other children. He's very popular. He's a
21 leader. Kids migrate to him. He is a great little
22 athlete. He's doing very well.
23 Q: We talked about family in New York,
24 does Evan have friends in New York?
25 A: Yeah.

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1 Q: Who are his friends in New York?
2 A: Yes. He has a tremendous amount of
3 relationships and friendships in New York. His best
4 friends are in New York.
5 Q: Who would those be?
6 A: Tommy Doyle, Neil Doyle, Leila
7 Panachule to name his very best friends but we at
8 Twin Rinks that and other facilities in New Long
9 Island area is Evan's playground and he has multiple
10 different teams that he plays for. He's involved,
11 he's surrounded by hundreds and hundreds of kids. In
12 fact, I just put a team together that went to a
13 tournament in Connecticut and with 15 young kids that
14 he just established new friendships and new
15 relationships that we plan on doing another
16 tournament in August when we're back. In July for my
17 timeshare we'll be traveling to Minnesota to do a
18 hockey camp for two weeks with his best friends Tommy
19 Doyle and baby Neil. So his friendships are very,
20 very strong there.
21 Q: How long has he known the Doyle
22 boys?
23 A: Since he was a baby.
24 Q: And how long has he known Leila?
25 A: Three years.

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<p>1 Q: How frequently does he see the 2 Doyle boys when he's in New York? 3 A: As soon as we arrive, they're 4 there. 5 Q: And then how frequently does he see 6 Leila when he's in New York? 7 A: The very next day. 8 Q: What kinds of things does he do 9 with the Doyle boys and Leila? 10 A: What don't they do? They're all 11 hockey players so they all play hockey. Play dates, 12 swimming, professional sports games, New York Ranger 13 games. We visit the beach, dinners, movies and just 14 constant play dates where they're together. 15 Q: And is it all fun games when Evan 16 is on your timeshare? 17 A: I have Evan on a very structured 18 schedule. I'm very serious about his academics. I 19 take the time to put him through timed math skills, 20 writing, articulating that writing with pictures of 21 his experiences, reading, and have him in a wide 22 variety of extracurricular activities and sports. 23 His day is full. 24 Q: What does Evan do besides hockey? 25 A: Baseball, soccer, rollerblade,</p>	<p>1 A: I'm done. 2 Q: Do you recognize these pages? 3 A: I do. 4 Q: What are these? 5 A: These are the curriculum or skills, 6 educational skills that I created for Evan in the 7 summer months after Kindergarten to keep his skills 8 going throughout the summer months during my 9 timeshare, my two-week timeshare in New York. 10 Q: Your Honor we move to admit Exhibit 11 I. 12 MR. NAIMI: Objection. Hearsay. 13 Technically it's double hearsay. 14 Q: It's not offered for the truth of 15 the matter asserted it's offered to show what he does 16 with his son during his summer timeshare. It's 17 offered for the truth of for minus three. 18 MR. NAIMI: Objection. Foundation. 19 Q: You just laid the foundation. 20 JUDGE GENTILE: I'll overrule it. I'll 21 allow in. 22 Q: Thank you. All right. Mr. 23 Ferraro, can you just quickly take us through these 24 pages? 25 A: Yeah, sure. First is the math log</p>
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<p>1 swim. He loves to run so we run. Exercise, he 2 enjoys exercising. MMA, mixed martial arts, he 3 enjoys. 4 Q: What does that look like for a boy 5 of eight years old? What is mixed martial arts for 6 them? Are they actually fighting? 7 A: They're not actually fighting. 8 It's a very disciplined structured program that 9 teaches discipline and confidence and leadership 10 skills and he thoroughly enjoys it. 11 Q: What do they actually do in those? 12 A: They teach skills multiple 13 different skills, wrestling skills, mixed martial 14 arts, posture. My purpose of putting him into MMA is 15 for the discipline and the structure of it not to be 16 violent or promote violence. It is the farthest 17 thing from what I'm encouraging him to do. He asked 18 to be a part of it. I enrolled him. He enjoyed it 19 and he continues to want to do it. We haven't done 20 it in a while because he's taking the passion into 21 hockey to a different level so there was a period 22 where he was in MMA. 23 Q: Let's turn to Exhibit I in that 24 binder. Take a moment to look through those pages 25 and let me know when you're done.</p>	<p>1 and I would put together, I'd scramble addition and 2 subtraction and I would time him. You see in the 3 first page, he got 25 out of 25 in a minute and 20. 4 The next exercise, he got 25 out of 25 in 51 seconds. 5 Q: So then there are several more 6 pages like that. 7 A: Then if you would go to the reading 8 log, I would have him read... 9 Q: What's the page number for that at 10 the bottom? 11 A: 380. 12 Q: So, go ahead and explain the 13 reading log. 14 A: This is a reading log that he would 15 read in front of me and spend 15, anywhere from 14 16 minutes to 18 minutes with some of his favorite 17 books. 18 Q: And was this all the reading that 19 he did during your time? 20 A: No. 21 Q: What other times would he read? 22 A: We always have books in the car 23 when we were traveling to his extracurricular 24 activities or play dates. 25 Q: How is Evan's reading skill level?</p>

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1 A: He was number two in the school
2 this year.
3 Q: And then what else is in here?
4 A: For first grade. And then, his
5 writing, I would ask him to write stories of his
6 daily events and draw a picture of his daily events
7 and he's obviously not the greatest artist but he
8 tries.
9 Q: What school is Evan zoned for if he
10 relocates to New York?
11 A: Rocky Point.
12 Q: Is that the district Rocky Point?
13 A: That's the district, yes. Frank
14 Carasiti Elementary School in the Rocky Point School
15 District, yes.
16 Q: How close is that school to your
17 home?
18 A: Two miles.
19 Q: What about the other schools in the
20 district, how close are they to your home?
21 A: It's broken up into four schools.
22 The elementary school is K through two then three
23 through five, sixth through eighth and nine through
24 twelfth. And the K through two is neighbors. The
25 sixth through eighth and nine through twelfth school

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1 and the three through five school is about a mile
2 away from those schools.
3 Q: How will he get to school in the
4 morning?
5 A: Me.
6 Q: And how will he get home at night?
7 A: Me.
8 Q: What have you done to research
9 these schools?
10 A: I took the time to meet with the
11 principal, Dr. Gibbons, and toured the facility. I
12 had a lengthy conversation and learned about the
13 school and school district.
14 Q: What did you learn?
15 A: Many things.
16 MR. NAIMI: Objection. Calls for
17 hearsay.
18 JUDGE GENTILE: Sustained.
19 Q: I would say it's not offered
20 necessarily for its truth but why he satisfied
21 himself that this is a good place for school.
22 MR. NAIMI: He said I spoke with Dr.
23 Gibbons.
24 JUDGE GENTILE: I heard it yeah. I'm
25 going to sustain it. You don't have to... do it

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1 another way you're going to... to this route.
2 Q: Without telling the court what Dr.
3 Gibbons said, what can you say about these schools?
4 A: On my own research with the New
5 York State Department of Education as well as the
6 Annie Casey Foundation, I did my own research and we
7 all know that Nevada school system is unfortunately
8 are at the bottom in the country.
9 MR. NAIMI: Objection. Hearsay.
10 Q: The court will take judicial notice
11 of that as well. I can't believe that our school
12 system.
13 JUDGE GENTILE: I mean you're objecting
14 to his answer not the question that's calling for but
15 I understand.
16 MR. NAIMI: There's no evidence before
17 the court that Nevada has the worst school system in
18 the country.
19 Q: This is just his opinion at this
20 point.
21 MR. NAIMI: And he should testify that
22 in my opinion not everyone knows. He does not know
23 what everyone knows. That's hearsay.
24 JUDGE GENTILE: I know how to fair it
25 out. I know how to fair it out what he's saying but

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1 in terms of... the objection is overruled but I
2 understand your point. Your point is noted.
3 MR. NAIMI: Thank you.
4 JUDGE GENTILE: Go ahead, Mr. Ferraro,
5 you can finish.
6 A: My research suggests that Nevada
7 school systems are in the bottom of the country
8 whereas the school district or excuse me New York
9 school systems are in the top half. Nevada school
10 systems dropped... high school dropout rate is very,
11 very high whereas the school district that Evan is
12 in, the high school graduation rate is 95 percent
13 graduation and 90 percent enrollment into college.
14 And as mentioned, that high dropout rate in Nevada
15 unfortunately Sandra's oldest child Desmond is a
16 victim of that and has not graduated high school in
17 time and Sandra has allowed Desmond to be removed
18 from high school to do so called online homeschooling
19 at his own pace which scares the heck out of me. I
20 was very impressed with the school district in Rocky
21 Point. They are very close-knit community. All four
22 schools meet once a month to collaborate. They have
23 a very strong common core learning standard program
24 partnered with their five-step program which is all
25 curriculum based in Math and English. They are also

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1 affiliated with Lesley University literacy
2 collaborative school based in Cambridge,
3 Massachusetts which is a very strong reading and
4 writing school that all of the staff members at Rocky
5 Point school district are trained under this program.
6 The teachers are overwhelmingly veteran teachers.
7 They have master's degrees or better and the
8 turnaround rate is very low for teachers. Very
9 strong sports district in fact in academic, their
10 sixth through eighth principal was principal of the
11 year.
12 Q: Chris why don't you if you would
13 turn to Exhibit F, as in Frank, 2. Take a moment and
14 look through those pages. Let me know when you're
15 done.
16 A: Okay.
17 Q: Do you recognize these pages?
18 A: I do.
19 Q: What is this?
20 A: This is New York State School
21 report card for Frank Carasiti Elementary School K
22 through two and the Joseph A. Edgar three through
23 five, and the high school nine through twelve.
24 Q: And where did this information come
25 from?

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1 A: The New York State Department of
2 Education.
3 Q: We would like to move to admit
4 Exhibit F2.
5 MR. NAIMI: Hearsay, Your Honor.
6 Q: It is information compiled by the
7 New York State System of Education. I would suggest
8 that it's under auspices that are trustworthy.
9 MR. NAIMI: It doesn't eliminate the
10 fact that it is still hearsay.
11 JUDGE GENTILE: Exception.
12 Q: That is the exception that it is
13 trustworthy.
14 MR. MOODY: I also think it's a
15 business record, Your Honor.
16 JUDGE GENTILE: That was... I think
17 that... hold on one second, I was going to pull my
18 rules. Can we take a break for five minutes? It's
19 about 10:30 right now. That will give you... that
20 put you at 55 minutes at this point. 55 more anyway,
21 I should say. I'm trying to keep track.
22 MR. NAIMI: So a total of an hour 10,
23 right?
24 JUDGE GENTILE: Yeah, she has an hour
25 and 10 so far. We'll take a quick break. I'll take

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1 a look at that and let everybody take a quick go off
2 the record.
3 (RECESS)
4 JUDGE GENTILE: Okay. We're back on.
5 DIRECT EXAMINATION
6 BY: Shannon Wilson
7 Q: So, Your Honor, I think that it is
8 a hearsay exception. It's a record of regularly
9 conducted business activity. Its authenticity is
10 pursuant to NRS 2135 and it's a book or pamphlet or
11 other publication issued by a public authority.
12 MR. NAIMI: I'm not concerned about the
13 authenticity, okay? What I'm concerned about is the
14 fact that it is in fact hearsay. I don't believe
15 that it is a regular business record. And in
16 addition to it...
17 JUDGE GENTILE: Who is it... through
18 again. I'm sorry, I didn't mean to cut you off.
19 Q: New York Department of Education.
20 JUDGE GENTILE: Okay, because I'm going
21 to overrule the objection because I did my... hold on
22 one second. I think it's a... record report
23 statements or data compilations in any form from
24 public officials or agencies setting forth the
25 activities of the official agency or matters observed

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1 pursuant to duly imposed law. And I think that's
2 what they do. Obviously, the way they give it is
3 really the issue from your perspective, I think, Mr.
4 Naimi, because we see this come in all the time in
5 these cases and what they represent.
6 MR. NAIMI: I would like to note
7 another objection just for the record.
8 JUDGE GENTILE GENTILE: Okay. You may.
9 MR. NAIMI: It's also accumulative.
10 He's already testified for the percentages of this
11 and that and the other. And so, to some extent it is
12 accumulative. You can rule on the objection. I just
13 want to notify...
14 JUDGE GENTILE GENTILE: Okay,
15 overruled, allowed in. But I understand the... your
16 point again is noted and... I don't know yet of what
17 it says. But obviously, the weight of that evidence
18 is what it matters.
19 MR. NAIMI: Thank you, Your Honor.
20 JUDGE GENTILE: Mm-hmm.
21 Q: So, Mr. Ferraro, looking at Exhibit
22 F2, and so, Your Honor, we have moved to admit F2
23 it's admitted.
24 JUDGE GENTILE: Admitted, yeah.
25 Q: Mr. Ferraro, looking at that

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<p>1 exhibit, turning to Defendant 267, and again, I think 2 you testified earlier that this is regarding the Karr 3 City Elementary School where Evan would attend if you 4 were to move to New York, correct? 5 A: Correct. 6 Q: And this was data for 2013, '14 you 7 had said. What was the enrollment in that period? 8 How many students are in that school? 9 A: Six hundred and ninety-one. 10 Q: Okay. And how does that compare to 11 the school where Evan is now? 12 MR. NAIMI: Your Honor, I'm going to 13 object to this line of questioning. The document 14 speaks for itself. 15 JUDGE GENTILE: I was just going to 16 say, why don't we skip that because that way we can 17 conserve time too. I agree with you the document 18 does speak for itself. Let's just skip over that. 19 Q: How does that compare to the school 20 where Evan is enrolled now? 21 A: It's half the size, smaller. 22 Q: Okay. And let's go to 269. Can 23 you... if you look through that column, there's a 24 category percentage of teachers with master's 25 degrees.</p>	<p>1 that? 2 A: No. 3 Q: Why do you think that's important? 4 A: The way the world is today with the 5 scares. I encountered, myself, several months ago at 6 Evan's current school a lock down - which was 7 extremely scary - and there was no security on site. 8 In fact, the principal himself was walking the 9 streets looking for an armed gunman and my brother 10 was with him and encouraged him to get back inside 11 and think of his family. 12 Q: Why do you want Evan to relocate to 13 New York? 14 A: It's my home. It's my community. 15 It's where I live. It's his friends. The community 16 relationships that I have as a hockey player and my 17 family business for almost 50 years and these 18 community connections I will pass along to Evan. The 19 school systems, financial resources, to save on 20 financial resources for my travels back and forth to 21 Las Vegas. I'd like to dedicate those resources 22 solely to Evan and his future. His sports, his 23 activities, his friendships, his life in New York. 24 Q: So we've talked about the family 25 that he has there, that your family business has been</p>
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<p>1 MR. NAIMI: Again, Your Honor, I'm 2 going to object to hearsay and accumulative. This is 3 already in evidence. We don't need to go through 4 this whole document. 5 JUDGE GENTILE: Same document? 6 Q: It is the same document. Are you 7 going to read it, Your Honor? There are things that 8 we want to call your attention to. 9 JUDGE GENTILE: Yes, I will. Yeah. 10 Here's what I would expect you to do; in closing, 11 tell me the things that you want me to see in the 12 documentary evidence and I will, of course, look at 13 it. Absolutely. 14 Q: Okay. Fantastic. 15 Were there any other things about the 16 Rocky Point School District that impressed you but we 17 haven't discussed already? 18 A: Yes, they have a gymnasium, they 19 have special classes, art, P.E., phys ed, library, 20 computers. 21 Q: Anything else? 22 A: Yes. They have on-site security 23 full time from 6:30 in the morning to 6:30 p.m. 24 before, during and after school? 25 Q: Does Evan's current school have</p>	<p>1 there for 50 years. Is that in Long Island? 2 A: Close to 50 years, yes. On Long 3 Island, yes. 4 Q: Did you ever play hockey in New 5 York? 6 A: Yes, I did. 7 Q: When? 8 A: When? 9 Q: Yes. 10 A: As a professional or throughout? 11 Q: All the times and all the 12 capacities that you played hockey. 13 A: Yes. I spent my whole childhood 14 virtually developing in New York and there was a time 15 where I moved to prep school up in Boston and then 16 the Midwest to play junior hockey. And I went to 17 university... 18 Q: Did you play professionally in New 19 York? 20 A: Yes, I did for the New York Rangers 21 and the New York Islanders. 22 Q: All right. You also talked about 23 extracurricular activities for Evan. Why can't he do 24 those here? 25 A: Las Vegas is not my home and I</p>

<p style="text-align: right;">Page 66</p> <p>1 don't have the community connections that I have here 2 as I have in New York. And...</p> <p>3 Q: Lots of kids play extracurricular 4 activities. They don't have to have community 5 connections for that.</p> <p>6 A: Sandra is not dedicated...</p> <p>7 MR. NAIMI: Objection, is there a 8 question from counsel?</p> <p>9 JUDGE GENTILE: Yeah. What's the 10 question?</p> <p>11 Q: So let me bring you back around to 12 the question. The question is: why can't he do 13 extracurricular activities in Las Vegas? And you 14 talked about community connections. The children do 15 not necessarily have to have community connections in 16 order to engage in extracurricular activities. Why 17 can't Evan engage in extracurricular activities?</p> <p>18 MR. NAIMI: Objection, compound.</p> <p>19 JUDGE GENTILE: No, it's fine. She was 20 laying the foundation for the question. I don't 21 think he was understanding the question.</p> <p>22 Q: Do you understand the question, Mr. 23 Ferraro?</p> <p>24 A: I do.</p> <p>25 Q: You can answer.</p>	<p style="text-align: right;">Page 68</p> <p>1 dedication, commitment, working with others, taking 2 instruction from coaches, highs, lows, failures, 3 rewards, succeeds, all these skills are critical to 4 life and career. In fact, athletes are proven to be 5 better students, be better in the job world, in the 6 workforce, and they are more prone to stay away from 7 drugs and alcohol and live a more focused, dedicated 8 life.</p> <p>9 Q: How do you co-parent with Sandra?</p> <p>10 A: I will be the first to admit that 11 Sandra and I had many challenges from the start. And 12 Maura Pickard as our parent coordinator had helped, 13 and our current counsel, I believe, has helped. But 14 she does not view or work co-parenting. She looks at 15 it as harassment. And it's an ongoing pattern and 16 cycle. I asked her, I give her all the benefits. 17 She says no and then she turns around and says that 18 it's harassment. For example, private schools, I've 19 tried to ask numerous times here are the benefits, 20 here are the reasons why, I will pay full tuition. 21 From 3,000 miles away all I ask is you drive him 22 there and pick him up. They have a great curriculum. 23 They have after school programs. They have a 24 gymnasium. We toured the facility together. She 25 says no for no various reason. No strong reason.</p>
<p style="text-align: right;">Page 67</p> <p>1 A: Sandra is not committed to 2 enrolling Evan into sports and other extracurricular 3 activities.</p> <p>4 Q: Why would you say that?</p> <p>5 A: Because she has proven to deny Evan 6 opportunities. I have on numerous occasions since 7 preschool, I've tried to encourage Sandra to enroll 8 Evan into private school and have been denied on 9 numerous occasions in sports. She will not 10 contribute to his hockey. She will not contribute to 11 MMA, soccer, any of these activities.</p> <p>12 Q: Are you talking about a financial 13 contribution?</p> <p>14 A: Not at all. I would take care of 15 the financial tuition.</p> <p>16 Q: Well then, what do you mean she 17 won't contribute?</p> <p>18 A: She will not participate in 19 enrolling him during her timeshare while I'm not 20 here, and that upsets Evan.</p> <p>21 Q: Why are extracurricular activities 22 so important to you?</p> <p>23 A: Sports, extracurricular activities 24 are critical for development. Sports is... the life 25 skills you learn from sports: respect, preparation,</p>	<p style="text-align: right;">Page 69</p> <p>1 And after that, I reconvene and asked her, "The 2 following year would you reconsider?" Same thing. 3 "Here are the benefits." "No. Stop harassing 4 me." So, that's an ongoing pattern with both 5 sports, extracurricular activities and education, and 6 I don't understand why you would not want your child 7 to have a better opportunity if he's able to have 8 that opportunity.</p> <p>9 Q: Can you still afford private school 10 for Evan?</p> <p>11 A: Can I still?</p> <p>12 Q: Yeah.</p> <p>13 A: It's becoming more challenging from 14 my current financial situation.</p> <p>15 Q: How do you perceive that relocation 16 will improve Evan's life?</p> <p>17 A: Not to sound repetitive, but 18 just... it's my home. He has tremendous 19 relationships there, friendships, he's got a stable 20 home there in New York, he's got stable friends, the 21 school systems. My availability to Evan, I have a 22 very flexible schedule that I am with Evan virtually 23 at all times, and community relationships that I will 24 pass along to Evan for his overall benefit and 25 development.</p>

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1 Q: And how would his relocation
2 benefit you?
3 A: Along the same scale, I get back to
4 work right away. First of all, so I can earn a salary
5 to dedicate those resources to Evan. I have aging
6 parents that I would like to share my life and Evan's
7 life with them. Save on financial resources, have
8 the time to raise Evan and be with him.
9 Q: How old is your mom?
10 A: She's seventy.
11 Q: How is her health?
12 A: She has some health issues.
13 Q: Do you know what specifically what
14 she has?
15 A: Yeah, she has diverticulitis and
16 she's a little overweight. So my brother and I care
17 for her. But she's very available.
18 Q: And how about your dad, how old is
19 your dad?
20 A: He's 68.
21 Q: And how's his health?
22 A: He moves around faster than anyone.
23 Still going.
24 Q: Now, you talk about getting back to
25 work, getting back to Ferraro Brothers Hockey. Why

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1 can't you do that in Las Vegas?
2 A: I don't have the relationships
3 here. Ferraro Brothers Hockey is based in New York.
4 I've never taken Ferraro Brothers Hockey outside of
5 New York, and that's where my client base is.
6 Q: Do you have a proposed visitation
7 for Sandra?
8 A: Yes.
9 Q: Relocation should be allowed?
10 A: Yes.
11 Q: What would that be?
12 A: Starting in winter break on my
13 year, we would alternate that on my year. I would
14 have Evan until Christmas. And then from the 26th to
15 December 30th, Sandra will have Evan. The following
16 year Sandra will have Evan from school lets out till
17 December 30th. Then there would come a mid-winter
18 recess, which is in February, which we would
19 alternate, which you don't have here in Las Vegas,
20 but we have in New York, and we would alternate. But
21 on my year, Sandra is... I would facilitate her
22 travel. I wouldn't pay for it, but I would
23 facilitate time for her to visit Evan during that
24 time. If he's involved in a hockey tournament, for
25 example, or school activity, I would invite her to

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1 come support that.
2 Spring break, same concept. We would
3 alternate. Then there would be Memorial Day which
4 was... would be a three-day weekend that I would push
5 to see if we can extend that to a five-day weekend,
6 have Sandra come in on a Thursday night, have Evan be
7 with Sandra from Thursday through Monday. And then
8 it would be Columbus Day, which we celebrate in New
9 York. I know you don't celebrate here, and I would
10 do the same to push the three-day to five-day. And
11 we're closing in on Thanksgiving where we would
12 alternate.
13 And with all that being said, I would
14 facilitate, help facilitate with Sandra once a month
15 her to come in to be with Evan for some time. And I
16 would waive child support so she could use those
17 finances to travel.
18 Q: So let me back up to Christmas.
19 You had said that in the years that you have Evan on
20 Christmas day, she would have him the 26th to the
21 30th.
22 A: Correct.
23 Q: But if the break is longer than the
24 30th, could she have him longer?
25 A: Yes.

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1 Q: Okay. And that's going to be in
2 Las Vegas, correct? That she would have Evan?
3 A: Yes.
4 Q: Okay. And you're going to pay for
5 Evan's travel to Las Vegas?
6 A: Yes.
7 Q: And then for the alternating
8 February and April breaks, when it's Sandra's year to
9 have Evan, Evan would go to Las Vegas. Correct?
10 A: Correct.
11 Q: And you would pay for that travel?
12 A: Correct.
13 Q: You talked about Memorial Day
14 weekends and Columbus weekends. Would those be in
15 New York or Las Vegas?
16 A: They could be in Las Vegas.
17 Q: Okay. So and then we didn't talk
18 about the summer at all, but what time would she have
19 in the summer?
20 A: The first three weeks. If there's
21 nine weeks in the summer she would have Evan the
22 first three weeks. I would have him three weeks in
23 the middle and then she would have him three weeks at
24 the end.
25 Q: Why would you split it up like

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1 that?
2 A: Because right in the heart of the
3 summer, in those months in New York is a prime time
4 for hockey camps and clinics and sports activities
5 and... it's to Evan's benefit during that time.
6 Q: Has Evan ever seen any doctors in
7 New York?
8 A: Yes.
9 Q: Is Sandra aware of that?
10 A: Yes.
11 Q: Is your timeshare with Evan a
12 perpetual vacation?
13 A: It's the furthest thing from it. He
14 has structure, he has a schedule, he is very active,
15 he's very engaged. In his younger years, he attended
16 the learning experience pre-school. He's involved in
17 multiple activities, education, athletics.
18 Q: Let's talk about the current school
19 year, the first grade that just ended. So all of the
20 times that he was in school, you came here. So he
21 stayed in school. Correct?
22 A: Yes.
23 Q: And walk me through a typical
24 school day when you were here with Evan.
25 A: Typical school day, I would get him

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1 up, breakfast. If we had time, we'd go to the park.
2 Right before school, he'd ride a scooter into school.
3 I go grab a cup of coffee, grab him lunch, come back
4 to the school and volunteer for recess and lunch and
5 bring Evan a healthy lunch, both myself and my
6 brother. From there he would finish school. I'd
7 pick him up at 3:21 and I had his activities lined up
8 immediately after school, whether it was from the
9 hockey ring to the soccer field, to MMA, to play
10 dates. Of course, the most clear and obvious was do
11 your homework and you will be rewarded to do these
12 other activities.
13 Q: It was homework first and then the
14 other activities?
15 A: Correct. It didn't always happen
16 that way. But that was the goal.
17 Q: Who's Judith Tolman?
18 A: She is Evan's therapist.
19 Q: And how long had she been Evan's
20 therapist?
21 A: I believe three years.
22 Q: How frequently does Evan go to
23 therapy?
24 A: Weekly.
25 Q: Does he go during your timeshare?

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1 A: He does not.
2 Q: Is Evan argumentative with you?
3 A: No.
4 Q: Is he argumentative with any of
5 your family members?
6 A: No.
7 Q: Does Evan act annoyed?
8 A: No more, no less than any other
9 child that I've come across. I've coached thousands
10 of kids. I've interacted with thousands of kids.
11 No.
12 Q: Does Evan blame others for his
13 behavior?
14 A: Very little.
15 Q: Does he refuse to do things you ask
16 him to do?
17 A: Very little.
18 Q: How's his attention span?
19 A: Very good.
20 Q: How are his listening skills?
21 A: When I'm on the ice and I'm
22 coaching, he's leading the drills. He's
23 demonstrating the drills. So he's doing a very good
24 job being a leader.
25 Q: Does he rush through his homework?

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1 A: He does. That's one thing I'd like
2 him to slow down on. And he's aware of it.
3 Q: What happens when Evan misbehaves
4 with you?
5 A: I'm not big into punishment. We
6 negotiate, come to a compromise, we discuss it. I
7 give him positive examples, negative examples, and I
8 give him the opportunity to problem-solve on his own
9 and he does a terrific job. And all these symptoms
10 that you're referring to, he does not exhibit these
11 types of symptoms on my timeshare. And it is my job
12 as a parent to walk him through this and work with
13 him. That's my responsibility. Not a therapist.
14 It's the parent's responsibility. And I believe
15 Sandra uses therapy to substitute as parenting, and
16 it's unfair.
17 Q: So what's your response to Ms.
18 Tolman's recommendation that Evan remain in weekly
19 therapy?
20 MR. NAIMI: Objection, Your Honor,
21 assumes facts not in evidence.
22 JUDGE GENTILE: Sustained.
23 Q: Let's turn to... do you know where
24 Judith's report is?
25 MR. NAIMI: Ms. Tolman will be

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1 testifying at a later day. We can get the recording
2 at that time. At this point, it's a hearsay
3 document, Your Honor.
4 JUDGE GENTILE: Right, right.
5 Q: We'll do it in a different way. Do
6 you think that Evan should be in weekly therapy?
7 A: No.
8 Q: Why not?
9 A: He does not exhibit those symptoms
10 during my timeshare, nor does he exhibit this type of
11 symptoms or diagnosis in school. I've never had one
12 teacher or staff member say he has poor listening
13 skills, he's argumentative, he has aggressive
14 behavior. In fact, in his latest report card says
15 that he's a bright, cooperative student with great
16 problem solving skills.
17 Q: Have you ever observed Evan
18 implement his problem solving skills?
19 A: Yes, I have.
20 Q: When?
21 A: At recess, at lunch, play dates.
22 Q: How? Give us an example.
23 A: In sports, if a certain... if
24 they're out playing recess, they're playing
25 basketball or they're playing football and he's with

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1 a group of kids, students that don't agree with how
2 the game is being played, Evan has that leadership
3 where he takes charge and comes to a compromise and
4 they resume, and he does a very good job. And if
5 there are times where he needs my assistance, I step
6 in, give him the pros and the cons and he manages his
7 skills very well.
8 Q: Mr. Ferraro, if you turn to
9 Exhibit... well, let me just double check it so that
10 is the one I want... yeah, Exhibit J. While you're
11 turning there, can you tell me; is Evan hyperactive?
12 A: He's active. He's not hyperactive.
13 What I mean by active is he's involved and engaged in
14 sports and extracurricular activities and he does a
15 lot.
16 Q: So now looking at Exhibit J, do you
17 recognize the pages in this exhibit?
18 A: Yes, I do.
19 Q: What are these?
20 A: These are Evan's weekly report,
21 progress reports from first grade this year.
22 Q: And how do you receive these?
23 A: Well, the first progress report...
24 Q: How do you get them?
25 A: Okay. I'm sorry. My timeshare

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1 starts on usually every third Friday of the month at
2 3:21 when school ends. And this progress report is
3 in Evan's folder when I receive it on Friday on my
4 first day of my ten-day timeshare.
5 Q: We'd move to admit Exhibit J.
6 MR. NAIMI: No objection.
7 JUDGE GENTILE: Okay.
8 Q: Chris, that first report, if you
9 note at the very bottom of the page it says DEFT404.
10 A: Yes.
11 Q: Are you looking at that?
12 A: Yes.
13 Q: And that says it's the week of
14 October 12 through 16. Was that during your
15 timeshare?
16 A: No.
17 Q: Looking at the next page, November
18 9 through 13. Was that during your timeshare?
19 A: No.
20 Q: And then the third and final page,
21 Defendant 799, November 16 to 20, was that during
22 your timeshare?
23 A: Yes.
24 Q: Let's go to Exhibit B, please?
25 Looking at B1, do you recognize the pages of this

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1 Exhibit?
2 A: Yes.
3 Q: Generally speaking, what are these?
4 A: These are pictures of me with Evan
5 during our timeshare.
6 MR. NAIMI: B or D?
7 Q: B as in boy.
8 MR. NAIMI: B, thank you.
9 Q: Alright. And then in B2, generally
10 what are those?
11 A: Pictures of Evan during my
12 timeshare.
13 Q: And B3, there's a disc, actually.
14 And it says Fall 2015, baseball. What's on that
15 disc?
16 A: On that disc is me bringing Evan to
17 the park and practicing his baseball skills with him.
18 Q: And what significant... why did you
19 provide this disc?
20 A: Most importantly, developing his
21 catching skills, his baseball skills to be ready
22 for... we organize baseball in the fall because he
23 only works on those skills with me during my
24 timeshare. But there was an interesting part of this
25 where Evan stopped his skill set and started running

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1 and I want to do more, I want to do more, I want to
2 do more, and just kept running.
3 Q: And that was Evan asking for more
4 activity, correct?
5 A: Yes.
6 Q: All right. We move to admit
7 Exhibit B, 1 to 3.
8 MR. NAIMI: No objection.
9 JUDGE GENTILE: Okay.
10 [Background conversation]
11 Q: So, Your Honor, what Mr. Naimi and
12 I were just talking about was that I had asked one of
13 our witnesses to be here for 11 o'clock. So I'm
14 imagining that he's here. And Mr. Naimi has
15 indicated that he's going to reserve his cross
16 examination for his direct examination of Mr.
17 Ferraro.
18 JUDGE GENTILE: Mr. Ferraro? Okay.
19 MR. NAIMI: For a couple of reasons,
20 Your Honor. One, we do... we recognize that they do
21 have witnesses that are from out of town. So, of
22 course, for their sake and courtesy to them. In
23 addition, I just think it would be easier for Your
24 Honor to calculate the time. I mean I'll be at my
25 time tomorrow and there's no question as to who took

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1 what time throughout the day and then, yeah.
2 JUDGE GENTILE: All right. Perfect.
3 All right. So are you... you're not finished with
4 him yet. Are you close?
5 Q: Let me just double check my
6 outline. But I think that...
7 JUDGE GENTILE: Okay. All right. Take
8 your time.
9 [Background conversation/whispers]
10 Q: That's all for Mr. Ferraro.
11 JUDGE GENTILE: That's all? Okay. All
12 right.
13 Q: You know what, I take that back.
14 As soon as I said that I realize that I want more
15 there. We need to do it.
16 JUDGE GENTILE: Okay. You're fine. Go
17 ahead.
18 Q: I think it was with the timeshare.
19 Mr. Ferraro, would you turn to G1? Are you there?
20 A: Yes.
21 Q: Do you recognize this?
22 A: Yes.
23 Q: What is this?
24 A: This is timeshare calculation that
25 I've... the actual days I spent with him.

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1 Q: Okay. And how was this created?
2 A: Clear calendars and flight records.
3 Q: Okay. Are those calendars
4 maintained by you?
5 A: Yes.
6 Q: Okay. And those are records of
7 your flights with Evan?
8 A: Correct.
9 Q: And then how did you count... how
10 are the number of days counted on here, the days of
11 timeshare? So if you notice in the third column, it
12 says number of days with dad. How was that arrived
13 at?
14 A: I'm sorry, where are you looking?
15 Q: So just looking at the page marked
16 Defendant 278.
17 A: Okay. Yes.
18 Q: How did you arrive at those number
19 of days?
20 A: Sixteen, seven... it's 11 days, 16,
21 17 through the 26th. My pickup date was the 16th and
22 the drop-off date was the 26th.
23 Q: Okay. So you think that should
24 actually be 11 days?
25 A: Yes.

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1 Q: And with that whole trip for the
2 remainder of the way that all of the other timeshare
3 days were calculated as well, you add one to each?
4 A: Yes.
5 Q: Your Honor, we move to admit
6 Exhibit B1.
7 MR. NAIMI: No objection.
8 JUDGE GENTILE: Okay. It's B1. Is it
9 G1?
10 Q: I'm sorry, I think I just
11 misspelled. It is G.
12 MS. COOLEY: It's G. Yes, G.
13 MR. NAIMI: As in George.
14 Q: That was my fault. I misspoke. G.
15 JUDGE GENTILE: G1, all right.
16 Q: G1. So Chris, if we added right
17 now it's sitting at 138. How many days would we add
18 to that timeshare?
19 MR. NAIMI: Actually, I'll object to
20 vague and ambiguous.
21 JUDGE GENTILE: I don't think she was
22 finished with her question. Maybe I...
23 Q: Oh, no I was. So we have
24 established that he thinks that the day is one-day
25 shy of his actual timeshare, right? Go through again

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<p>1 Chris how you would calculate the number of days. 2 A: Well, I would add one day in 3 January, one in February, one in March, one in April, 4 one in May, one in September, October, November and 5 December. 6 Q: So we'd add 12 days, correct? 7 A: Correct. 8 Q: And if we add 12 to 138, we come up 9 with 150, is that correct? 10 A: Correct. 11 Q: And then on the next page, this was 12 the timeshare for 2014. Would you do the same thing 13 there? 14 A: Yes. 15 Q: So Chris, is it your testimony that 16 in 2015 you had Evan in your timeshare for 150 days? 17 A: Yes. 18 Q: And then looking at the 2014 19 schedule, you said that you would do the same. You'd 20 add one day to each timeshare, correct? 21 A: Yes. 22 Q: And you had 154 days as previously 23 calculated, adding 12 would give you 168 days. Is 24 that correct? 25 A: Correct.</p>	<p>1 JUDGE GENTILE: Okay. And those dates 2 are all laid out on the calander? 3 A: Yes. 4 JUDGE GENTILE: And are the times laid 5 out on there as well? I haven't looked at it yet. 6 MR. NAIMI: We'll take care of it 7 tomorrow. 8 FEMALE: Correct. 9 Q: Okay. So... 10 MR. MOODY: Your Honor, we're just 11 cleaning up exhibits to make sure we've offered and 12 received what we want to through this witness. 13 Q: Actually, Mr. Ferraro, can I have 14 you turn to Exhibit K1? And look at K1 and also K2, 15 and let me know when you're done. 16 A: I'm done. 17 Q: Do you recognize these documents? 18 A: Yes. 19 Q: What is K1? 20 A: K1 is a text message from Judith 21 Tolman, Evan's therapist, to me on... I believe the 22 date was November 5th, 2015 informing me with a link 23 here that I should click on. 24 Q: And what was she informing you? 25 A: She shared with me a document,</p>
Page 87	Page 89
<p>1 Q: And is it your testimony that in 2 2014, sorry, math error, 154 plus 12 is 166. 3 Correct? 4 A: Your math is better than mine. 5 Yes. 6 Q: All right. And so is it your 7 testimony that you had Evan in your timeshare 166 8 days in 2014? 9 A: Yes. 10 Q: And then in 2013, would you do the 11 same thing? Would you add one day to each month of 12 timeshare? 13 A: Yes. 14 Q: So if you did that, then you would 15 have 155 days with Evan. Is that correct? 16 A: Correct. 17 Q: So is it your testimony that in 18 2013 you had Evan in your timeshare for 155 days? 19 A: Yes. 20 JUDGE GENTILE: Can you explain to me 21 why... I must have missed. Why are you adding the 22 one day to each month? 23 A: Because my pickup day is, for 24 example, on January 16 and goes through to 26, so 16, 25 17, 18, 19, 20, 21, 22, 23, 24, 25, 26.</p>	<p>1 which is on K2 that explains that delayed 2 kindergarten enrollment dramatically reduces ADHD in 3 children, study shows. 4 Q: When was Evan enrolled in 5 kindergarten? 6 A: 2015. 7 Q: Well, he started first grade in 8 2015, correct? 9 A: I'm sorry. Yes. 10 Q: So he enrolled in 2014? 11 A: Correct. 12 Q: How old was he when he started 13 kindergarten? 14 A: He was five. 15 Q: When was he first eligible for 16 kindergarten? 17 A: When he was four. 18 Q: And why did he not start when he 19 was four? 20 A: His birthday is September 30th, 21 which was the exact cutoff date to enroll him. And 22 in fact, if I were to enroll him during that time, he 23 would have been a four-year-old enrolled into 24 kindergarten and he would've been the youngest in his 25 class?</p>

<p style="text-align: right;">Page 90</p> <p>1 And I did extensive research. I spoke 2 with Judith. I actually spoke with Margaret Pickard, 3 our parent coordinator. She talked with a similar 4 situation. She had a young son that was dealing with 5 the same and she said it's beneficial to hold young 6 boys back because they mature... they don't mature 7 like girls do. And then I did extensive research 8 with teachers from Las Vegas and teachers in New York 9 and, unanimously, they said it's the proper thing to 10 do to hold Evan back another year as he would benefit 11 from another year of development maturity wise. 12 Q: We move to admit K1 and 2. 13 MR. NAIMI: I would object to it being 14 hearsay, accumulative and relevancy. At this point, 15 he's already in school. It's irrelevant now. 16 JUDGE GENTILE: Oh my goodness, I'm 17 going to cough again. Sorry people. Any exception? 18 Q: It's not being offered for its 19 truth. The truth of it would be in fact be that it 20 is beneficial the whole kids back. We're just 21 showing that Judith Tolman sent this information to 22 Mr. Ferraro after a dispute between the parties. 23 JUDGE GENTILE: Sorry. I will allow 24 it. It's fine 25 Q: Thank you.</p>	<p style="text-align: right;">Page 92</p> <p>1 JUDGE GENTILE: Mm-hmm. Although at 2 this point I've let it in on the other two. So, 3 yeah. I mean... I sustain. 4 MR. NAIMI: It's sustained. 5 JUDGE GENTILE: It's sustained. Yeah. 6 MR. NAIMI: It's not in evidence. 7 JUDGE GENTILE: Pardon me? 8 MR. NAIMI: It wouldn't be an evidence 9 on the basis. 10 JUDGE GENTILE: On the relevance basis, 11 you're right. So hold on one second here. I'm 12 sorry. I'm in the midst of like a coughing fit and 13 trying to make sure I do this correctly. So I 14 overruled on those two grounds, sustained on the 15 relevance ground so it wouldn't come in on that 16 other... I really don't think it's relevant. 17 Q: Well, it's relevant to a dispute 18 between the parties. 19 JUDGE GENTILE: Pardon me? 20 Q: It's relevant to what has been a 21 dispute between the parties. I can go back and... 22 JUDGE GENTILE: I guess then you need 23 to tell me about that. 24 Q: Lay the foundation of the dispute. 25 Was there ever a dispute between you and Sandra as to</p>
<p style="text-align: right;">Page 91</p> <p>1 JUDGE GENTILE: I mean it is an offer 2 for the truth of the matter asserted. I mean he's 3 testified about what his belief was after contacting 4 numerous sources. 5 MR. NAIMI: Can I get rulings on each 6 objection, Your Honor? 7 JUDGE GENTILE: Uh-huh. 8 MR. NAIMI: First, was hearsay? 9 JUDGE GENTILE: I'm going to say no 10 or... 11 MR. NAIMI: Accumulative or relative. 12 JUDGE GENTILE: Accumulative, 13 overruled. 14 MR. NAIMI: And then third was 15 relevancy. 16 JUDGE GENTILE: Well... 17 MR. NAIMI: You should sustain 18 relevance. 19 JUDGE GENTILE: Yes, I was going to 20 say. Yeah, sustained. I mean from that perspective, 21 I mean we've already... like he said, we've already 22 enrolled him in school and you know that they did it 23 based upon all these recommendations. So with that I 24 will sustain. 25 MR. NAIMI: Thank you, Your Honor.</p>	<p style="text-align: right;">Page 93</p> <p>1 when to enroll Evan in kindergarten? 2 A: Yes. It was an ongoing dispute 3 where Sandra fought me on this matter after doing 4 extensive research with experts in the education 5 field and having numerous conversations with Margaret 6 Pickard, our parent coordinator as well with Judith 7 Tolman. 8 JUDGE GENTILE: Okay. See, that wasn't 9 clear to me earlier. 10 A: I'm sorry. I failed. 11 JUDGE GENTILE: No, no. It's okay. 12 It's not your fault. 13 MR. NAIMI: Despite the fact that it was 14 a dispute, this was a dispute clearly two and a half 15 years ago, three years ago? So the relevancy of 16 which... remember, this is a relocation case. 17 JUDGE GENTILE: I understand that. 18 MR. NAIMI: So how was it relevant to 19 the purposes of determining whether Evan should be 20 relocated? 21 JUDGE GENTILE: Hold on, Mr. Naimi. 22 I'll tell you why it's relevant now. 23 MR. NAIMI: Okay. 24 JUDGE GENTILE: And I'm going to 25 reverse myself on that one because you're both here</p>

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1 talking about what's in this child's best interest.
2 And one of those issues is co-parenting and the
3 ability for these two parties to communicate. That
4 was not clear to me about why this is being brought
5 in initially, and the issue of the child going to
6 school at five or four wasn't clear. So now I
7 understand it. I allow them. I think it's relevant.
8 Overruled on all of your objections.
9 How's that?
10 MR. NAIMI: No problem. No problem.
11 JUDGE GENTILE: All right. Sorry about
12 that. I need to clarify that.
13 A: Sorry.
14 JUDGE GENTILE: No, no, it's not your
15 fault. It's not your fault.
16 Q: All right. Thank you, Mr. Ferraro.
17 You can step down.
18 [Background conversation]
19 Q: Mr. Hungerford, it could be just
20 about a half-hour witness. So I would suggest that
21 we... you normally take lunch at 12. I'll call Mr.
22 Hungerford?
23 JUDGE GENTILE: Okay.
24 Q: Could we use your 73?
25 MR. NAIMI: Yeah. That's deposition

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1 transcript, Your Honor.
2 JUDGE GENTILE: Oh, perfect.
3 MR. NAIMI: Seventy-three.
4 Q: I don't think it's his transcript.
5 I think it's...
6 BAILIFF: Remain standing, raise your
7 right hand, face the court.
8 MS. MCCULLOCH: Do you solemnly swear
9 the testimony you're about to give in this action
10 shall be the truth, the whole truth, and nothing but
11 the truth, so help you God?
12 MR. HUNGERFORD: I do.
13 BAILIFF: So 73, Your Honor.
14 JUDGE GENTILE: That's his records.
15 BAILIFF: Records.
16 DIRECT EXAMINATION
17 BY: Shannon Wilson
18 Q: Good morning, Mr. Hungerford, we've
19 met previously, I'll remind you. I'm Shannon Wilson,
20 I represent Christopher Ferraro. And I very much
21 appreciate your appearance today, we'll try to get
22 you out of here as quickly as possible. Can you
23 please... have we sworn the witness?
24 JUDGE GENTILE: Yes.
25 Q: Would you please state and spell

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1 your name for the record?
2 A: My name is Daniel Hungerford, D-A-
3 N-I-E-L, Hungerford, H-U-N-G-E-R-F-O-R-D.
4 Q: Do you recognize the man sitting to
5 my left in a blue suit?
6 A: I do.
7 Q: And who is he?
8 A: Mr. Ferraro.
9 Q: And do you recognize the woman
10 sitting to my left in a green dress?
11 A: I do.
12 Q: Who is she?
13 A: Evan's mom.
14 Q: Oh, to my right. Thank you. And
15 how do you know Mr. Ferraro and Ms. Nance?
16 A: I'm their child school principal.
17 I see them at the school.
18 Q: And what is your current business
19 address?
20 A: 655 Park Vista Drive, Las Vegas,
21 Nevada 89138.
22 Q: What's located at that address?
23 A: Givens Elementary School.
24 Q: And let's do just a little bit of
25 background about you. Can you tell us about your

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1 education and work history before becoming a
2 principal at Givens?
3 A: I got my undergraduate at
4 Youngstown State University in Ohio, where I'm from,
5 Youngstown, Ohio. I taught their middle school for
6 two years before moving to Nevada where I taught for
7 several years before becoming an assistant principal
8 and then principal for the past 12 years. This fall
9 will be my 18th year in the district.
10 Q: Have you testified in court cases
11 before?
12 A: I have.
13 Q: What kind?
14 A: Similar to this one, family custody
15 situations.
16 Q: And was that in your capacity as a
17 principal?
18 A: Yes.
19 Q: What are your responsibilities as a
20 principal at Givens Elementary?
21 A: Students safety and student
22 achievement, creating a warm environment for kids to
23 come to school, making sure they have quality
24 teachers, quality curriculum, maintaining good
25 communication with the parents, students, community

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1 basics. Running of an elementary school.
2 Q: What interactions do you have with
3 the children as principal?
4 A: I see the kids daily coming on and
5 off the buses, moving through the hallways and the
6 cafeteria at lunchtime, in the classrooms during
7 classroom observations. Back onto the buses or into
8 cars, or onto bicycles for the dismissal home.
9 Q: How frequently you do classroom
10 observations?
11 A: Every day.
12 Q: And do you do them every day in
13 every classroom?
14 A: No. Too many classrooms. I try to
15 visit at least three or four classrooms daily to try
16 to hit 20 or so a week.
17 Q: And how many classrooms total are
18 in your school?
19 A: If you count classrooms and
20 specialist, there's about 60.
21 Q: So about three weeks to go through
22 a rotation then?
23 A: With the three administrators. So
24 we pretty much get in every classroom each week.
25 Q: But you yourself...

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1 A: Me personally? Yeah, every two to
2 three weeks, I'd say, I go through each environment.
3 Q: What is the protocol if a child has
4 behavioral issues?
5 A: If a child has behavioral issues,
6 it's usually the classroom teacher that would first
7 notice that. He or she would get recommended to like
8 our behavior team or our response intervention team
9 and we create like a behavior plan. Or if it was
10 severe like aggressive kind of thing they'd get sent
11 directly to me, things just happen on a per incident.
12 But if it's someone who feel like they have a
13 behavior problem, we would go through our response
14 intervention team. A behavior plan would be written.
15 We would take data on that plan, work with the
16 parents, and try to remediate the behavior through
17 response intervention.
18 Q: Has Evan ever had a plan like that?
19 A: No.
20 Q: Is there a protocol if children
21 show signs of mental health issues?
22 A: In any kind of mental health issue,
23 we would immediately refer that student to the
24 counselor or to me if she went on campus that day.
25 Mental health is such a broad statement. That could

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1 be something as simple as you're just having a bad
2 day or a student that witnessed an event that morning
3 or the day prior when coming to us with a concern.
4 So we would take each case as they occur because
5 they're so different.
6 Q: Sure. What about students
7 diagnosed with ADHD? What's the protocol with them?
8 A: We don't diagnose students with
9 ADHD. That's... doctors do that, and not school
10 administrators.
11 Q: Let me back up. So I'm not
12 suggesting that you diagnose.
13 A: Sure.
14 Q: How about students who exhibit
15 behaviors of ADHD?
16 A: If we have students that show those
17 behaviors, then what I had mentioned earlier about
18 the response intervention, letting parents know,
19 sharing with parents outside resources that they
20 could go to to help them, or if we feel it's ADHD, we
21 wouldn't make an armchair diagnosis where we'd say,
22 "Hey, talk to your pediatrician, talk to your
23 doctor."
24 Q: Would that also be the same
25 protocol for children exhibiting signs of

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1 oppositional defiant disorder?
2 A: Sure. Yes.
3 Q: Has Evan ever had a referral to the
4 counselor for any of those issues?
5 A: No. Evan is a good guy. He
6 behaves well at school and attends in class. He's
7 never been referred to my office for any kind of
8 behavior. He's a good guy. I don't... I'm certain
9 he's never been down to the counselor for any kind of
10 mental health concerns or major behavioral concerns.
11 He's a grizzly but does his job every day.
12 Behaviorally, academically, he's a model student.
13 Q: I was just about to ask you your
14 general impression of Evan, but I think you just gave
15 it.
16 A: To sum that up. I really like him.
17 He's a good guy.
18 Q: Has anyone at any time brought any
19 concerns about Evan to your attention?
20 A: I mean parents will always approach
21 me with concerns. Concern is also a broad statement.
22 I have 1,200 students. I'm sure that over his two
23 years he's been at Givens, Kindergarten and first
24 grade, I'm sure I've talked to both mom and dad just
25 briefly on the side on how he's doing. And I would

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1 consider that a concern as well. I don't think
2 there's ever been anything major brought to my
3 attention by either mom or dad saying, "Hey, are you
4 worried about Evan for this, that, or the other?"
5 Other than how he's doing with the situation with the
6 parents and the living situation.
7 Academically, I don't think that I've
8 talked to either one about academic concerns or
9 behavioral concerns in the classroom or in the
10 school.
11 Q: So you've been Evan's principal now
12 for two years, kindergarten and first grade. Is that
13 right?
14 A: Correct.
15 C: And do you recall Evan missing a
16 number of days during kindergarten?
17 A: I have to go back and look at the
18 records. Anytime the student has over 20 absences,
19 that becomes a concern for us as a school. And I
20 don't believe that he had over 20 absences that year.
21 Again, without that... if I had my database in front
22 of me, I could tell you that. But again, if we got
23 into attendance concern, that's something we would
24 bring to the attention of mom and dad and we sit down
25 and talk about it.

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1 Q: Did you ever have any concerns
2 about Evan advancing to the first grade?
3 A: No. No.
4 Q: Have you ever observed Evan
5 engaging in any unusual behaviors?
6 A: No.
7 Q: Did you ever see Evan's chew his
8 clothing?
9 A: Ever see him?
10 Q: Chew his clothing.
11 A: No. But not uncommon for
12 elementary school kids to... you look at pencils
13 around the classroom usually the tops are chewed.
14 You know what I mean? The kids are finicky at that
15 age. They get restless. But never anything that
16 would have brought a concern to the teacher. Or if
17 it did, that teacher never brought it to my
18 attention.
19 Q: Are you familiar with parent's
20 participation in school?
21 A: Sure.
22 Q: Are you familiar with Mr. Ferraro's
23 participation in school?
24 A: Mm-hmm. Yes.
25 Q: What has his participation been

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1 this year?
2 A: I see him frequently. He'll come
3 and volunteer in the lunchroom and he'll maybe have a
4 lunch with his son. I've seen him in a field day on
5 any kind of community event from Grizzly's. I think
6 there's Grizzly's after dark, but we're going all the
7 way back to fall. I want to say that the last time I
8 remember seeing him, kindergarten graduation again,
9 going back to last year. I see Mr. Ferraro very
10 often at the school.
11 Q: And was that the same last year as
12 well, kindergarten year?
13 A: Yeah. Absolutely.
14 Q: And what about Ms. Nance?
15 A: I see Ms. Nance at school. She too
16 has been in the lunchroom. She's volunteered, come
17 into some school events. I see her in the drop-off
18 lane, when I'm at the drop-off lane. I'm not always
19 at the drop-off lane each morning. But when I see
20 her, she's usually dropping Evan off and then onto
21 middle school or high school for the siblings.
22 Q: I don't think that you were asked
23 to bring any records with you today. Did you?
24 A: I was not asked. No, I did not.
25 Q: All right. You were previously

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1 deposited in this case. Correct?
2 A: Correct.
3 Q: And did you provide records at that
4 time?
5 A: I did.
6 Q: Okay. There is a binder in front
7 of you. Of the three, it is marked plaintiff's trial
8 exhibits. Do you see that one?
9 A: Yes.
10 Q: And if you would turn to page 73 or
11 Exhibit 73... Your Honor, this is a stipulated
12 exhibit between the parties. It's in the
13 plaintiff binder.
14 JUDGE GENTILE: Seventy-three?
15 Q: Mm-hmm. Seventy-three.
16 A: Okay.
17 Q: Take a moment to just browse
18 through the pages in that exhibit. Let me know when
19 you're done.
20 A: Does it begin with my business
21 card?
22 Q: Yes, it does.
23 A: Okay. Yeah, I recognize. Yes, I
24 recognize all this information.
25 Q: What do you recognize it as?

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1 A: This would be basically... a lot of
2 it would be again my business card. The first page
3 says present summary report from campus that would
4 give us pertinent contact information to reach out to
5 the parents if we need to by phone or mail. The next
6 is an email from his kindergarten teacher talking
7 about absences. From the birth certificate on to
8 this stuff that we'd find in a student's cumulative
9 folder. Cumulative folder would have any kind of
10 court documents, which is in here, registration paper
11 works, such as media release, doctor's release, or
12 who my doctor is, that kind of a thing.
13 Q: If you noticed, the pages have
14 numbers in the lower right hand corner.
15 A: Okay.
16 Q: Do you see that?
17 A: Yes.
18 Q: If you can turn to the page number
19 511. It's the birth certificate.
20 A: Yes.
21 Q: Have you ever seen a void birth
22 certificate before?
23 A: It depends on... sometimes when we
24 get a copy of a birth certificate, it'll come out
25 with that on it. So, that will happen from time to

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1 time.
2 Q: All right.
3 A: But then we usually request one
4 that has an official birth certificate through our
5 registrar.
6 Q: What is the child's name on this
7 birth certificate?
8 A: Evan Daniel Nance.
9 Q: Do you know who enrolled Evan in
10 school?
11 A: I don't.
12 Q: Please turn to page 515.
13 A: Okay.
14 Q: This appears to be a fax from Mr.
15 Ferraro to you. Do you recall why Mr. Ferraro sent
16 you this fax?
17 A: No, we're going back to the
18 kindergarten year. And again, there are close to
19 1,200 students at my school. I remember the facts.
20 I remember the facts coming with information from the
21 Margaret Pickard who I believe was their like a
22 mediator, if I remember correctly. And it had like
23 the custody arrangement and parental sharing
24 information that we need at the school so that we can
25 make sure that when we've dismissed students, we're

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1 dismissing a student to the proper parent. I believe
2 that's why I was faxed this going back two years
3 though.
4 Q: It's a little dark. But let's go
5 to 536.
6 A: Yeah.
7 Q: It looks like we have another birth
8 certificate. What's the name on that birth
9 certificate?
10 A: That one says Evan Daniel Ferraro.
11 It's very hard to read though.
12 Q: And then if we could just go
13 through the medical records quickly that begin at
14 540?
15 A: Okay.
16 Q: Can you explain to us how to read
17 these medical records?
18 A: Any time a student gets sent to the
19 nurse's office, there is a person that works in the
20 nurse's office and her name is at the top of this.
21 It says Taitano FASA, Judy. FASA, Judy. FASA stands
22 for First Aid Safety Assistant. And that person is
23 on campus daily or a school nurse is shared between
24 multiple schools. So anytime a student is sent to
25 the health office, they go down with like a little

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1 pass and then it gets logged in to the system so that
2 if it's something serious, we have notes on it. Or
3 if it's something simple, we want to be able to at
4 least contact parents to say, "Hey, your kiddo is
5 down here and they scraped their knee, bumped their
6 head," whatever it may be.
7 In this particular one, it looks like
8 they called mom because he had... he got a small cut
9 something in class scissors, paper, who knows. It
10 looks like they cleaned it and band-aided it and send
11 him on back to class.
12 Q: So in the comments section then is
13 where we would find the reason that the child
14 reported to the nurse?
15 A: Correct. And again, if it's
16 something... sometimes kids just need a minute and
17 they'll say nothing, and that happens too. Like the
18 second one, nothing was written there. It could've
19 been something as simple as just there are having a
20 moment where they needed to go to the nurse. That
21 happens all the time in elementary school.
22 Q: I apologize if you... you may have
23 already answered this. Does it tell us on this
24 record whether the child was dismissed home or not?
25 I don't mean on this particular record. Like

<p style="text-align: right;">Page 110</p> <p>1 generally speaking, where would we find that 2 information? 3 A: It would be like on check-in, 4 check-out, we have a different system for when a 5 parent comes in and checks the student out of school. 6 And that would... if a kid went home sick, it may be 7 noted in here as well as when the parent... but then 8 when the parent comes in and they show their ID or 9 they check their student out, that's done in a 10 different system. This is just for like health 11 related when they come in and out of the health 12 office. 13 Q: Thank you. I'll pass the witness. 14 CROSS EXAMINATION 15 BY: Shelly Cooley 16 Q: All right. Hi, Mr. Hungerford. 17 How are you? 18 A: Good. 19 Q: I'm Shelly and I am along with my 20 co-counsel, Jason Naimi, we present Sandra in this 21 matter. I'd like to take you through your testimony 22 a little bit. 23 A: Sure. 24 Q: Now, you were deposed by Ms. 25 Wilson, correct?</p>	<p style="text-align: right;">Page 112</p> <p>1 when Evan was in kindergarten, first grade? 2 A: Yes. 3 Q: Okay. So what is the school 4 counselor's name? 5 A: Alison Rava. 6 Q: Okay. And you asked her whether or 7 not she had any social, emotional or social or 8 emotional concerns about Evan? 9 A: Correct. 10 Q: And what did she say? 11 A: She said no because I don't 12 think... because I looked back through my records to 13 see if he's ever been referred, and he had not. 14 Q: Okay. She also confirmed that Evan 15 had not been down to her office. Correct? 16 A: Correct. 17 Q: Prior to your deposition? 18 A: Correct. 19 Q: And do you know if she... if Evan 20 had been to her office after the time that you did 21 your deposition and now? 22 A: I don't... I'm not positive. I 23 don't know because I don't remember asking her since 24 then. 25 Q: Okay. Perfect. We'll just go with</p>
<p style="text-align: right;">Page 111</p> <p>1 A: Correct. 2 Q: Do you remember the date of that 3 deposition? 4 A: I don't off the top of my head. 5 Q: Could it have been in December 6 2015? 7 A: It could've been. 8 Q: Okay. And prior to your 9 deposition, you talked to a number of individuals of 10 the school. Correct? 11 A: Oh yeah. 12 Q: Do you recall? 13 A: Mm-hmm. 14 Q: Did you have a conversation with 15 the school counselor? 16 A: I did. 17 Q: Okay. And how about Evan's teacher 18 at the time? 19 A: Yes. 20 Q: Okay. Now, and you've also 21 testified that as you understand it currently, Evan 22 is not having any concerns at school, correct? 23 A: Correct. 24 Q: Okay. So the school counselor at 25 your school, is it the same counselor that it was</p>	<p style="text-align: right;">Page 113</p> <p>1 those dates then. 2 A: Mm-hmm. 3 Q: And Ms. Rava confirmed to Evan have 4 not been referred by teachers, parents or himself, 5 correct? 6 A: Correct. 7 Q: Okay. And Ms. Rava also confirmed 8 that Evan is having a great school year. Do you 9 recall that? 10 A: Yes. 11 Q: Okay. And prior to the deposition, 12 you spoke with Evan's first grade teacher. Correct? 13 A: Correct. 14 MS. WILSON: I'm going to object to 15 leading questions. He's not an adverse witness. 16 Q: This is my cross examination, Your 17 Honor. This is based on his testimony. I can lead 18 the witness. 19 MR. NAIMI: Absolutely. 20 JUDGE GENTILE: Yeah. I'm going to 21 overrule that objection. 22 Q: Okay. Yeah. No, he's not my 23 witness. It's hers. Okay. Thank you, Your Honor. 24 And you asked Ms. Slater if she had any concerns 25 about Evan, correct?</p>

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<p>1 A: Correct.</p> <p>2 Q: And did she have any concerns about</p> <p>3 Evan?</p> <p>4 A: No.</p> <p>5 Q: No. She indicated that Evan was</p> <p>6 performing very well academically, right? And that</p> <p>7 Evan was performing very well socially.</p> <p>8 A: Correct.</p> <p>9 Q: And that he was doing an excellent</p> <p>10 job.</p> <p>11 A: Yeah.</p> <p>12 Q: And that he was right on par for</p> <p>13 first grade, right?</p> <p>14 A: Yeah.</p> <p>15 Q: Okay. And are you a mental health</p> <p>16 professional by any chance? I heard your testimony</p> <p>17 regarding your background. But I just wanted to</p> <p>18 confirm.</p> <p>19 A: Am I mental health professional?</p> <p>20 No.</p> <p>21 Q: Okay. So you're a school</p> <p>22 principal, your education is background, right?</p> <p>23 A: Mm-hmm.</p> <p>24 Q: All right. And are you aware that</p> <p>25 Evan is diagnosed with ADHD combined presentation</p>	<p>1 A: Mm-hmm.</p> <p>2 Q: Okay. You said that Evan love</p> <p>3 school.</p> <p>4 A: He does.</p> <p>5 Q: And that Evan is a grizzly.</p> <p>6 A: Yes.</p> <p>7 Q: And what's a grizzly?</p> <p>8 A: Our school mascots, the grizzlies.</p> <p>9 Q: Okay. And what does that mean?</p> <p>10 He's a grizzly?</p> <p>11 A: Just enjoys being at school. He's</p> <p>12 kind of proud to be there.</p> <p>13 Q: What are the grizzly attributes? I</p> <p>14 mean, right? This is how you fire the kids up.</p> <p>15 Right?</p> <p>16 A: Sure.</p> <p>17 Q: You guys are grizzlies. What's a</p> <p>18 grizzly?</p> <p>19 A: Grizzly is a bear.</p> <p>20 Q: Okay. And what's so special about</p> <p>21 a grizzly?</p> <p>22 A: I guess there's nothing special</p> <p>23 about a grizzly. It's just something we say at</p> <p>24 school for kids to have some ownership in the school.</p> <p>25 Q: Okay. So Evan has a lot of</p>
Page 115	Page 117
<p>1 moderate level?</p> <p>2 A: Only if the parent shared that with</p> <p>3 us.</p> <p>4 Q: And has the parent shared that with</p> <p>5 you?</p> <p>6 A: No.</p> <p>7 Q: Okay. And are you aware that Evan</p> <p>8 is diagnosed with oppositional defiance disorder?</p> <p>9 A: No.</p> <p>10 Q: Okay. And are you aware that Evan</p> <p>11 is diagnosed with generalized anxiety disorder?</p> <p>12 A: No.</p> <p>13 Q: Okay. Are you aware that Evan</p> <p>14 participates in cognitive behavioral therapy?</p> <p>15 A: No.</p> <p>16 Q: All right. Are you aware that he</p> <p>17 participates in cognitive behavioral therapy on an</p> <p>18 approximately weekly basis?</p> <p>19 A: No.</p> <p>20 Q: All right. And just to confirm,</p> <p>21 Evan is not taking any medication required to be</p> <p>22 admitted at school. Correct?</p> <p>23 A: Not to my knowledge.</p> <p>24 Q: Okay. Perfect. You testified your</p> <p>25 general impression of Evan just now.</p>	<p>1 ownership in the school?</p> <p>2 A: I would say so. Yes.</p> <p>3 Q: All right. And Evan really enjoys</p> <p>4 being at the school.</p> <p>5 A: From my perspective, yes.</p> <p>6 Q: Okay. And he's quick to make</p> <p>7 friends.</p> <p>8 A: Yeah. Mm-hmm.</p> <p>9 Q: And you've described him as being</p> <p>10 smart.</p> <p>11 A: He is.</p> <p>12 Q: And athletic.</p> <p>13 A: Yeah.</p> <p>14 Q: And he's fun to talk to.</p> <p>15 A: He is.</p> <p>16 Q: He's a great kid.</p> <p>17 A: He is.</p> <p>18 Q: And you've said repeatedly that</p> <p>19 he's a good guy.</p> <p>20 A: I have. Yes.</p> <p>21 Q: Okay. And in your deposition, and</p> <p>22 actually just now, you testified that in</p> <p>23 kindergarten, Evan had missed some school.</p> <p>24 A: Yeah.</p> <p>25 Q: Do you remember how many days he</p>

<p style="text-align: right;">Page 118</p> <p>1 missed?</p> <p>2 A: If you direct me back to that page,</p> <p>3 I could...</p> <p>4 Q: I will. That was my next request.</p> <p>5 Can you please, it's in Exhibit 73.</p> <p>6 A: Okay.</p> <p>7 Q: It's page 0514. If you need help</p> <p>8 finding that, let me know. I can help you.</p> <p>9 A: No, I got it.</p> <p>10 Q: Perfect. All right. How many days</p> <p>11 did Evan miss in kindergarten?</p> <p>12 A: Nine.</p> <p>13 MS. WILSON: Shelly, what page are you</p> <p>14 on?</p> <p>15 Q: 0514. Exhibit 73.</p> <p>16 A: From this snapshot here, it would</p> <p>17 show that it's nine. But two pop up as absent</p> <p>18 because of the staff development days, the ones that</p> <p>19 are called SDD. And it shows his am/pm because</p> <p>20 that's just the way the system works, unfortunately.</p> <p>21 Traditionally, in Clark County Schools, we've been</p> <p>22 am/pm kindergarten.</p> <p>23 Q: Okay.</p> <p>24 A: Evan went to a full day program.</p> <p>25 So we took attendance in the morning and attendance</p>	<p style="text-align: right;">Page 120</p> <p>1 A: No.</p> <p>2 Q: Would you describe that as him</p> <p>3 being truant?</p> <p>4 A: No.</p> <p>5 Q: What is a truant child? What is</p> <p>6 the definition of a truant child in Clark County</p> <p>7 School District?</p> <p>8 A: Truant. Well, truant would be if</p> <p>9 they have missed multiple days in a row. We don't</p> <p>10 know where... we do not know their whereabouts or if</p> <p>11 they exceed 20 days within a school year. We can go</p> <p>12 towards educational neglect under truancy.</p> <p>13 Q: Okay. Now, were all of these</p> <p>14 absences arranged or were they not arranged? Do you</p> <p>15 know.</p> <p>16 A: If I go down the list from the very</p> <p>17 top, the first one unverified, we would not know.</p> <p>18 That means he just did not come to school and a note</p> <p>19 was not provided by the parents.</p> <p>20 Q: Okay.</p> <p>21 A: CIR would be circumstance. That</p> <p>22 could be something as parents brought a note and said</p> <p>23 kiddo has got a doctor appointment or like you shared</p> <p>24 earlier, maybe at a counseling session or something</p> <p>25 like that. Circumstance would be someone that gave</p>
<p style="text-align: right;">Page 119</p> <p>1 in the afternoon. So the total appears to be 22, but</p> <p>2 there's really only 11 with nine of them being parent</p> <p>3 responsibility, the other two are staff development</p> <p>4 day.</p> <p>5 Q: Okay. So as far as the full day</p> <p>6 program, he had missed 11 days.</p> <p>7 A: Nine. Nine instructional days, two</p> <p>8 are uninstructional; staff development days that are</p> <p>9 coded SDD on the third and fourth of November 2014.</p> <p>10 Q: Got it. Okay.</p> <p>11 A: Those are not compulsory days for</p> <p>12 kids to go to school because we're training the</p> <p>13 teachers on those days. So they're not instructional</p> <p>14 days. So he missed nine instructional days.</p> <p>15 Q: So I guess parents could send their</p> <p>16 kids, right, and they get credit for attending?</p> <p>17 A: No.</p> <p>18 Q: Okay. So it's a... they must be</p> <p>19 recorded as absent.</p> <p>20 A: Correct.</p> <p>21 Q: Okay. So he missed nine days in</p> <p>22 kindergarten.</p> <p>23 A: Yes.</p> <p>24 Q: Would you describe that as</p> <p>25 excessive?</p>	<p style="text-align: right;">Page 121</p> <p>1 us some knowledge of why they're going to miss</p> <p>2 school, orthodontist, whatever.</p> <p>3 Q: Okay. Do you remember testifying</p> <p>4 in your deposition about Evan's absence since</p> <p>5 kindergarten?</p> <p>6 A: I don't.</p> <p>7 Q: You don't.</p> <p>8 A: If you share with me, I'm going</p> <p>9 to...</p> <p>10 Q: Do we have the deposition. I'll</p> <p>11 move on, Your Honor. Let's see. Court's indulgence</p> <p>12 for just a moment. Oh, when you first started</p> <p>13 testifying, when Ms. Wilson asked, he was sitting to</p> <p>14 the left of her, you identified... okay, I'll</p> <p>15 withdraw that question. All right. You talked</p> <p>16 about the involvement of Evan's parents in school.</p> <p>17 A: Uh-huh.</p> <p>18 Q: And you said that, in your</p> <p>19 deposition in your testimony, that Ms. Nance is there</p> <p>20 occasionally.</p> <p>21 A: Yeah.</p> <p>22 Q: How often is that?</p> <p>23 A: I see her in the lunchroom, at</p> <p>24 least a half a dozen times this year that I could</p> <p>25 think of. And I've seen her in the drop-off lane. I</p>

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1 don't know. So many cars come through. I saw her
2 very often dropping her kid off. But I'm not always
3 right at that drop-off lane there. So, a couple of
4 times a week.
5 Q: Do you consider the drop-off lane
6 to be volunteering at school?
7 A: No. That would not be volunteering
8 in school.
9 Q: Okay. And how about Mr. Ferraro?
10 How often would you say that he's at school?
11 A: He's there more often. I see him
12 around town, around school I should say, more often.
13 He would come in and help in the lunchroom, have
14 lunch with his kid, that kind of thing, up in the
15 classroom.
16 Q: So he's at school more often than
17 Ms. Nance, correct? That's your testimony?
18 A: Yeah, I would say that.
19 Q: Okay. You've looked at the
20 visitation schedule the parties are following.
21 Correct?
22 A: Yes.
23 Q: Okay. And off the top of your
24 head, if you can remember, do you know how many days
25 Mr. Nance are... I'm sorry, Mr. Ferraro has? I

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1 apologize.
2 A: How many days he has?
3 Q: He has with Evan each month.
4 A: If you direct me to the page, I
5 could look at it. But I don't remember.
6 Q: Let's see. Can you please turn to
7 page, let's see. Oh, okay. She'll stipulate that
8 it's ten days. So dad has ten days a month.
9 A: Okay.
10 Q: Correct?
11 A: Yeah.
12 Q: So you said that you see him
13 regularly.
14 A: Yeah, during those ten days, he's
15 there for Evan.
16 Q: Okay. Is he volunteering at
17 school?
18 A: Yeah, he'll help out with the
19 teacher, running copies, that kind of thing, or in
20 the lunchroom. We help the kids if they need a
21 spork, a napkin, ketchup packet, that kind of thing.
22 Q: So you see him during each of those
23 ten days in Evan's classroom. Correct?
24 A: I wouldn't say every one of them.
25 But often during his ten day. Usually we know that

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1 it's... his timeframe that he's with his kiddos
2 because he'll be at school pretty often.
3 Q: And you have a three-week rotation
4 approximately where you had each teacher's classroom,
5 right?
6 A: Yes.
7 Q: Court's indulgence for just a
8 moment. One more question; when you see Mr. Ferraro
9 at school, is he there volunteering by himself or is
10 he with anyone else?
11 A: Sometimes by himself, sometimes
12 with his brother. I met his brother as well.
13 Q: Can you give me an approximation;
14 how often would you say he's by himself versus with
15 his brother?
16 A: If I see him like volunteering in
17 the classroom or volunteering in the lunchroom, he's
18 usually solo. If he's dropping off, sometimes
19 picking up, I see him with his brother. But his
20 brother has also volunteered. I've seen his brother
21 at the school or during the school day.
22 Q: Okay. Court's indulgence. I'll
23 pass the witness, Your Honor.
24 CROSS EXAMINATION
25 BY: Shannon Wilson

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1 Q: So even though Chris only has ten
2 days of timeshare per month, you've seen him more
3 frequently in the last school year...
4 MR. NAIMI: Objection, leading...
5 JUDGE GENTILE: Can't lead. Sustained.
6 Q: How much more frequently do you see
7 Mr. Ferraro in this case?
8 MR. NAIMI: Objection, asked and
9 answered.
10 JUDGE GENTILE: Overruled. Go ahead.
11 A: Answer that one?
12 JUDGE GENTILE: Yes, please.
13 A: I definitely... when it comes to
14 like volunteering in the classroom, volunteering in
15 the lunchroom, aside from drop off and pick up, I see
16 him much more frequently than Ms. Nance. But to put
17 a number onto that, I don't know. But definitely
18 more often.
19 Q: Do you still happen to have that
20 open to 514?
21 A: I do.
22 Q: Okay. Were the majority of Evan's
23 absences excused absences?
24 A: I count three unexcused. One, two,
25 three, January 7th, or January 9th, January 7th and

<p style="text-align: right;">Page 126</p> <p>1 then it looks like December 15th.</p> <p>2 Q: So that was how many?</p> <p>3 A: Three.</p> <p>4 Q: Three, out of?</p> <p>5 A: And those are actually tardies, not</p> <p>6 even absences. There were the three tardies that</p> <p>7 also appear to the right. The ones that read as</p> <p>8 unexcused in this instruction are showing here as</p> <p>9 tardies. So he would've come to school late.</p> <p>10 Q: Okay. Are you aware of the... when</p> <p>11 Mr. Ferraro volunteers at the school, is he there all</p> <p>12 day long?</p> <p>13 A: No.</p> <p>14 Q: And when he volunteers at the</p> <p>15 school, are you aware of what percentages of time</p> <p>16 he's volunteering in the lunchroom and recess versus</p> <p>17 in the classroom?</p> <p>18 A: Yeah, I wouldn't know that. Yeah.</p> <p>19 Q: All right. Thank you.</p> <p>20 MR. NAIMI: No further questions.</p> <p>21 JUDGE GENTILE: Okay. You may step</p> <p>22 down. Thank you very much. It's 12:07... it's</p> <p>23 almost 12:10 using that clock which apparently we're</p> <p>24 a little behind up there. Are you through with him?</p> <p>25 Hold on.</p>	<p style="text-align: right;">Page 128</p> <p>1 A: Yeah.</p> <p>2 MS. NAIMI: Okay. No further</p> <p>3 questions.</p> <p>4 JUDGE GENTILE: Okay. I think that's</p> <p>5 it? All right. So it's now 12:10. We'll... I'll see</p> <p>6 you back here at 1:30 for the lunch break.</p> <p>7 MR. NAIMI: Thank you, Your Honor.</p> <p>8 JUDGE GENTILE: I didn't keep good</p> <p>9 track of when she started, but I'll figure that out</p> <p>10 so that we know.</p> <p>11 MR. NAIMI: It was about three minutes,</p> <p>12 Your Honor.</p> <p>13 MS. COOLEY: Maybe five.</p> <p>14 JUDGE GENTILE: Yeah.</p> <p>15 MS. COOLEY: Definitely not more than</p> <p>16 that.</p> <p>17 JUDGE GENTILE: All right. I'll figure</p> <p>18 that out and we'll do the calculation when we start.</p> <p>19 MR. NAIMI: Fair enough.</p> <p>20 JUDGE GENTILE: Okay. Very good.</p> <p>21 MR. NAIMI: Thank you, Your Honor.</p> <p>22 JUDGE GENTILE: Thank you.</p> <p>23</p> <p>24 JUDGE GENTILE: Back on the record in</p> <p>25 the Nance-Ferraro matter. It is D46817, and Ms.</p>
<p style="text-align: right;">Page 127</p> <p>1 MS. COOLEY: Jason we have to ask if</p> <p>2 there are volunteer logs. No, hold on. Hold on.</p> <p>3 BAILIFF: Go ahead.</p> <p>4 MS. COOLEY: Yeah.</p> <p>5 MR. NAIMI: I guess we have one more</p> <p>6 question.</p> <p>7 MS. COOLEY: Yeah, just one question.</p> <p>8 That's it. It'll be very brief. I apologize.</p> <p>9 MR. NAIMI: Sorry, Your Honor.</p> <p>10 MS. COOLEY: Sorry, Your Honor.</p> <p>11 JUDGE GENTILE: That's okay. Thank</p> <p>12 you. We're still on the record. Thank you.</p> <p>13 CROSS EXAMINATION</p> <p>14 By: Shelly Cooley</p> <p>15 Q: Thank you. Are there volunteer logs</p> <p>16 that volunteers are required to sign in and out of</p> <p>17 when they're volunteering in the classrooms or at</p> <p>18 school?</p> <p>19 A: It's the same check-in, checkout</p> <p>20 system for when a parent checks the student in and</p> <p>21 out of school. So if they check in to the school,</p> <p>22 they would check in and they might write volunteer.</p> <p>23 But they're not required to write volunteer.</p> <p>24 Q: But if they visit the school, they</p> <p>25 are required to sign in?</p>	<p style="text-align: right;">Page 129</p> <p>1 Wilson.</p> <p>2 MS. WILSON: We have stipulated</p> <p>3 exhibits to put on the record, Your Honor.</p> <p>4 JUDGE GENTILE: Okay.</p> <p>5 MS. WILSON: Okay. Well, I will tell</p> <p>6 her mine and you can tell her yours. How about that?</p> <p>7 MR. NAIMI: Okay, that works. You got</p> <p>8 it. Okay.</p> <p>9 MS. JUDGE: That would help. That way</p> <p>10 I can look at them while you are addressing them</p> <p>11 rather me...</p> <p>12 MR. NAIMI: Yeah.</p> <p>13 MS. WILSON: Okay. So, on defendant's</p> <p>14 side there is a stipulation on A1, A2, B1, B2.</p> <p>15 MS. JUDGE: So, Mr.... you are saying</p> <p>16 Mr. Naimi's stipulated to these? Okay.</p> <p>17 MS. WILSON: Right.</p> <p>18 MS. JUDGE: These are your exhibits?</p> <p>19 Okay.</p> <p>20 MS. WILSON: And there would be a</p> <p>21 stipulation on B3 as well, but that is already in.</p> <p>22 MS. JUDGE: That is the reciprocal</p> <p>23 photos included.</p> <p>24 MS. WILSON: Correct.</p> <p>25 MS. WILSON: Then F2...no, I take that</p>

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1 back. F2 is not stippled, it is just admitted.
2 MR. NAIMI: Correct.
3 MS. WILSON: G1 is stippled but also
4 admitted, L1 is stippled but also admitted, M is
5 stipulated, but I think you have her financial
6 disposure.
7 MR. NAIMI: It is a pleading.
8 MS. WILSON: And that is it for
9 stipulations on our side.
10 MR. NAIMI: And yours. You got it?
11 MS. COOLEY: Okay.
12 MR. NAIMI: Shall I?
13 MS. COOLEY: Okay. All right, for ours,
14 Your Honor, we are stipulating 2, 3, 4, 5, 6, 16, 17,
15 18, 20, 21, 22, 23, 24, 30, 46, 47, 48, 55, 57, 61,
16 62, 63, 64, 65, 68, 69, 73, 74, 80, 81, and that is
17 it.
18 MR. NAIMI: Okay.
19 JUDGE: Right. Those will all be
20 admitted.
21 MR. NAIMI: Okay.
22 JUDGE: Ms. Wilson, we are at your next
23 witness.
24 MS. WILSON: We call a person most
25 knowledgeable for Rampart Casino.

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1 BAILIFF: Please remain standing, raise
2 your right hand, face the court.
3 MS. MCCULLOCH: Do you solemnly swear
4 that the testimony you are about to give in the
5 faction shall be the truth, the whole truth, and
6 nothing but the truth, so help you God?
7 MR. LONG: I do.
8 DIRECT EXAMINATION
9 BY: Shannon Wilson
10 Q: Good afternoon. Thank you for
11 appearance today. We'll do our best to get you out as
12 quickly as possible. My name is Shannon Wilson. I
13 represent the parties in this matter. Will you kindly
14 state and spell your name for the record.
15 A: Daniel Long. D-A-N-I-E-L L-O-N-G.
16 Q: All right. Do you know Christopher
17 Ferraro?
18 A: No.
19 Q: Do you know Sandra Nance?
20 A: No.
21 Q: Who is your employer?
22 A: Rampart Casino, from their JW
23 Marriott, Las Vegas.
24 Q: And what is your business address?
25 A: 221 North Rampart Boulevard, 89145,

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1 Las Vegas, Nevada.
2 Q: What is your job title?
3 A: Director of Marketing.
4 Q: And how long have you been employed
5 by Rampart Casino?
6 A: Just a little over 4 years.
7 Q: And how long have you held your
8 present position?
9 A: A little over a year.
10 Q: Can you please lead us about your
11 job responsibilities.
12 A: My job responsibilities are to
13 oversee the club, all of the database activities,
14 advertising for both the casino and the hotel, online
15 presence; a little bit of everything.
16 Q: Okay. And within those
17 responsibilities, will you be among the persons most
18 knowledgeable to explain records generated by Rampart
19 Casino in response to a subpoena duces tecum for
20 records of member's activity based on their customer
21 loyalty or member card?
22 A: Yes.
23 Q: In front of you there is an
24 exhibit, it says 'Defendant's Exhibits volume 2.
25 A: Yes.

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1 Q: All right. And you can push the
2 others to the side if you like.
3 A: Okay.
4 Q: And open that binder to tab N, as
5 in Nancy, 1.
6 A: Okay.
7 Q: Please take a few moments to look
8 through the records contained therein and let me know
9 when you are done.
10 A: Okay.
11 Q: Do you recognize these as records
12 of Rampart Casino?
13 A: Yes.
14 Q: And would you turn. If you notice
15 the records are numbered in the bottom right hand
16 corner, with the prefix D, E, F, T, R, A, M, P?
17 A: Yup.
18 Q: If you turn to page 2. Do you know
19 who Robin Barbie is?
20 MR. LONG: Yes. Robin Barbie is our
21 Cage Manager.
22 Q: Your Honor, we had moved to admit
23 exhibit N1 as a business record and being
24 authenticated by Ms. Barbie in a custodian
25 department's affidavit.

<p style="text-align: right;">Page 134</p> <p>1 JUDGE GENTILE: Any objection?</p> <p>2 Q: No objection.</p> <p>3 JUDGE GENTILE: It will be admitted.</p> <p>4 Q: All right. Now, Mr. Long, what I</p> <p>5 would like to ask you to do is to turn to page marked</p> <p>6 10.</p> <p>7 A: Okay.</p> <p>8 Q: Do you recognize what this is?</p> <p>9 A: Yes. This is an overview of all the</p> <p>10 documents following as backup to what we submitted.</p> <p>11 Q: Okay, and the next page?</p> <p>12 A: Is a picture of a driver's license</p> <p>13 from our system. We have ID scanners of all the</p> <p>14 player's club.</p> <p>15 Q: And is that linked to a particular</p> <p>16 player's card?</p> <p>17 A: Correct.</p> <p>18 Q: And page 12 please.</p> <p>19 A: On to the next page, it describes</p> <p>20 the player's card associated with the ID on the first</p> <p>21 page.</p> <p>22 Q: Okay. And is each individual</p> <p>23 assigned their own card?</p> <p>24 A: Correct.</p> <p>25 Q: Looking at page 13 please.</p>	<p style="text-align: right;">Page 136</p> <p>1 on the total, the 900 and 1072, because there is</p> <p>2 nothing on the attendant-paid pay-out, it matches the</p> <p>3 adjusted win-loss. That close column subtract from</p> <p>4 each other for the adjusted win-loss.</p> <p>5 Q: And if they were not the same, what</p> <p>6 would that represent?</p> <p>7 A: A jackpot hit on the machine.</p> <p>8 Q: Are dollars in and coin in the</p> <p>9 same?</p> <p>10 A: Yes.</p> <p>11 Q: And you used the term pit. What did</p> <p>12 you mean by that?</p> <p>13 A: ID play on the table games</p> <p>14 department.</p> <p>15 Q: Is there any other information on</p> <p>16 this page that we have not reviewed?</p> <p>17 A: Nope.</p> <p>18 Q: So turning now to page 15.</p> <p>19 A: This is the same basic statement,</p> <p>20 just broken up into pit and slot rather than by</p> <p>21 individual dates.</p> <p>22 Q: So what would the date range for</p> <p>23 this particular exhibit B?</p> <p>24 A: January 1st 2013 thru December 31st</p> <p>25 2013.</p>
<p style="text-align: right;">Page 135</p> <p>1 A: Page 13 is a sum of what we are</p> <p>2 going to go over in the next few pages.</p> <p>3 Q: Okay. So turn the page please in</p> <p>4 14, and what I would like you to do is if you could</p> <p>5 explain to us what this record is, and what each of</p> <p>6 the columns represent.</p> <p>7 A: This is a win-loss statements</p> <p>8 separated by day. If you look at gaming area that is</p> <p>9 the date of that day the person played on their</p> <p>10 player's card. Dollars in is the amount of coin in or</p> <p>11 total in based on the pit play, which is any moneys</p> <p>12 played. Dollars out would be anything removed from a</p> <p>13 slot machine or table game. Win-loss, any negative</p> <p>14 amount is one for the casino, any positive amount is</p> <p>15 one for the player. Attendant paid pay-out would be</p> <p>16 any jackpots on a slot machine, anything over \$1200.</p> <p>17 Adjusted win-loss is the win-loss minus the attendant</p> <p>18 paid pay-outs, so you get a total for what that</p> <p>19 adjusted win-loss would be. On this one there does</p> <p>20 not seem to be one that is why the calls match up.</p> <p>21 W2G level pay-out would be anything over \$1200 and</p> <p>22 then what those pay-outs would be.</p> <p>23 Q: Can you explain the matching</p> <p>24 columns again?</p> <p>25 A: The win-loss there is, if you see</p>	<p style="text-align: right;">Page 137</p> <p>1 Q: So, calendar year 2013?</p> <p>2 A: Correct.</p> <p>3 Q: Okay. And the explanation remains</p> <p>4 the same for the dollars in vs. dollars out?</p> <p>5 A: Correct.</p> <p>6 Q: And as slot as it sounds, it is a</p> <p>7 slot getting as supposed to a table game?</p> <p>8 A: Correct.</p> <p>9 Q: Now, when we talk about dollars in</p> <p>10 dollars out, do we mean literally raw dollars?</p> <p>11 A: No.</p> <p>12 Q: Okay. Explain what we mean.</p> <p>13 A: Every time the button is hit on the</p> <p>14 slot machine. So, as you play a slot machine</p> <p>15 sometimes you win a little bit, you lose a little bit</p> <p>16 as you continue to go. Every time you hit the button</p> <p>17 it is rated as coin in. When you look at the actual</p> <p>18 losses, the win-loss and the adjusted win-loss</p> <p>19 columns, that is what we use as what their actual</p> <p>20 loss is or win, depending.</p> <p>21 Q: Then turning to page 16.</p> <p>22 A: This will be January 1st of 2014</p> <p>23 thru December 31st of 2014.</p> <p>24 Q: And is there anywhere in the</p> <p>25 records that we can look and we can see exactly how</p>

<p>Page 138</p> <p>1 much money an individual put into a machine?</p> <p>2 A: No.</p> <p>3 Q: And then turning to page 17, this</p> <p>4 is the same type of record but for calendar year</p> <p>5 2015, correct?</p> <p>6 A: Number 17? It is 2015.</p> <p>7 Q: Right.</p> <p>8 A: Yes.</p> <p>9 Q: I am sorry if I said that wrong.</p> <p>10 And then turning to page 18, what do we have here?</p> <p>11 A: 18 starts a daily play of how much</p> <p>12 was wagered and played each day, for a breakdown from</p> <p>13 December 1st 2012 to the present of when we received</p> <p>14 the information. So, if you add it all this up it</p> <p>15 would equal the pages for each calendar year. This is</p> <p>16 just a daily breakdown of everything that happened</p> <p>17 during that time period.</p> <p>18 Q: Okay. And it looks like it provides</p> <p>19 us day-by-day play, correct?</p> <p>20 A: Correct.</p> <p>21 Q: What is the trip column?</p> <p>22 A: Trip column is how many trips the</p> <p>23 person made during a time period. If you are from out</p> <p>24 of state, we qualify trip on 7 days, if you are a</p> <p>25 local we qualify as 1 day. So you can have anywhere</p>	<p>Page 140</p> <p>1 out, would this represent a cumulative total of those</p> <p>2 2 machines?</p> <p>3 A: That is the entire time that the</p> <p>4 card was inserted into the machine.</p> <p>5 Q: Okay. And here, the columns are</p> <p>6 entitled total in, total out. Is that the same as</p> <p>7 dollars in and dollars out?</p> <p>8 A: The same as dollars in and dollars</p> <p>9 out</p> <p>10 Q: Thank you. And then the actual win,</p> <p>11 does that correspond onto the prior pages that we</p> <p>12 looked at to win-loss?</p> <p>13 A: Correct. That would be total in</p> <p>14 minus total out minus any attendant-paid pay-outs</p> <p>15 will give you your actual win column on this report.</p> <p>16 Q: And then what is the theoretical</p> <p>17 win?</p> <p>18 A: Theoretical win is something that</p> <p>19 casinos use to calculate where your play is so we can</p> <p>20 average your offers and make a more normalized idea</p> <p>21 of where you actually play, but if you pit come in</p> <p>22 and hit a big jackpot we do not want to give you less</p> <p>23 of an offer because you won money. So, we use</p> <p>24 theoretical to get an idea of where your normal play</p> <p>25 is and how much you would have lost that day to base</p>
<p>Page 139</p> <p>1 between 1 and 7 as if you are from out of town but as</p> <p>2 locals they just get 1 day of play. So that is a trip</p> <p>3 and play. If you are from out of town you had 6 days</p> <p>4 played and there is a 7-day trip, you would have 7 in</p> <p>5 the trip column and 6 in the play column. But because</p> <p>6 it is a local it is just 1 in 1.</p> <p>7 Q: Okay. So, does that represent then</p> <p>8 that...so taking as example the first line slot,</p> <p>9 November 27, 2015 start date, and date; that</p> <p>10 represents that they came into the casino one time in</p> <p>11 that day?</p> <p>12 A: On that day.</p> <p>13 Q: Now, if they had come in more than</p> <p>14 1 time; if they had put their card into a machine</p> <p>15 twice, would it show us too? Or would it still show</p> <p>16 us 1?</p> <p>17 A: It would not. It would just show</p> <p>18 the time played call and overall the law on the far</p> <p>19 right. So it will only show us 1 but you would see</p> <p>20 how much time they played.</p> <p>21 Q: Okay. And would that be a</p> <p>22 cumulative total? So for example if I went into the</p> <p>23 casino and I had player's card and I put my card into</p> <p>24 1 machine and I played and then I cashed out and I</p> <p>25 went to another machine and I played and I cashed</p>	<p>Page 141</p> <p>1 our offers on.</p> <p>2 Q: That seems to go on for several</p> <p>3 pages. So let us skip past that report and I think 36</p> <p>4 begins the next...actually no. Let's see. The 28th.</p> <p>5 Page 28, there is a different kind of record.</p> <p>6 A: This is a redemption record for</p> <p>7 December 1st 2012 to present. As you go across the</p> <p>8 ticket number as a system-generated number for what</p> <p>9 that redemption was, the nickname associates to the</p> <p>10 player's card, then you have an issue redemption</p> <p>11 date, status of whether it has been settled or</p> <p>12 voided. If it is settled, it has been complete; if it</p> <p>13 is voided it was never a completed transaction. The</p> <p>14 types are all described in the last final page to</p> <p>15 make it very easy. If you look at page 35...</p> <p>16 Q: Yes.</p> <p>17 A: ...you have all the different types</p> <p>18 there: prize equals the prize winning, comp equals</p> <p>19 complimentary, PRPSL is points earned and downloaded</p> <p>20 with personal pin number directly to a machine, point</p> <p>21 redeem are any points earned or redeemed at any</p> <p>22 outlet or restaurant, and then settled are obviously</p> <p>23 things that were settled in the system. And as you</p> <p>24 walk across any points would be points redeemed for</p> <p>25 any type of cash value. The points column directly</p>

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1 relates to the cash value call and would just be the
2 points column divided by 200 as what is in our
3 player's club. So every 200 points equals a dollar of
4 cash that comp free slot play. Anything that
5 associates back so, for example, as you go across you
6 can look at that top column and see that it is 800
7 points for \$4 cash and points to promo redeem is a
8 free slot play redeemed and that is the machine
9 number that it was redeemed at. And then the other
10 column for comp dollars, if you go down a little bit
11 you can see there is a comp for 31.98 as associates
12 to any comp dollars received based on discretionary
13 comps, and this one was to the buffet for dinner.
14 **Q: All right then to page 36.**
15 **A:** 36 is a screenshot of the lifetime
16 for our player. Total available is the points that
17 they currently had available on their account at the
18 time that this screenshot was taken. Earned are
19 lifetime points earned. Adjusted are any points that
20 were adjusted to the account based on the promotions.
21 Bonus would be any point multiplier points that were
22 earned during that time period. And then if you go
23 down towards the bottom, you see redeemed - would be
24 the points removed from the account based on the
25 redemptions that you can see in the other exhibit.

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1 Cash value directly relates back to the points, so
2 everything is just 200 divided by the number of
3 points gives you the cash value in each one of those
4 columns. And then comp dollars were just stationary
5 comps that were earned in the table games department
6 in the earned column and then removed or redeemed
7 based on a play.
8 **Q: Then moving on to page 37.**
9 **A:** 37 relates to promotional free slot
10 play. Promotional free slot play is free play that
11 were given in mailers or downloaded to the player's
12 club for any type of different mailers or swipes that
13 they got at the kiosk, different things that they
14 associate with them, which is different than
15 downloading your points to free slot play, which is
16 in the points report.
17 **Q: Okay. So these, in the amount**
18 **column, the dollar values would actually represent**
19 **the dollar value of what the player could play based**
20 **on those promotions?**
21 **A:** That was the amount downloaded to
22 the machine, so for example, on the 12-3-2012 to 12-
23 04, \$10 got downloaded to a machine on this player
24 account.
25 **Q: How does a player earn points or**

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1 **these kinds of promotions?**
2 **A:** The points are earned based on play
3 on slot machines and video poker machines, and a
4 video poker machine, it is \$2 of coining gives you 1
5 point. On a video real or real slot game it is \$1 of
6 coining equals 1 point. Based on different
7 qualifications and different offers, their mailers
8 are based on their tier levels depending upon a lot
9 of different factors as we kind of calculate those
10 out. Dependents on where their mail actually falls.
11 **Q: So a player earns their rewards**
12 **based on the amount of money that they play with?**
13 **A:** Correct.
14 **Q: All right. Moving to page 50?**
15 **A:** Okay. This was just an overview of
16 our player packet where we said that the points are
17 accrued dollar to dollar coin in for 1 point for \$1
18 on real slots or video real slots and \$2 on video
19 poker machines, and table games player pit play does
20 not earn points.
21 **Q: And then 51 and 52, those are just**
22 **the casino's promotional materials?**
23 **A:** Correct. This is our promotional
24 packet that we hand out to anybody that comes up to
25 the club and explains our program and our rules for

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1 everything that we have going.
2 **Q: All right. Just a moment please.**
3 **A:** Absolutely.
4 **Q: Is there anything within the record**
5 **that tells us the total amount of time played on this**
6 **card?**
7 **A:** If you added up all the columns in
8 exhibit D, starting on page 18, if you added up that
9 time played column all the way throughout, that would
10 give you the entire time played since December 1st of
11 2012. I do not think there is a total column on what
12 I have here.
13 **Q: And I think you already testified**
14 **that there really is no way to determine the total**
15 **money spent on this card.**
16 **A:** Correct. If we use the win-loss
17 number, the actual win number, as kind of our number
18 for what we gauge to that. But, no, there is no way
19 to tell how much exact money was put in on that card.
20 **Q: Okay. So if you are looking at a**
21 **win-loss, that is going to include the wins during**
22 **the time of play, correct?**
23 **A:** Correct. So that is part of the
24 total out and the attendant-paid payouts.
25 **Q: So if we look at, for instance, a**

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1 defendant ramp 15, page 15, back towards the
2 beginning...
3 A: Okay.
4 Q: ...in 2013 we had a dollar in and
5 slot paid \$127,752?
6 A: Correct.
7 Q: Is there a way for you to determine
8 how much of that was actual cash?
9 A: No. We just look at the win-loss
10 and see that there was \$6200 in loss on that account
11 and then you can see there is attendant paid payouts
12 for \$8251 for an adjusted win-loss of \$2000.
13 Q: Okay. Thank you. Pass the witness.
14
15 CROSS EXAMINATION
16 BY: JASON NAIMI
17 Q: My name is Jason Naimi. I have the honor
18 and privilege of representing Sandra Nance, who
19 I believe as the bearer of the records that you
20 have there. Your testimony here earlier today
21 was simply based off the records alone, right?
22 A: Correct.
23 Q: You have no personal knowledge of this
24 player right here?
25 A: No.

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1 Q: In fact, you do not even know whether or
2 not she is the player using the player's card?
3 A: Correct.
4 Q: These records that you have before you
5 simply track the player's card?
6 A: Correct.
7 Q: So if a player were to hypothetically
8 lend that card out to family, friends, whomever, that
9 is what these records reflect?
10 A: Correct.
11 Q: There is no way of identifying if you
12 know in fact it was this player using that card?
13 A: Correct.
14 Q: To be more clearer, the system has no
15 ability to verify the identity of the actual player
16 on the card to find?
17 A: No. It just knows what card is inserted
18 in the machine.
19 Q: And it is conceivable that players tend
20 to loan their cards out to friends and family and so
21 on?
22 MS. WILSON: Objection. Speculation.
23 Q: Have you ever know of any player to ever
24 lend their card out to other people to use it?
25 A: Yes.

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1 Q: And they do so because they rack up more
2 rewards by doing that dumping?
3 A: Correct.
4 Q: And by racking up rewards they get those
5 benefits?
6 A: Correct.
7 Q: Benefits like pool time or comps at
8 restaurants, perhaps a comp on hotel rooms?
9 A: Correct.
10 Q: You have no personal knowledge of Sandra
11 Nance?
12 A: No.
13 Q: You do not know her to be a player at
14 the Rampart Casino?
15 A: I do not.
16 Q: No further questions.
17 DIRECT EXAMINATION
18 BY: Shannon Wilson
19 Q: To follow up, does the casino have any
20 rules or regulations regarding the use of the
21 individual player card?
22 A: Would you have rules on our player's
23 club brochure if you look back in there that say that
24 player must play on their own card.
25 Q: And when points or bonuses are redeemed,

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1 does the casino verify the person who is redeeming
2 them?
3 A: Depending upon the redemption. If they
4 go to an actual person to redeem the offer, yes. if
5 they walk up to a slot machine, they would have to
6 know the pin number on that account, but there is no
7 person there to verify unless they have that pin
8 number.
9 Q: Thank you. No more questions.
10 CROSS EXAMINATION
11 BY: Jason Naimi
12 Q: Quick follow up to that. I think you
13 answered this a moment ago when I wanted to just be
14 clear, you do not identify players using the cards on
15 a regular basis?
16 A: Correct.
17 Q: And it is certainly possible that
18 someone benefiting or taking advantage of any reward
19 points that the player's card has been issued? It is
20 possible that it is not in fact the player who has
21 that card?
22 MS. WILSON: Objection. Speculation.
23 Q: I asked if whether or not it is
24 possible.
25 MS. JUDGE: Yeah. Overruled. Go ahead.

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1 A: It is possible.
2 Q: Thank you. No further questions.
3 JUDGE GENTILE: You can step down. Thank
4 you.
5 MS. WILSON: He is just going to go to
6 the restroom but we can proceed. Gold Coast.
7 BAILIFF: Raise your right hand, face
8 the court.
9 MS. MCCULLOCH: Do you solemnly swear
10 the testimony you are about to give this action shall
11 be the truth, the whole truth, and nothing but the
12 truth, so help you God?
13 MR. HARKINS: I do.
14 DIRECT EXAMINATION
15 BY: Shannon Wilson
16 Q: Good afternoon, sir.
17 A: Hi.
18 Q: Hi. My name is Shannon Wilson. I
19 represent one of the parties in this matter and
20 I really appreciate your time today.
21 A: Sure.
22 Q: Trying to get you out just as quickly as
23 we possibly can. Would you kindly state and
24 spell your name for the record?
25 A: My name is David Harkins. H-A-R-K-I-N-S.

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1 Q: And do you know who Christopher Ferraro
2 is?
3 A: No.
4 Q: Do you know who Sandra Nance is?
5 A: No.
6 Q: Who is your employer?
7 A: Boyd Gaming.
8 Q: And do you work for a specific facility
9 for that?
10 A: We do the accounting of the Orleans for
11 both the Orleans and the Gold Coast.
12 Q: And what is your business address?
13 A: 4500 West Tropicana Avenue.
14 Q: And what is your job title?
15 A: Assistant controller.
16 Q: How long have you been employed by Boyd?
17 A: Going on 11 years.
18 Q: And how long have you held your current
19 position?
20 A: Three years.
21 Q: What are your job responsibilities in
22 the position?
23 A: Handling all the financial statements
24 for both properties and closing during entries, just
25 all around.

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1 Q: Within your job responsibilities, would
2 you be among the persons most knowledgeable to
3 explain records generated by Gold Coast and
4 Orleans in response to a subpoena for records of
5 a player's customary loyalty or rewards program?
6 A: Yes.
7 Q: If you would, there is a binder in front
8 of you. Turn to N2, as in Nancy. So it should be
9 the one right in the middle. It should be
10 Defendant's Exhibit volume 2.
11 A: Okay.
12 Q: And take just a few moments if you would
13 to browse thru those and let me know when you
14 are done.
15 JUDGE GENTILE: Ms. Wilson, can you
16 state your full name again for the record,
17 please.
18 A: David Harkins. H-A-R-K-I-N-S.
19 JUDGE GENTILE: Okay. Thank you.
20 A: Okay.
21 Q: Do you recognize these as records
22 of the Orleans and Gold Coast?
23 A: Yes.
24 Q: And if you noticed there, the pages
25 are numbered in the lower right-hand corner.

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1 A: Uh-hmm.
2 Q: D-E-F-T-O-R-L-E and then followed
3 by a number. Looking at page 1 of this-- is it a
4 Custodian of Records Affidavit and it was, in fact,
5 completed by you. Correct?
6 A: Yes, it was.
7 Q: Your Honor, we'd move to admit
8 exhibit N 2 under the business records...
9 MR. NAIMI: No objection.
10 JUDGE GENTILE: Okay. Will be
11 admitted.
12 Q: All right. So Mr. Harkin, what I'd
13 like to do now is just have you quickly explain these
14 records to us. So if you could start with page 2...
15 A: Page 2?
16 Q: ...tell us what we're looking at.
17 A: This would be a trip history by
18 day, and it would show you whether the card holder or
19 club holder won or lost, win-loss for the day.
20 Q: So the days actually go across the
21 top from left...
22 A: Yes.
23 Q: ...to right?
24 A: Yes, ma'am.
25 Q: All right. And so that's a day-by-

<p style="text-align: right;">Page 154</p> <p>1 day win-loss number. Do I understand that correctly?</p> <p>2 A: Yes.</p> <p>3 Q: All right. What does win-loss</p> <p>4 represent?</p> <p>5 A: Between the coin in and coin out in</p> <p>6 that particular...for that particular day.</p> <p>7 Q: So if we look, for example, at the</p> <p>8 first column, August 7, 2015, does that represent</p> <p>9 that the player lost \$25?</p> <p>10 A: Correct.</p> <p>11 Q: Can you also explain what</p> <p>12 the...under the earn potential. What does that</p> <p>13 number reflect?</p> <p>14 A: That number would reflect any</p> <p>15 complementaries that would be available...</p> <p>16 Q: So comp...</p> <p>17 A: ...for the customers.</p> <p>18 Q: I'm sorry to interrupt you.</p> <p>19 A: That's all right.</p> <p>20 Q: So you mean complementaries earned</p> <p>21 based on their play that day?</p> <p>22 A: Correct.</p> <p>23 Q: And then there's actually a</p> <p>24 category called Complementary.</p> <p>25 A: Yes.</p>	<p style="text-align: right;">Page 155</p> <p>1 information provided by Gold Coast versus Orleans, is</p> <p>2 that...?</p> <p>3 A: No. The same system.</p> <p>4 Q: And then similarly, Orleans</p> <p>5 provided a daily record of coin in and estimated win-</p> <p>6 loss in the template, correct?</p> <p>7 A: Correct. Correct.</p> <p>8 Q: And that's also based on the 60-</p> <p>9 minute increment?</p> <p>10 A: Yes exact same.</p> <p>11 Q: Is there any record that tells us</p> <p>12 the total win-loss or would we have to add through</p> <p>13 all of the columns?</p> <p>14 A: It would be...yeah, that's...when I</p> <p>15 submitted this originally, that's why I put a tape on</p> <p>16 it, but that's...</p> <p>17 Q: Okay. So if you look at page 51,</p> <p>18 there's an image of a tape. So that's \$105 loss.</p> <p>19 A: Correct. Yes.</p> <p>20 Q: And if we look at page 2, you have</p> <p>21 the tape on there.</p> <p>22 A: Uh-hmm. 3</p> <p>23 Q: It reflects a loss of \$4,227?</p> <p>24 A: Correct.</p> <p>25 Q: And is there...is the time played</p>
<p style="text-align: right;">Page 155</p> <p>1 Q: Would that reflect a redemption?</p> <p>2 A: Correct.</p> <p>3 Q: If you would turn to page 12, we</p> <p>4 are looking now at a slightly different kind of</p> <p>5 record.</p> <p>6 A: Uh-hmm.</p> <p>7 Q: What is this?</p> <p>8 A: This would be the actual slot</p> <p>9 rating information that would show the total coin in,</p> <p>10 the win-loss. Then on the far hours played, that</p> <p>11 would be based on 60-minute increments. So on this</p> <p>12 particular day, on the 7th, she would have played 18</p> <p>13 minutes.</p> <p>14 Q: If you would just continue through</p> <p>15 those till we get to the different kind of record.</p> <p>16 Fifty one might be the next one.</p> <p>17 A: Okay. Yeah. This would be the</p> <p>18 information from New Orleans.</p> <p>19 Q: So if we...we don't have to turn</p> <p>20 back to page 2, but page 2 would have been</p> <p>21 information for the Gold Coast, then?</p> <p>22 A: Exactly.</p> <p>23 Q: Okay. And then page 51 begins...</p> <p>24 A: Starts with New Orleans.</p> <p>25 Q: There's no differences between the</p>	<p style="text-align: right;">Page 157</p> <p>1 totaled anywhere or would we have to add that up</p> <p>2 individually?</p> <p>3 A: That would have to be added up</p> <p>4 individually.</p> <p>5 Q: Okay. Pass the witness.</p> <p>6</p> <p>7 DIRECT EXAMINATION</p> <p>8 BY: Jason Naimi</p> <p>9 Q: Good afternoon.</p> <p>10 A: Good afternoon.</p> <p>11 Q: My name is Jason Naimi. I have the</p> <p>12 privilege of representing Sandra Nance whose records</p> <p>13 you have before you. Sorry, I apologize for</p> <p>14 redundant your Honor.</p> <p>15 JUDGE GENTILE: Fine. It's okay.</p> <p>16 Q: The testimony you gave here long</p> <p>17 ago was based on these records alone.</p> <p>18 A: Correct.</p> <p>19 Q: You have no personal knowledge of</p> <p>20 Ms. Sandra Nance.</p> <p>21 A: No.</p> <p>22 Q: In fact, you don't know her to be a</p> <p>23 player at any of your casinos?</p> <p>24 A: No.</p> <p>25 Q: Your system does not verify the</p>

<p style="text-align: right;">Page 158</p> <p>1 identity of the player, correct?</p> <p>2 A: Correct. That's all based on the</p> <p>3 cards.</p> <p>4 Q: Who places the card?</p> <p>5 A: Yes.</p> <p>6 Q: And if a player were to lend their</p> <p>7 card out to family, friends and so on, that's what</p> <p>8 its tracking?</p> <p>9 A: Correct.</p> <p>10 Q: It's the card in the machine, not</p> <p>11 who's using it.</p> <p>12 A: Correct.</p> <p>13 Q: And you wouldn't know who is using</p> <p>14 it, because you're not there watching...</p> <p>15 A: Monitoring? Correct.</p> <p>16 Q: In fact, you guys don't have a</p> <p>17 system for monitoring who's using the card. You're</p> <p>18 just tracking the card.</p> <p>19 A: Exactly.</p> <p>20 Q: You don't ID players who are using</p> <p>21 cards at any point of the day?</p> <p>22 A: No.</p> <p>23 Q: It's possible that a player forgets</p> <p>24 their card in the machine and someone else comes in</p> <p>25 and continues to play on that same card?</p>	<p style="text-align: right;">Page 160</p> <p>1 casinos have a policy that requires one player...</p> <p>2 MR. NAIMI: Objection, leading.</p> <p>3 Q: ...one card?</p> <p>4 5 GENTILE: Yeah. Sustained. Re-</p> <p>5 phrase.</p> <p>6 Q: What are the tax ramifications with</p> <p>7 respect to a player's win-loss ratio?</p> <p>8 MR. NAIMI: Objection. This person is</p> <p>9 not a tax expert and can't... comment... can't</p> <p>10 testify on taxes.</p> <p>11 JUDGE GENTILE: Sustained.</p> <p>12 Q: Does the casino issue any tax</p> <p>13 records to players based on their win-loss ratios?</p> <p>14 A: Depending on if they have a</p> <p>15 reportable jackpot.</p> <p>16 Q: And what's a reportable jackpot?</p> <p>17 A: \$1,199.</p> <p>18 Q: And they would be expected to...</p> <p>19 you'd remit that to the IRS, correct?</p> <p>20 A: Correct.</p> <p>21 Q: Thank you. No further questions.</p> <p>22 JUDGE GENTILE: Okay.</p> <p>23 MR. NAIMI: Nothing further.</p> <p>24 JUDGE GENTILE: All right. Witness may</p> <p>25 step down. Thank you.</p>
<p style="text-align: right;">Page 159</p> <p>1 A: Certainly.</p> <p>2 Q: It would still rack up points. It</p> <p>3 would still show time in the machine.</p> <p>4 A: Uh-hmm.</p> <p>5 Q: It would still appear to you in</p> <p>6 your records as though that card is still being used</p> <p>7 by that player.</p> <p>8 A: Correct.</p> <p>9 Q: Nothing further.</p> <p>10</p> <p>11 DIRECT EXAMINATION</p> <p>12 BY: Shannon Wilson</p> <p>13 Q: Does Boyd have a policy regarding</p> <p>14 utilization of a card by an individual player?</p> <p>15 A: They do not.</p> <p>16 Q: Pardon me?</p> <p>17 A: Do they have a policy?</p> <p>18 Q: Yes. Is it one card per player, or</p> <p>19 can a player share their card with multiple people?</p> <p>20 A: It should be just for that</p> <p>21 particular individual.</p> <p>22 Q: Okay. And why would that be?</p> <p>23 A: Because that's who the card is</p> <p>24 registered to.</p> <p>25 Q: Okay. Is one of the reasons that</p>	<p style="text-align: right;">Page 161</p> <p>1 MS. WILSON: Next one is going to be...</p> <p>2 so yes, Suncoast.</p> <p>3</p> <p>4</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY: Shannon Wilson</p> <p>7 BAILIFF: Please stand, raise your</p> <p>8 right hand and face the clerk.</p> <p>9 MS. MCCULLOCH: You do solemnly swear</p> <p>10 the testimony you're about to confess shall be the</p> <p>11 truth, the whole truth, and nothing but the truth, so</p> <p>12 help me God?</p> <p>13 A: I do.</p> <p>14 Q: Good afternoon, and thank you for</p> <p>15 your attendance here today. We appreciate you taking</p> <p>16 your time to come. We will try to get you out as</p> <p>17 quickly as we possibly can. My name is Shannon</p> <p>18 Wilson. I represent one of the parties in this case.</p> <p>19 Could you kindly state your name for the record?</p> <p>20 A: James Fremont.</p> <p>21 Q: Spell your last name, please?</p> <p>22 A: F-R-E-M-O-N-T.</p> <p>23 Q: Do you know Christopher Ferraro?</p> <p>24 A: No, ma'am.</p> <p>25 Q: Do you know Sandra Nance?</p>

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<p>1 A: No, ma'am.</p> <p>2 Q: Who is your employer?</p> <p>3 A: Boyd Gaming Corporation.</p> <p>4 Q: Do you work for a specific division</p> <p>5 of Boyd?</p> <p>6 A: Yes, the Suncoast.</p> <p>7 Q: And what is your job title?</p> <p>8 A: Director of Finance.</p> <p>9 Q: How long have you been employed by</p> <p>10 Boyd at Suncoast?</p> <p>11 A: Boyd overall, 15 years; eight years</p> <p>12 at Suncoast.</p> <p>13 Q: And how long have you held your</p> <p>14 present position?</p> <p>15 A: Eight years.</p> <p>16 Q: Can you briefly discuss your job</p> <p>17 responsibilities for us?</p> <p>18 A: I am, in addition to custodian of</p> <p>19 records, I also handle the oversight of production of</p> <p>20 financial statements and maintenance over a system of</p> <p>21 controls as well as reimbursing of the cage, the</p> <p>22 counter room and receiving, that type of thing.</p> <p>23 Q: And within those job</p> <p>24 responsibilities, would you be among the persons of</p> <p>25 most knowledgeable to explain records generated in</p>	<p>1 admitted.</p> <p>2 MR. NAIMI: Sorry, no objection. I</p> <p>3 apologize, your honor.</p> <p>4 JUDGE GENTILE: Ms. Cooley was way</p> <p>5 ahead of you.</p> <p>6 Q: All right.</p> <p>7 MR. NAIMI: I'll take the asking, Your</p> <p>8 Honor.</p> <p>9 JUDGE GENTILE: It's okay.</p> <p>10 MR. NAIMI: That would be all.</p> <p>11 JUDGE GENTILE: Got you. It's all</p> <p>12 right.</p> <p>13 MR. NAIMI: Ask my wife. I can't do</p> <p>14 it.</p> <p>15 Q: Mr. Fremont, would you kindly turn</p> <p>16 to the next page, page 2? What I'm going to do now</p> <p>17 is sit and have you go through each category of</p> <p>18 records and explain to us what we're looking at.</p> <p>19 A: Okay.</p> <p>20 Q: Starting with number 2. What are</p> <p>21 we looking at here?</p> <p>22 A: That page labeled Customer Status</p> <p>23 Inquiry just shows basic information about the</p> <p>24 customer's name, address, bank information, that type</p> <p>25 of thing.</p>
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<p>1 response to a request for information related to an</p> <p>2 individual's player card?</p> <p>3 A: Yes.</p> <p>4 Q: If you would, there's a binder in</p> <p>5 the middle of the desk in front here. Open it. The</p> <p>6 first tab is N. If you go to N-3.</p> <p>7 A: Okay.</p> <p>8 Q: And then take just a few moments,</p> <p>9 if you would, to look through those records there and</p> <p>10 let me know when you're done.</p> <p>11 A: Okay.</p> <p>12 Q: Do you recognize these as records</p> <p>13 that you produced in response to a subpoena duces</p> <p>14 tecum?</p> <p>15 A: Yes.</p> <p>16 Q: In fact, if you've noticed too,</p> <p>17 there is a number at the lower right corner of each</p> <p>18 page. Number 1 was that Affidavit of Custodian of</p> <p>19 Records prepared by you.</p> <p>20 A: Yes, it was.</p> <p>21 Q: Your Honor, we move to admit</p> <p>22 Exhibit N-3.</p> <p>23 JUDGE GENTILE: No objection?</p> <p>24 MS. COOLEY: No.</p> <p>25 JUDGE GENTILE: Okay. It'll be</p>	<p>1 Q: Okay. And how about page 3?</p> <p>2 A: Similarly, it just goes through a</p> <p>3 few more details as far as social security number,</p> <p>4 contact information, ID number.</p> <p>5 Q: How about page 4?</p> <p>6 A: That gives a summary in this case</p> <p>7 from December of 2012 through mid-December of 2015,</p> <p>8 and gives us a summary overall of the gaming</p> <p>9 activity.</p> <p>10 Q: So let's look at that in a little</p> <p>11 more detail. So it identifies about five lines down</p> <p>12 on the first column, it says WN/LS. What does that</p> <p>13 represent?</p> <p>14 A: That represents an instance of,</p> <p>15 during that time period the particular patron had</p> <p>16 lost \$580.</p> <p>17 Q: That's actual money lost, is that</p> <p>18 correct?</p> <p>19 A: Correct.</p> <p>20 Q: So that doesn't reflect some point</p> <p>21 in, point out number. That's the dollar value lost</p> <p>22 by that card?</p> <p>23 A: Correct.</p> <p>24 Q: And then does that refer to table</p> <p>25 games?</p>

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1 A: Yes.
2 Q: And slots refers to any kind of
3 video machine?
4 A: Correct.
5 Q: And then what is the next section?
6 EP?
7 A: That stands for earnings potential,
8 which would be the expectation of win or loss for a
9 theoretical hold percentage for that level of play.
10 Q: Can you state that in lay person's
11 terms? What does that mean?
12 A: Sure. That means that if, in the
13 example where it says pit plus \$102, it might mean,
14 based on typical percentages for the amount wagered
15 that someone might, in a lot of cases, had an
16 opportunity to win that \$102.
17 Q: But that was not, in fact, what
18 happened?
19 A: No, ma'am.
20 Q: Okay. And is that number based on
21 the amount of dollars played?
22 A: Yes. And just to be very clear,
23 the earnings potential would be for the casino that
24 you would expect that the win would be the \$102 on
25 the casino's side of things.

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1 Q: And then the next category is comp.
2 What is that?
3 A: It gives an approximate value of
4 any comps that the patron received.
5 Q: Is that comps that they actually
6 tendered?
7 A: Correct.
8 Q: And then sort of the left-hand
9 column, it begins date range and bonus points. Can
10 you describe that section to us?
11 A: Yes. For the range specified in
12 the header, it means that the patron would have
13 earned the \$236,924 bonus points. A couple of lines
14 down, promotional would be number of points awarded
15 for promotions that were not necessarily awarded
16 based on play. Credits and debits would be any
17 adjustments to the account. And finally, redeemed
18 would be points that were cashed in, if you will, for
19 some sort of value.
20 Q: And then in the far column where it
21 reads \$1,685.90 is that the dollar value of the
22 points?
23 A: Correct. Points that were then
24 redeemed and it correlates to the left-hand column in
25 terms of where there's comp rooms and comp food and

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1 beverage.
2 Q: Moving on then to page 5, is this
3 the same kind of record we just reviewed?
4 A: Yes, ma'am, it is. The difference
5 would be in the middle and to-the right-hand edge.
6 That data would be specifically related to table
7 points; which it does not look like we have activity
8 here for.
9 Q: And page 6, what's the difference
10 of that record?
11 A: In that case, it is referring to
12 card score which is not honestly a category I deal
13 with with any irregularity.
14 Q: And then it looks like the next
15 page, the difference is that it's describing bonus
16 points.
17 A: On this page, the left-hand column
18 breaks down details of pit game activity or table
19 game activity.
20 Q: And then I see... so what is the
21 first bet column?
22 A: First bet, in this case, is zero.
23 I'm not sure that's an area that we use regularly.
24 Right below that, the average bet is something that
25 we will routinely track in terms of scoring someone's

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1 gaming activity in the table area.
2 Q: So does that actually mean that
3 that player's card average bet is \$17?
4 A: Correct.
5 Q: And then hours played, is that an
6 average or is that a raw number?
7 A: I believe that is a total raw
8 number of 4.7 hours during that whole span of time.
9 Q: What is cash buy-ins and wagers?
10 A: That would be at the tables.
11 Meaning that money actually put at risk would be the
12 \$1,085.
13 Q: So that's the actual cash amount
14 that was wagered by the individual holding the card?
15 A: Correct.
16 Q: And then the estimated win-loss,
17 again, that's the actual loss by the player?
18 A: Patron. Yes.
19 Q: Okay. And looking at the next
20 page, this would appear to be similar information but
21 for slot games. Is that right?
22 A: Correct.
23 Q: Okay. And does this show us the
24 hours played?
25 A: Yes, ma'am. So in that roughly

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1 three-year time span, it would have been 397.2 hours.
2 Q: And then it also tells us... again,
3 it tells us the loss and your earning potential.
4 Then I see number of days played as well.
5 A: Yes, ma'am.
6 Q: Is that the number of times the
7 card goes into a machine or is that a number of days?
8 A: That would refer to the number of
9 days or in some of the other documentation referred
10 to as trips.
11 Q: So 234 days played over that
12 roughly three-year window?
13 A: Correct.
14 Q: And on page 9, it looks like we
15 have something called the "Other Games." What would
16 that be?
17 A: Other Games - things like bingo,
18 racing sports, that type of thing, which doesn't look
19 like we have much activity there.
20 Q: And then on page 10, what are we
21 looking at here?
22 A: That is a standard win-loss
23 statement and it looks like it's for 2013.
24 Q: And do you issue those annually for
25 every card?

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1 A: Upon request.
2 Q: And then looking at page 11, what
3 are we looking at here?
4 A: That would be details. Here again
5 for 2013, which would give day-by-day activity that
6 would sum the overall win-loss statement on page 10.
7 Q: So we have a day column and we have
8 an hours column. How is the fraction calculated
9 there? Is it based on 60 minutes?
10 A: Yes, it is. It would be however
11 many minutes basically divided by 60.
12 Q: And so if we added that column, it
13 would come to the number that was on one of the prior
14 pages that we reviewed?
15 A: Yes, ma'am.
16 Q: And then it looks like it also
17 tells us the daily win-loss.
18 A: Correct.
19 Q: And then turning to page 18, page
20 14 has that information for 2014. And then page 18
21 and 19 has the same information for 2015, correct?
22 A: Yes.
23 Q: And then I see something called the
24 grid transaction log. What's that?
25 A: That is a detailed record of cash

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1 activity that is captured by our systems that are
2 meant to just accumulate anything that could have any
3 relevance at all to the anti-money laundering type
4 record keeping.
5 Q: Page 29, what is that?
6 A: That is a listing of W-2Gs issued
7 for the given patron.
8 Q: That's a tax record that's issued
9 when they win money over a certain amount?
10 A: Yes, ma'am.
11 Q: And the pages 30 through to 43,
12 those look like the comps redeemed. Is that what
13 we're looking at there?
14 A: Yes.
15 Q: Okay. And then turning to page 44,
16 are these daily records of what was summarized at the
17 beginning?
18 A: Correct. That from 44 for quite a
19 ways then, it lists that summary for each trip or
20 each day as is tracked in the system.
21 Q: Is there any other kind of record
22 after that?
23 A: No, ma'am.
24 Q: I pass the witness.
25

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1 DIRECT EXAMINATION
2 BY: Jason Naimi
3 Q: Good afternoon. My name is Jason
4 Naimi. I have the privilege of representing Sandra
5 Nance whose records you're in possession right now.
6 Just to clarify, the testimony you gave here today is
7 based off of records alone?
8 A: Correct.
9 Q: You have no personal knowledge of
10 this player or this player's card?
11 A: No, sir.
12 Q: You don't know Ms. Sandra Nance?
13 A: No, Sir.
14 Q: The system is designed to track the
15 card itself, not the player?
16 A: Correct.
17 Q: You wouldn't know whether or not...
18 or the system wouldn't know whether or not...
19 wouldn't know who was using the card?
20 A: Correct. And... I'm sorry.
21 Q: If a player were to lend his or her
22 card out to friends and families and so on, you guys
23 would have no idea?
24 A: In terms of slots. Correct.
25 Q: Simply... right, right. Simply

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1 just the carding machine.
2 A: Correct.
3 Q: That's how you track it?
4 A: Exactly.
5 Q: You have no records of how many
6 copies of cards are out there?
7 A: No, sir.
8 Q: So if a patron loses a card and
9 gets another, it's conceivable that two cards are
10 being played at the same time, same identity?
11 A: Absolutely.
12 Q: You don't ID players when they're
13 using their card in the slots machines?
14 A: For slots, only upon jackpots.
15 Q: It's possible that a player may
16 forget their card in the machine, correct?
17 A: Uh-hmm.
18 Q: But another player might come in
19 and keep playing on that card, and you have no idea
20 that's a different player playing that card because
21 it is forgotten in the machine.
22 A: There are certain aspects of the
23 system that require a PIN number...
24 Q: Okay.
25 A: ...to be entered.

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1 Q: Other than that, it would stay
2 there for a while and it's continued to be played
3 upon even if it's another player.
4 A: Sure.
5 Q: I have no further questions.
6 DIRECT EXAMINATION
7 BY: Shannon Wilson
8 Q: Does the Suncoast have a policy
9 regarding what player can use a card?
10 A: Each player is ideally identified
11 separately. In general, we don't really allow shared
12 accounts. You need to have your own card, at least,
13 as a design of the system.
14 Q: Why is that?
15 A: For proper tracking of not only IRS
16 documentations but the anti-money laundering, et
17 cetera.
18 Q: And you had said that you do verify
19 players when they win a jackpot. Is that a jackpot
20 of a certain amount or of any amount?
21 A: Anything that would be, I believe,
22 \$1,200 or more would require an ID prior to pay.
23 Q: No more questions.
24 JUDGE GENTILE: I've a quick question.
25 They're ID-ed if they play at a table?

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1 A: Generally.
2 Q: Okay. Nothing further. Thank you
3 for your time. Wynn.
4
5 BAILIFF: Please stand. Raise your
6 right hand and face the clerk.
7 MS. MCCULLOCH: Do you solemnly swear
8 that testimony you are about to give in this action
9 will be the truth and nothing but the truth so help
10 you God?
11 MR. WHELAN: I do.
12 DIRECT EXAMINATION
13 BY: Shannon Wilson
14
15 Q: Good afternoon, sir. Thank you for
16 your time today. We really appreciate it. We'll try
17 to finish this as quickly as we can. I represent one
18 of the parties in this case. Can you kindly of
19 state... my name is Shannon Wilson and I represent
20 Mr. Ferraro. Can you kindly state your name and
21 spell your last name for the record?
22 A: Lawrence Whelan. W-H-E-L-A-N.
23 Q: And, Mr. Whelan, who is your
24 employer?
25 A: Wynn Las Vegas?

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1 Q: And do you know Christopher
2 Ferraro?
3 A: No.
4 Q: Do you know Sandra Nance?
5 A: No.
6 Q: What is your current job title?
7 A: Compliance officer.
8 Q: And how long have you been employed
9 by Wynn?
10 A: Over 12 years.
11 Q: How long have you held your
12 present position?
13 A: Almost a year.
14 Q: What are your job responsibilities?
15 A: I'm responsible for the properties
16 compliance with all applicable laws and regulations.
17 Q: In that capacity, would you be
18 among the persons who's most knowledgeable to explain
19 records generated by Wynn pursuant to a subpoena
20 duces tecum for records associated with member
21 loyalty program?
22 A: Yes.
23 Q: With that, would you kindly,
24 there's a binder right in front of you right, one in
25 the middle of the desk there. Would you turn to

<p style="text-align: right;">Page 178</p> <p>1 Exhibit N-4. Take a moment to look through the pages 2 in that exhibit and let me know when you're done. 3 A: Finished. 4 Q: Do you recognize these as records 5 produced by Wynn? 6 A: Yes. 7 Q: And if you will notice, there is a 8 number in... sometimes on the lower right-hand 9 corner, and then depending on the orientation of the 10 page, sometimes it's in the upper right-hand corner. 11 But if you return to D-E-F-T-W-I-V 003. 12 A: Yes. 13 Q: Who is Kristina Espinosa? 14 A: Sorry, maybe I'm on the wrong page? 15 Q: There's a Certificate of Custodian 16 of records at the title. 17 A: Yes. 18 Q: Do you know Ms. Espinosa? 19 A: Yes. 20 Q: Who is she? 21 A: She is a Wynn Las Vegas employee. 22 Q: And, Your Honor, we move to admit 23 Exhibit N-4 as the records were produced pursuant to 24 a subpoena duces tecum and pursuant to the Custodian 25 of records.</p>	<p style="text-align: right;">Page 180</p> <p>1 month. Yes. 2 Q: And then I see, if we're looking at 3 the summary by month section and we follow the 4 columns across, we have days and trip. Does that 5 reflect the number of times that the card went into a 6 machine or just it could have gone into a machine 7 multiple times in one day? 8 MR. NAIMI: Objection, leading. 9 JUDGE GENTILE: Sustained. 10 Q: Can you explain what the trip total 11 means? 12 A: That's the number of days that a 13 customer had gaming activity at Wynn Las Vegas. 14 Q: And what is TG Cash Buy in? What 15 does that reflect? 16 A: TG stands for Table Games, and Cash 17 Buy in is the dollar value of cash that was presented 18 at a table game in the pit. 19 Q: And then what is the time played? 20 How was that calculated? 21 A: Time played is calculated in 22 seconds. 23 Q: And what actual win is that? What 24 it suggested is that's what the player actually won 25 or lost?</p>
<p style="text-align: right;">Page 179</p> <p>1 MR. NAIMI: I'm paying attention this 2 time. 3 JUDGE GENTILE: Objection? 4 Q: Objection. 5 JUDGE GENTILE: Okay. It'll be 6 admitted. 7 Q: All right, thank you. And I 8 apologize for the smallest of the print. We printed 9 these from a disk that we got from Wynn, so I hope 10 you don't need readers. If you would turn to... 11 there is a page that is marked WLV15 and that's going 12 to be one of those words. The orientation is 13 landscape, so the number is going to be on the upper 14 right-hand corner. 15 A: Yes, I see it. 16 Q: Okay. Can you explain to us what 17 are we looking at here? 18 A: It's a summary report that shows 19 the customer's gaming activity at Wynn Las Vegas. 20 Q: And by what periods does it show 21 that activity? 22 A: It is for the years 2014 and 2015. 23 Q: It looks like a monthly summary. 24 Is that correct? 25 A: There's a section that's summary by</p>	<p style="text-align: right;">Page 181</p> <p>1 A: The actual win column is in terms 2 of the casino where it's recorded. So the actual win 3 column, if it's negative, that's what the casino 4 lost. If it's positive, that's what the casino won. 5 Q: And is that still reflecting table 6 games? Is that what the TG reflects? Table games? 7 A: That's correct. 8 Q: Okay. And then the next column is 9 slot coin in. What does the Coin in Number reflect? 10 A: Coin in is the dollar value of 11 wagers that were made in the slot machine. 12 Q: So not necessarily the amount of 13 money that was put into the machine, but the amount 14 of money plus wins and losses throughout the duration 15 of play? 16 A: It's the amount of money played, 17 wagered at the slot machine. 18 Q: Would you explain what that is? 19 How you would explain it? 20 A: It means that if you put one dollar 21 in the slot machine, you may win the hand and you may 22 receive credit back on the slot machine. 23 Q: And that those credits would be 24 added to the slot? Okay. 25 A: If you wager those credits again,</p>

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<p>1 then that is the coin in for the slot machine. 2 Q: And then going to the last column; 3 slot actual win, again that represents, if it's a 4 positive number, that was the casino's win? 5 A: That's correct. 6 Q: And then the next section looks 7 like we just have the summary by year, correct? 8 A: That's correct. 9 Q: And those are all same kinds of 10 columns. Is that right? 11 A: That's correct. 12 Q: What is summary by trip? 13 A: It's the total amount of activity 14 for the trip for the customer. 15 Q: So what does trip number reflect? 16 A: Each customer's visits are 17 categorized and organized in a trip fashion. So it 18 represents the amount of time the customer stayed at 19 the casino. So... 20 Q: So... continue. 21 A: Trip number, in this case, three is 22 the customer's third trip. 23 Q: I see. And turning the page, what 24 is ratings? 25 A: Rating is the individual</p>	<p>1 is based off those records itself. You have no 2 personal knowledge in this case? 3 A: That's correct. 4 Q: You have no personal knowledge of 5 Sandra Nance. 6 A: That's correct. 7 Q: You, in fact, didn't know whether 8 she's a player at the casino or not? 9 A: That's correct. 10 Q: So it's solely on those records 11 that you have before you? 12 A: That's correct. 13 Q: The system you have to track the 14 player's cards is designed to identify the card game 15 playing itself. Is that correct? 16 A: That's correct. 17 Q: Not the player. 18 A: No. 19 Q: Let me ask you, if a player were to 20 hypothetically lend their card out to other people 21 and those persons were using that card, you wouldn't 22 know whether it was the owner of the card or someone 23 else using the card? 24 A: Correct. Up until a certain dollar 25 value where identification would be required.</p>
Page 183	Page 185
<p>1 measurement of the customer's gaming activity during 2 the course of the trip. So each gaming session is 3 considered a rating. 4 Q: Why is that used? 5 A: To track the customer's wins and 6 losses. 7 Q: And then if you would turn to page 8 18, it's marked in the upper right-hand corner. 9 A: Yes. 10 Q: What document is this? 11 A: It's a win-loss letter that Wynn 12 Las Vegas provides to customers. 13 Q: Is that on a yearly win-loss? 14 A: Yes. 15 Q: And that would be the same for 16 pages 19, 20, and 21. Correct? 17 A: Yes. 18 Q: I pass the witness. 19 DIRECT EXAMINATION 20 BY: Jason Naimi 21 22 Q: Good afternoon. I'm Jason Naimi. 23 I have the honor representing Sandra Nance whose 24 records you got before you. This is in a custody 25 matter, believe it or not. Your testimony here today</p>	<p>1 Q: Okay. And if they don't ever hit 2 that dollar amount, you would never ask for that? 3 A: Correct. 4 Q: It's possible also that a player 5 might leave a card in the machine and walk away, 6 someone else might come back in and potentially use 7 the card for a little while? 8 A: Correct. 9 Q: And so as a result of that, it 10 doesn't specifically track the dollar figure that the 11 player is using or the card owner is using. It could 12 be a few people using the same card and that's where 13 the dollars come from. Is that correct? 14 A: That's correct. 15 Q: And possibly rewards affected by 16 that as well. 17 A: That's correct. 18 Q: No further questions. 19 20 21 DIRECT EXAMINATION 22 BY: Shannon Wilson 23 Q: How do tie a player to a card? 24 A: At the time of the enrollment, in 25 the loyalty club when the card is issued, the player</p>

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1 is asked to present their identification before
2 receiving the card.
3 Q: Does Wynn have a policy regarding
4 use of those cards by individuals other than the
5 person that's registered to?
6 A: The card is to be used only by the
7 account holder. Yes.
8 Q: Why is that?
9 A: To prevent incorrect totals from
10 being reflected on the customer's activity.
11 Q: What's the significance of that?
12 A: Customer could qualify for benefits
13 at Wynn Las Vegas - complementaries that would not be
14 attributable to that customer's play.
15 Q: Are tax statements ever issued
16 based on that card?
17 A: No.
18 Q: Are tax statements issued based on
19 wins associated with the player?
20 A: Slot wins, yes.
21 Q: Does Wynn typically ID players at
22 table games?
23 A: Yes.
24 Q: And when you're playing a slot
25 game, is the PIN number required to your card?

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1 A: No.
2 JUDGE GENTILE: What was your question
3 again? When playing what? Slot game.
4 Q: When you're playing a slot game, is
5 a PIN number required for the card?
6 If you would just quickly turn to page
7 2, it looks like there's a mis-number. There are two
8 twos in there and I apologize for that. It's
9 actually page 5 not 2. It's the one that has a
10 driver's license on it.
11 A: Marked 2?
12 Q: Yes.
13 A: Yes?
14 Q: What is that record?
15 MR. NAIMI: Objection. Calls for
16 hearsay.
17 Q: He's testifying from his business
18 records.
19 MR. NAIMI: That's hearsay within
20 hearsay, Your Honor.
21 JUDGE GENTILE: Wait, wait, wait. Hold
22 on one second.
23 Q: I asked...
24 JUDGE GENTILE: Is it part of the
25 record already?

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1 MR. NAIMI: It is part of the...
2 JUDGE GENTILE: Which one did you just
3 refer for two?
4 Q: It's two. I sincerely apologize.
5 There appears to be problem with the hate numbering.
6 It looks like they initially started them with
7 DEFTWLV, but then they changed it to WLW. So it's
8 WLW-2.
9 JUDGE GENTILE: I have a hard time
10 figuring out.
11 MR. NAIMI: Would you like me to
12 approach to help?
13 JUDGE GENTILE: Yeah.
14 MR. NAIMI: And is it...
15 JUDGE GENTILE: You may. I saw it.
16 Thank you.
17 Q: In Wynn's own system, what is this?
18 A: A scanned image of the customer's
19 driver's license.
20 Q: It's associated with the particular
21 player card?
22 A: Yes.
23 Q: Thank you. No further questions.
24
25 CROSS EXAMINATION

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1 BY: Jason Naimi
2
3 Q: Just a brief question. Certainly,
4 you issue a player card to a player. It's not
5 unheard of, though, that player cards have been
6 shared with other players. Is that correct?
7 A: That's correct.
8 Q: Thank you. Nothing further.
9 JUDGE GENTILE: Okay. Anything more?
10 MS. WILSON: No.
11 JUDGE GENTILE: Okay. You may step
12 down. Thank you.
13
14 DIRECT EXAMINATION
15 BY: Shannon Wilson
16
17 BAILIFF: Can you remain standing.
18 Raise your right hand, face the clerk.
19 MS. MCCULLOCH: You do solemnly swear
20 the testimony you're about to give in this action
21 shall be the truth, the whole truth, and nothing but
22 the truth, so help me God?
23 A: Yes.
24 Q: Good afternoon, Sir. My name is
25 Shannon Wilson and I represent one of the parties in

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1 this case. Could you kindly state your name for the
2 record and spell your last name?
3 A: John Pourciau. Last name is P-O-U-
4 R-C-I-A-U.
5 Q: And Mr. Pourciau, do you know
6 Christopher Ferraro?
7 A: No.
8 Q: Do you know Sandra Nance?
9 A: No.
10 Q: Who is your employer?
11 A: Station Casinos.
12 Q: And what is your business address?
13 A: 1505 South Pavilion Center Drive.
14 Q: And what is your job title?
15 A: Corporate Director of Database
16 Marketing and Marketing Strategy and Analytics.
17 Q: And how long have you been employed
18 by Station Casinos?
19 A: A little over five years.
20 Q: And how long have you held your
21 present position?
22 A: Three years.
23 Q: And can you briefly describe your
24 job responsibilities for us?
25 A: Responsible for all of the database

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1 related to player tracking, loyalty programs, direct
2 mail, marketing strategy in terms of promotions,
3 property-specific campaigns, et cetara.
4 Q: Thank you. So within those job
5 responsibilities, would you be among the persons most
6 knowledgeable to be able to explain records generated
7 by Station Casinos in connection with an individual
8 player card?
9 A: With a boarding pass? Yes.
10 Q: If you would, there's a binder in
11 the middle of the desk in front of you. Turn to N5.
12 Take a moment or two to look through those records
13 there and let me know when you're done.
14 A: Okay.
15 Q: Do you recognize these as being
16 records generated by Station Casinos?
17 A: Yes.
18 Q: If you notice, there is a number in
19 the lower right-hand corner of the records. If you
20 would turn to... it begins DEFTSTAT, if you turn to
21 number 9.
22 A: Okay.
23 Q: Do you know Kendra Deno?
24 A: Yes.
25 Q: Who is she?

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1 A: She works in the legal department.
2 Q: Is she a Custodian of Records for
3 Station Casinos?
4 A: Yes.
5 Q: All right. Your Honor, I move to
6 admit Exhibit N-5.
7 MR. NAIMI: No objection, Your Honor.
8 Although I would like to point out if everyone would
9 turn to the DEFTSTA 0010.
10 JUDGE GENTILE: Okay. So there's no
11 objection we can admit?
12 MR. NAIMI: No. It can be admitted.
13 Yeah.
14 JUDGE GENTILE: Okay.
15 MR. NAIMI: I just want to point out
16 that on that page, the third column over identifies
17 my client's social security number. I would ask that
18 that be redacted. Obviously for lots of...
19 JUDGE GENTILE: Okay. We'll do that
20 anyway.
21 MR. NAIMI: ...security reasons, we
22 want to make sure that the social security... And
23 quite frankly, Your Honor, admittedly, I have not
24 looked at the other records to see whether or not, in
25 anywhere, the social security number was. So perhaps

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1 we should just be cautious and...
2 JUDGE GENTILE: Okay.
3 MR. NAIMI: ...redact...
4 JUDGE GENTILE: Right.
5 MR. NAIMI: In all of the...
6 JUDGE GENTILE: It's required to be
7 done.
8 MR. NAIMI: Yeah, that's okay. 3
9 MS. SHANNON: Yes. If we find there
10 are social security numbers, we will submit redacted
11 versions for the court's record.
12 JUDGE GENTILE: Okay. So she's going
13 to have the trial exhibits that are going to be in
14 the vault. So we'll look through them to see if we
15 find... if you find anything...
16 MR. NAIMI: No. I absolutely do so.
17 JUDGE GENTILE: Okay.
18 MR. NAIMI: We will point it out. We
19 don't want inconvenience the court to make it your
20 job.
21 MS. MCCULLOCH: No. Of course, not.
22 JUDGE GENTILE: Right. So if you see
23 anything, let us know. In the meantime, we'll make
24 sure this is redacted from this particular page. If
25 you will strike through that, please?

<p style="text-align: right;">Page 194</p> <p>1 MR. NAIMI: All right. Thank you, Your 2 Honor. 3 JUDGE GENTILE: Uh-hmm. 4 5 Q: So what I'd like to do now is just 6 have you go through the records and explain to us 7 what we are looking at. So beginning with number 11. 8 What are we looking at here? 9 A: So annual summary of carded 10 transactions for the player account 4245925. 11 Q: It appears to be for multiple 12 Station Casino locations. Is that correct? 13 A: Correct. 14 Q: And then it has, for the years 2012 15 to 2015, correct? 16 A: Correct. 17 Q: And it summarizes for us actual 18 win. So is that a reflection of either the actual... 19 the dollar value won or lost by the player? 20 A: Which column? 21 Q: Card actual win amount? 22 A: With player in parenthesis? 23 Q: Yes. 24 A: That is from the player's 25 perspective.</p>	<p style="text-align: right;">Page 196</p> <p>1 for tables, it's the amount of cash that was dropped 2 at the table to begin action. 3 Q: Moving on to the next page then, is 4 this a similar kind of summary that just by location 5 by year? 6 A: It also includes by game or product 7 area. 8 Q: Where do we see that? 9 A: SoP in the third column, as 10 referring to slots, P referring to pit or table 11 games. 12 Q: And then moving on to 13. Explain 13 this record for us. 14 A: This is the detail of every 15 individual rating that will aggregate back to the 16 summary pages that we just reviewed. 17 Q: So this is a daily activity record? 18 A: It goes down to the granularity of 19 the date time that the rating began with the boarding 20 pass. 21 Q: So are you saying that if there 22 were... if the card was used for different machines, 23 or a machine versus a table, that it would log that 24 as separate sessions? 25 A: Right. If you look down under the</p>
<p style="text-align: right;">Page 195</p> <p>1 Q: Okay. So if it's a positive number 2 then, it was a win for the player? 3 A: That is correct. 4 Q: And a positive number would be a 5 loss for the casino? 6 A: Correct. 7 Q: What is the difference between 8 carded actual win and slot actual win? 9 A: Carded actual win player is a field 10 that will reflect the totality of their win-loss; and 11 slot is unique to the slot product. And the slot 12 actual win is going to, as you can tell, as all 13 flipped. So it's the house's perspective. 14 Q: Okay. Do we know whether these are 15 slot games or table games? 16 A: Yes. 17 Q: How do we know that? 18 A: The column that's labeled the slot 19 actual win amount will be for all slot games. If you 20 go over three columns to the right, the actual win 21 amount will be for pit games or table games. 22 Q: Okay. And the chip coin in and out 23 amounts, what are those a reflection of? 24 A: For slots, it'll be a reflection of 25 the aggregate amount of wagers played to a game; and</p>	<p style="text-align: right;">Page 197</p> <p>1 Red Rock section, about halfway down on the page, 2 you'll see quite a few ratings for February 4, 2013. 3 Q: Right. 4 A: Every individual rating that they 5 have or move from one machine to another will 6 generate a new rating. Every time they pull their 7 card out, that will end the rating. See, they had 8 one minute of rating and then it went from 4:12 to 9 4:13, and 4:16 to 4:27, et cetera. 10 Q: So those were the actual times of 11 day that the card is in the machine? 12 A: Correct. 13 Q: And if you did the math, you could 14 figure out how much time they spent at that machine? 15 A: If you did the math. Yes. 16 Q: If a player loses a card and is 17 issued another card, and then they subsequently find 18 the card, can the same card number be utilized in the 19 machine simultaneously? 20 A: Yes. 21 Q: Is there a policy regarding use of 22 player cards by someone other than the person to whom 23 it's registered to? 24 A: There is. 25 Q: What is that policy?</p>

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1 A: I do not have that policy
2 memorized.
3 Q: Do you have a general understanding
4 of it? Is that allowed?
5 A: It's not allowed.
6 Q: And why isn't it allowed?
7 A: The boarding pass is a unique
8 identification of that person.
9 Q: Are there particular reasons for
10 that?
11 A: GCB regulations.
12 Q: Okay.
13 A: Gaming Control Board.
14 Q: Okay. So pursuant to a regulation
15 of the gaming control board, a loyalty card is only
16 supposed to be utilized by an individual person?
17 MR. NAIMI: Objection, leading.
18 JUDGE GENTILE: Sustained.
19 Q: Can you explain to me generally the
20 regulation by the Gaming Control Board?
21 A: It's a one-to-one player
22 identification. So, all of that individual has to be
23 associated. All of that individual's activity has to
24 be associated with that boarding capacity count
25 number.

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1 Q: Pass the witness.
2
3 DIRECT EXAMINATION
4 BY: Jason Naimi.
5 Q: Good afternoon. I'm Jason Naimi. I
6 have the honor and privilege of representing Sandra
7 Nance who's present with us today. These are the
8 records of Sandra Nance that you're referring to in
9 this testimony.
10 You are testifying based on those
11 records alone. Is that correct?
12 A: That is correct.
13 Q: You have no personal knowledge in
14 this case?
15 A: None.
16 Q: In fact, this is a custody case.
17 It's not gaming case. All right. The system is
18 designed to track the player's card. Is that
19 correct?
20 A: That is correct.
21 Q: It's not designed to track the
22 player?
23 A: That is correct.
24 Q: Because in some instances, it's
25 known that players lend their cards out to other

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1 players who use the same card?
2 A: Can you rephrase?
3 Q: You've experienced instances, or
4 you've heard of... I'll rephrase your Honor. You've
5 heard of instances where a player lent their player's
6 card out to others and those other people have been
7 playing on that same card?
8 A: I've heard of that.
9 Q: It may be frowned upon, but it
10 happens.
11 A: I've heard of it happening.
12 Q: And your records don't reflect
13 who's using the card, just that the card is being
14 used?
15 A: Correct.
16 Q: You don't ID players using slot
17 machines? When they put a card in, it's not
18 identifying them and you don't have someone going
19 around making sure, "You're the right person using
20 the right the card." Is that correct?
21 A: Correct..
22 Q: It's also possible that players
23 forget their card in the machine?
24 A: Sometimes.
25 Q: And that someone else might come in

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1 behind them and continue playing on that card?
2 A: It's possible.
3 Q: It's possible. Real quickly, if you
4 wouldn't mind going to document number 11. These
5 records are from 2012 through to 2015. Is that
6 correct?
7 A: That is correct.
8 Q: Your Honor, if you recall, there
9 was a motion of limine ordered by you, or filed by
10 the defendant, that reflected that we wouldn't have
11 any evidence prior to 2013 or prior to this
12 stipulation in the order we've entered. So I would
13 just ask, "Though we don't object the admissibility
14 of this exhibit, we would reflect that the 2012 records
15 be redacted since they're longer...
16 JUDGE GENTILE: Well, for sure, they
17 won't be considered...
18 Q: ...problem with this case.
19 JUDGE GENTILE: In terms of...
20 MS. WILSON: I'll stipulate too. If
21 there are any records prior to November 30, 2012,
22 those we can do that.
23 JUDGE GENTILE: They just won't be
24 considered by the court. That's fine.
25 MR. NAIMI: Thank you, Your Honor.

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<p>1 Nothing further.</p> <p>2 MS. WILSON: I have no further</p> <p>3 questions.</p> <p>4 JUDGE GENTILE: No further questions?</p> <p>5 Okay. You may step down. Thank you very much.</p> <p>6 A: Thank you.</p> <p>7 MR. NAIMI: It doesn't matter.</p> <p>8 MS. WILSON: Yeah. Okay.</p> <p>9 JUDGE GENTILE: Let's take a brief</p> <p>10 recess now. It is 3:15.</p> <p>11 MS. WILSON: Okay.</p> <p>12 JUDGE GENTILE: See you back here in a</p> <p>13 few minutes. We'll take a brief recess.</p> <p>14</p> <p>15 (RECESS)</p> <p>16 JUDGE GENTILE: We are back on the</p> <p>17 record in the Nance versus Ferraro matter.</p> <p>18 MS. WILSON: We would like to call Laura</p> <p>19 Doyle who is one of our video conference witnesses.</p> <p>20 JUDGE GENTILE: Okay.</p> <p>21 MS. WILSON: Frank is it. Then we will</p> <p>22 do Frank, excellent.</p> <p>23 MR. NAIMI: Sorry, who is the witness,</p> <p>24 Frank who?</p> <p>25 MS. WILSON: Frank Pannacciulli.</p>	<p>1 A: 2302 2nd Street, East Meadow, New</p> <p>2 York, 11554.</p> <p>3 Q: Do you know Christopher Ferraro?</p> <p>4 A: Yes.</p> <p>5 Q: What is his relationship to you?</p> <p>6 A: We are friends.</p> <p>7 Q: Do you know Sandra Nance?</p> <p>8 A: No.</p> <p>9 Q: I am going to go through just a</p> <p>10 quick bit of background with you, Mr. Pannacciulli,</p> <p>11 and then we will talk more specifically about Mr.</p> <p>12 Ferraro. Are you married, sir?</p> <p>13 A: Yes.</p> <p>14 Q: How long have you been married?</p> <p>15 A: Sixteen years.</p> <p>16 Q: Do you have any children?</p> <p>17 A: Yes, one daughter.</p> <p>18 Q: What is her name?</p> <p>19 A: Lila, L-I-L-A.</p> <p>20 Q: How old is she?</p> <p>21 A: Nine.</p> <p>22 Q: What's the highest level of</p> <p>23 education you have completed?</p> <p>24 A: Masters.</p> <p>25 Q: In what sir?</p>
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<p>1 JUDGE GENTILE: There he is.</p> <p>2 DIRECT EXAMINATION</p> <p>3 BY: Shannon Wilson</p> <p>4 Q: Good afternoon, Mr. Pannacciulli,</p> <p>5 am I pronouncing your name correctly?</p> <p>6 A: That's correct, good afternoon.</p> <p>7 Q: Good afternoon.</p> <p>8 JUDGE GENTILE: You have to swear him</p> <p>9 in. Hold on one second.</p> <p>10 CLERK: Can you please stand and raise</p> <p>11 your right hand?</p> <p>12 A: Sure.</p> <p>13 CLERK: Do you solemnly swear the</p> <p>14 testimony you are about to give in this action shall</p> <p>15 be the truth, the whole truth and nothing but the</p> <p>16 truth so help you God?</p> <p>17 A: Yes, I do.</p> <p>18 JUDGE GENTILE: Thank you.</p> <p>19 Q: Mr. Pannacciulli, could you state</p> <p>20 your full name and spell your last name for the</p> <p>21 record.</p> <p>22 A: My full name is Frank. The last</p> <p>23 name is Pannacciulli, that's spelled P as in Peter,</p> <p>24 A-N-N-A-C-C-I-U-L-I.</p> <p>25 Q: What is your current address?</p>	<p>1 A: Business Administration,</p> <p>2 specialization in finance.</p> <p>3 Q: Are you employed currently?</p> <p>4 A: Yes.</p> <p>5 Q: Do you work full time?</p> <p>6 A: Yes.</p> <p>7 Q: Who is your employer?</p> <p>8 A: Verizon.</p> <p>9 Q: When did you first meet Mr. Ferraro?</p> <p>10 A: Approximately November of 2014.</p> <p>11 Q: How did you meet him?</p> <p>12 A: I met him through my daughter and</p> <p>13 his son, Evan. They met each other on the ice and</p> <p>14 afterwards we were introduced.</p> <p>15 Q: What is your relationship with Mr.</p> <p>16 Ferraro today?</p> <p>17 A: We are friends. Close friends you</p> <p>18 could say.</p> <p>19 Q: So is it fair to say that you met</p> <p>20 Evan and Mr. Ferraro at the same time?</p> <p>21 A: Yes.</p> <p>22 Q: What was Lila doing on the ice?</p> <p>23 A: I believe it was a public session</p> <p>24 and she was out there skating and there were a bunch</p> <p>25 of kids and somehow the two of them met, became</p>

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1 friends. And while I was sitting outside watching,
2 they came off and wanted to play again together on
3 another day and that's how I was introduced to Chris.
4 Q: Has Lila been coached by Chris?
5 A: Yes, in the past.
6 Q: When was that?
7 A: I would say up until about last
8 summer.
9 Q: So that would have been summer of
10 2015, is that correct?
11 A: Yes.
12 Q: When did she start being coached by
13 him?
14 A: Start being coached by him, it was
15 before we met Evan. She used to attend the clinics
16 that Chris used to run.
17 Q: When was that?
18 A: I want to say around May, June of
19 2014.
20 Q: Did Lila and Evan meet prior to
21 November of 2014?
22 A: The best recollection that I have is
23 they met in the timeframe of November 2014. That was
24 the first time I was made aware that they were
25 friends.

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1 Q: Okay. Did you have opportunities to
2 observe Chris coaching Lila?
3 A: Yes.
4 Q: What are your observations of Chris
5 as a coach?
6 A: He is an excellent youth hockey
7 coach.
8 Q: What makes him excellent?
9 A: The kids connect with him. So my
10 daughter and other children, they just... if you had
11 any children and they played sports, they connect
12 with certain people and they don't connect with
13 others. My daughter connects with Chris.
14 Q: Are there any other observations
15 that you have that makes Chris an excellent coach?
16 A: I don't. The kids connect with him.
17 He is able to instruct them and they react to what he
18 says without prejudice. Sometimes things are
19 difficult to say and sometimes there are times for -
20 what's the right word - applause, and you did
21 something great and then there are times when you did
22 something wrong. She never left the ice upset with
23 her coach.
24 Q: Even if she was being criticized for
25 something, she accepted that?

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1 A: Yes.
2 Q: Do you see Mr. Ferraro and Evan
3 outside of hockey?
4 A: Since we became introduced in
5 November of 2014, yes.
6 Q: What do you do when you see each
7 other outside of hockey?
8 A: Normal. Maybe we will go to Chris'
9 home and the kids will play in the house on the video
10 games, in the pool. Evan will come to my house and do
11 the same kind of play dates, this is the best way to
12 describe it.
13 Q: Is Chris at your home when the kids
14 are playing?
15 A: Sometimes yes, sometimes no.
16 Q: Are you at Chris' home when the kids
17 are playing?
18 A: Sometimes yes, sometimes no.
19 Q: When Evan is in New York, how
20 frequently does he see Lila?
21 A: I would say every time he is in New
22 York.
23 Q: Within that time, does he see her
24 just one time while he is there or multiple times?
25 A: It depends on the scheduling,

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1 usually it's multiple times.
2 Q: When was the last time Lila and Evan
3 got together?
4 A: Two weeks ago on a Saturday. I want
5 to say the 21st or something like that.
6 Q: Were there other times around that
7 time that they saw each other?
8 A: No. He was in town, we got together
9 on a Saturday. The kids spent the day together and
10 then due to scheduling, we hadn't seen each other
11 since.
12 Q: What is Evan's behavior when you see
13 him?
14 A: I would classify it as normal.
15 Q: Okay. What is normal behavior to
16 you?
17 A: When he is at my home in the absence
18 of Chris, he is respectful, he listens. I don't have
19 any issues. He is polite. He is a well-mannered
20 kid.
21 Q: What about when Chris is around, is
22 he disrespectful?
23 A: No, outside of... Say that again?
24 Q: No, go ahead. You were going to say
25 something more.

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1 A: No, I mean he is not disrespectful.
2 He is a normal kid. You know, children get mad at
3 their parents based on their decision. So I wouldn't
4 say... I would not classify it as disrespectful. I
5 would say it is normal behavior.
6 Q: You are raising a daughter right
7 now, correct?
8 A: Yes.
9 Q: Have you spent time around children
10 other than yours?
11 A: Yes.
12 Q: Okay. When do you spend time around
13 other children?
14 A: I have two sisters, amongst them
15 they have five children. They all live locally.
16 They range in ages from 4 to 18.
17 Q: Thinking about these other children
18 that you know, do you find Evan to be any more or
19 less argumentative than other children?
20 A: No.
21 Q: Have you observed Evan to blame
22 others for his behavior?
23 A: No.
24 Q: Does Evan refuse to do things that
25 are asked of him?

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1 A: No.
2 Q: Can you say anything about Evan's
3 attention span?
4 A: Can I say anything, I don't know.
5 MR. NAIMI: I'm actually going to object
6 to that question your honor. I don't think he is
7 qualified as a witness to-
8 JUDGE GENTILE: He can tell us what he
9 has observed about... I mean, what's his observation?
10 A: My observation is no different than
11 any other child including my own daughter. Attention
12 span, you know, if you are entering a room and it's
13 got children, sometimes they would pay attention or
14 their mind is focused on something else and they are
15 not paying attention. So my observation is no
16 different than any other child that I have been
17 around.
18 Q: Have you ever seen Evan bite his
19 nails?
20 A: His nails, no.
21 Q: Have you ever seen him chew his
22 clothing?
23 A: No.
24 Q: Does Chris talk about Evan's mom?
25 MR. NAIMI: Objection, calls for

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1 hearsay.
2 A: No.
3 JUDGE GENTILE: Hold on. Your question
4 was does Chris-
5 Q: Talk about Evan's mom. It's not an
6 out of court statement offered for the truth. It's
7 simply does he talk about her.
8 JUDGE GENTILE: Correct, overruled.
9 Sorry, I did just like think that one through.
10 Q: Go ahead, Mr. Pannacciulli. Does
11 Chris talk about Evan's mom?
12 A: No. Chris talks about Evan's mom.
13 Q: That's the question. Does Chris
14 talk about Evan's mom?
15 A: No.
16 Q: Have you ever observed Chris to do
17 anything that would impede Evan's relationship with
18 his mother?
19 A: No, just the opposite.
20 Q: That's my next question. Have you
21 ever observed Chris to do anything that would foster
22 Evan's relationship with his mother?
23 A: The observations that I have been
24 involved with when we're together, he makes sure that
25 Evan contacts his mother especially given the time

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1 difference. They might come in, let's say most in an
2 opportune time, but Chris is adamant about making
3 sure that Evan speaks to his mother.
4 Q: Pass the witness.
5 MR. NAIMI: A moment of the court's
6 indulgence.
7 JUDGE: Sure.
8 DIRECT EXAMINATION
9 BY: Jason Naimi
10 Q: I apologize if I... what's your
11 name, is it Mr. Pannacciulli?
12 A: That's correct.
13 Q: Okay, I apologize. How many times
14 has Evan hung out with Lila since November of 2014?
15 Maybe I can ask you this way. How many times has
16 Evan visited New York since November of 2014?
17 A: I couldn't give you the exact
18 number. I know that while he was in kindergarten, he
19 was more frequently visiting New York until he
20 reached first grade and the frequency of visiting New
21 York changed a little bit so...
22 Q: Okay, let's talk about 2015. In
23 2015, do you recall Evan coming out for Christmas
24 break?
25 A: Yes. I want to say yes.

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1 Q: Do you recall him coming out for
2 spring break?
3 A: I want to say yes. I don't know the
4 exact dates but yes.
5 Q: Then you recall him coming out just
6 a couple of weeks ago?
7 A: Yes.
8 Q: Do you recall any other visits
9 between say September of 2015 through today?
10 MS. WILSON: Objection, vague.
11 JUDGE GENTILE: Overruled.
12 A: I'm sorry, should I answer the
13 question?
14 JUDGE GENTILE: Yes, answer the
15 question.
16 A: Okay. From September of 2015, I
17 believe that's when he entered first grade, the
18 frequency of the trips to New York were a lot less.
19 So when he was in New York, we always made
20 arrangements for the kids to get together to play.
21 So I couldn't tell you the exact dates outside of the
22 last time, I believe it was March was the last time
23 and then two weeks ago.
24 Q: Okay.
25 A: The other times, I couldn't exactly

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1 tell you the dates.
2 Q: Does Mr. Ferraro ever leave Evan
3 alone with you?
4 A: He has left him with me twice.
5 Q: For what periods of time? Like how
6 many hours?
7 A: I would say no more than two.
8 Q: How often, just the two times?
9 A: Yes.
10 Q: You mentioned a moment ago that
11 you've observed Mr. Ferraro encouraging Evan to
12 communicate with his mom via Skype or FaceTime or
13 whatever while he is on the East Coast. Have you
14 ever observed Evan actually FaceTime with mom?
15 A: No, I've never seen him FaceTime. I
16 have been present when he has spoken to her on the
17 phone but on the phone, not a speaker phone. But
18 when they FaceTime, he does that privately.
19 Q: Were you in the house when Evan was
20 Facetiming with mom?
21 A: I would say on a couple of
22 occasions, yes.
23 Q: Can you give an approximate time for
24 how long Evan and his mom were Facetiming?
25 A: I cannot because I don't know when

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1 they-
2 Q: Maybe if I was to characterize it in
3 terms of time periods, would it be under ten minutes?
4 A: I would say about ten minutes, that
5 seems about about right.
6 Q: You don't know Ms. Sandra Nance, is
7 that correct?
8 A: That's correct.
9 Q: You know that she is Evan's mother?
10 A: The reason I've paused is I didn't
11 even know her name but yes.
12 Q: Okay. You have never observed Ms.
13 Nance with Evan?
14 A: No.
15 Q: You have never observed Evan in his
16 school here in Las Vegas?
17 A: No.
18 Q: You have never observed Evan in any
19 of his extra-curricular activities here in Las Vegas?
20 A: No.
21 Q: You have no familiarity with Evan
22 and his family here in Las Vegas?
23 A: No.
24 Q: You have no familiarity with Evan
25 and his friends here in Las Vegas?

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1 A: No.
2 Q: In fact, you have no observation of
3 Evan in his home here in Las Vegas?
4 MS. WILSON: Objection.
5 JUDGE GENTILE: Overruled.
6 Q: Go ahead.
7 A: I should answer... Should I answer?
8 JUDGE GENTILE: Answer, please.
9 A: Yes, that is correct.
10 Q: You've never experienced or observed
11 Evan in the state of Nevada whatsoever?
12 A: Correct.
13 Q: Have you ever observed Evan with any
14 of his siblings here in Las Vegas?
15 A: No.
16 Q: Are you aware that Evan has a
17 brother here in Las Vegas?
18 A: Yes.
19 Q: Are you aware that Evan has a sister
20 here in Las Vegas?
21 A: I believe he did mention it once.
22 Q: Okay, nothing further, your Honor.
23 JUDGE GENTILE: Ms. Wilson?
24 DIRECT EXAMINATION
25 BY: Shannon Wilson

<p style="text-align: right;">Page 218</p> <p>1 Q: Mr. Pannacinni, do you recall 2 getting together with the Ferraros during the March 3 break? 4 A: Yes. 5 Q: How frequently did you get together 6 with them? 7 A: I want to say we got together about 8 four or five times. 9 Q: And that was with Lila, correct? 10 A: Yes. 11 Q: You mentioned that you saw them over 12 the winter break in New York too, correct? 13 A: Yes. 14 Q: How many times did you get together 15 with them over the winter break? 16 A: My memory isn't serving me well. I 17 want to say it was more than a couple of times, four 18 to five. 19 Q: Okay. Is that atypical when Evan is 20 in New York with Chris that you see him multiple 21 times during his visit? 22 A: Yes. 23 Q: No further questions. 24 MS. WILSON: Thank you, Mr. 25 Pannacinni. We appreciate your time.</p>	<p style="text-align: right;">Page 220</p> <p>1 R-A, B-E-L-L hyphen Doyle D-O-Y-L-E. 2 Q: What is your current address? 3 A: 28 Merrivale Drive, Smithtown, New 4 York, 11787. 5 Q: How long have you lived there? 6 A: Eleven years. 7 Q: How long have you lived in New York? 8 A: My whole life. 9 Q: Do you know Christopher Ferraro? 10 A: Yes, I do. 11 Q: What is his relationship to you? 12 A: Friend and friend of my two boys and 13 my husband. 14 Q: Do you know Sandra Nance? 15 A: As Evan's mother, yes. 16 Q: Have you ever met her? 17 A: Once. 18 Q: When was that? 19 A: I believe it was last summer or the 20 summer before. I think it was last summer. 21 Actually, I think it was two summers ago. Sorry, I'm 22 not quite sure. It was either last summer or the 23 summer before. 24 Q: Was that in New York or Las Vegas? 25 A: New York.</p>
<p style="text-align: right;">Page 219</p> <p>1 A: Thank you. 2 CLERK: Are you ready for Ms. Doyle? 3 MS. WILSON: Yes, we are. 4 JUDGE GENTILE: Here she is. 5 MS. WILSON: Good afternoon or evening, 6 Ms. Doyle. How are you today? 7 MS. DOYLE: Good afternoon, fine, thank 8 you. 9 MS. WILSON: The court clerk is going to 10 go ahead and swear you in. 11 CLERK: Please stand and raise your 12 right hand. You do solemnly swear the testimony you 13 are about to give in this action shall be the truth, 14 the whole truth and nothing but the truth so help you 15 God? 16 MS. DOYLE: I do. 17 CLERK: Thank you. 18 JUDGE GENTILE: I love this technology 19 it is so great. Go ahead, Ms. Wilson. 20 DIRECT EXAMINATION 21 BY: Shannon Wilson 22 Q: Ms. Doyle, my name is Shannon 23 Wilson. I represent Christopher Ferraro. Would you 24 kindly state and spell your full name for the record? 25 A: Laura Bell-Doyle, Laura it's L-A-U-</p>	<p style="text-align: right;">Page 221</p> <p>1 Q: How much time did you spend with 2 her? 3 A: I only met her once. 4 Q: So it was just a meeting and 5 passing, you didn't spend any time together? 6 A: Nothing of any consequence, no. 7 Q: Okay. Are you married? 8 A: Legally no, I'm not. I have been 9 with my fiance for 15 years. 10 Q: Do you have any children? 11 A: Yes, two. 12 Q: And are those two children with your 13 fiance of 15 years? 14 A: Yes, correct. 15 Q: What are their names and ages? 16 A: I have Thomas who is 10 and Neil who 17 is 6. 18 Q: Do you know Evan Ferraro? 19 A: Correct, I do. 20 Q: Do your boys know Evan? 21 A: Yes, very well. 22 Q: I'm just going to go through a 23 little quick background with you and then we will 24 come back around Chris and Evan. What is your 25 educational background?</p>

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1 A: I have high school and college.
2 Q: Do you have a college degree?
3 A: General college degree correct.
4 Q: Do you work?
5 A: Not a paying job, I'm a stay-at-home
6 mom.
7 Q: That qualifies as work in my book.
8 When did you first meet Mr. Ferraro?
9 A: I met Mr. Ferraro about six years
10 ago.
11 Q: How did you meet him?
12 A: Through ice hockey. My oldest boy
13 plays hockey and they were doing clinics.
14 Q: Who are they?
15 A: Chris and Peter.
16 Q: When did you first meet Evan?
17 A: I met Evan I believe it was the
18 summer after I had met Chris.
19 Q: So that would be about five years
20 ago.
21 A: Correct.
22 Q: Can you recall approximately how old
23 Evan was at the time?
24 A: I believe around 3 or 4.
25 Q: How frequently do you see Evan?

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1 A: I would see Evan every time Chris
2 would bring him back to New York. The frequency
3 changed depending on when he was there.
4 Q: When Evan is in New York, how
5 frequently do you see him?
6 A: Almost every day.
7 Q: Do you consider both of your boys to
8 be friends with Evan?
9 A: Absolutely.
10 Q: What things do you and your boys do
11 with Evan?
12 A: Everything, my younger one calls
13 Evan his best friend even in school projects. They
14 do everything together. They play baseball. They
15 have play dates. They go to the ice cream store, and
16 we go out to dinner. Swimming in the pool, normal
17 play dates when he is in town.
18 Q: How long did Chris coach your boys
19 for?
20 A: He has coached my older one up until
21 just recently though he has been on the ice with him.
22 Q: How many years would that have been?
23 A: Six.
24 Q: Okay. Have you had an opportunity
25 to directly observe Chris as a coach?

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1 A: Correct.
2 Q: What is your impression of Chris as
3 a coach?
4 A: I'm sorry, can you repeat that? It
5 cut out, I didn't hear you.
6 Q: What is your impression of Chris as
7 a coach?
8 A: He is all about the kids. Teaches
9 my son everything about hockey and respectful and
10 treats the kids as adults on the ice.
11 Q: What are your observations of Evan?
12 A: He is a very fun, loving child.
13 Plays with my boys like all their other friends.
14 Respectful to myself, my husband and my children,
15 very outgoing.
16 Q: Have you observed any unusual
17 behaviors in Evan?
18 A: No.
19 Q: Aside from your other two children,
20 do you have opportunity to be around other children
21 as well?
22 A: Yes.
23 Q: What other children are you around?
24 A: Well my kids are in hockey so I am
25 around those, or what in respect do you ask being

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1 other children? I'm always at school functions, but
2 I don't know if that's what you are asking.
3 Q: When you are at school functions,
4 you see other children about the age of your
5 children, is that correct?
6 A: Correct.
7 Q: Thinking about Evan in the context
8 of other children you have observed throughout your
9 lifetime, is Evan any more or less argumentative than
10 other kids?
11 A: Not at all.
12 Q: Is he any more or less distracted
13 than other children?
14 A: Not at all. I'm always around kids,
15 like this week I'm going to Minnesota with hockey
16 tournaments. I'm around kids all the time and I
17 don't see any difference.
18 Q: Have you ever observed Evan blame
19 other people for his behavior?
20 A: No.
21 Q: Does he defy requests?
22 A: No, he listens to me quite well.
23 Q: How are his listening skills?
24 A: Fine with me. I've never seen a
25 problem.

<p style="text-align: right;">Page 226</p> <p>1 Q: Have you ever seen Evan bite his 2 nails? 3 A: No. 4 Q: Have you ever seen him chew his 5 clothing? 6 A: Chew his what, I'm sorry? 7 Q: Chew his clothing. 8 A: No. 9 Q: And you said you've known Evan since 10 he was about 3 or 4 years old? 11 A: Yes. 12 Q: If Chris and Peter resume coaching 13 in New York, will your boys resume coaching with him? 14 MR. NAIMI: Objection, relevancy. 15 Relevancy. 16 JUDGE GENTILE: What's the relevancy? 17 Q: It goes to show her faith in his 18 skills as a coach and her trust in him with her 19 children. 20 JUDGE GENTILE: Okay, I'll allow it. 21 Q: You can go ahead and answer. 22 A: Yes, I would. 23 Q: When was the last time you saw Evan? 24 A: Today's Monday, a week from today. 25 Q: Did you say that you are out of town</p>	<p style="text-align: right;">Page 228</p> <p>1 Q: Do you recall how many times you 2 were able to get together over Christmas? 3 A: Not an exact number, no, I can't 4 give you that but I know when he was here we did see 5 him a lot but we do have at that time of the year we 6 are with our families as well. But whenever they are 7 here, we are together yes. 8 Q: Okay, very good. I pass the 9 witness. 10 JUDGE GENTILE: Mr. Naimi? 11 DIRECT EXAMINATION 12 BY: Jason Naimi. 13 Q: Ms. Doyle, how are you? My name is 14 Jason Naimi, I represent Sandra Nance. You testified 15 earlier that you have only met her once? 16 A: Correct. 17 Q: And it was a brief meeting in 18 passing? 19 A: Yes, when she was in New York. 20 Q: You've never spent any time with 21 Sandra in Las Vegas? 22 A: No. 23 Q: Nor have you spent any time with 24 Evan in Las Vegas? 25 A: No.</p>
<p style="text-align: right;">Page 227</p> <p>1 right now? 2 A: Correct. 3 Q: When did you leave New York? 4 A: Friday afternoon. 5 Q: Did your family see Evan in March? 6 A: My mind is [00:31:50 inaudible] I 7 don't know if he was here in March. If he was, we 8 did. I don't know what dates in March, I don't know. 9 Q: Just generally, do you remember him 10 being in New York between Christmas and his most 11 recent visit? 12 A: I believe he was here, yes. 13 Q: Did you see him? Did you see Evan 14 at that time between Christmas? 15 A: Yes, correct. 16 Q: Between Christmas and June, you saw 17 Evan, is that right? 18 A: Correct. 19 Q: Okay. Do you recall how many times 20 you got together? 21 A: I don't know the exact number, but 22 every time he was here we were together. 23 Q: How about at Christmas time, did you 24 have an opportunity to see him at Christmas? 25 A: Yes.</p>	<p style="text-align: right;">Page 229</p> <p>1 Q: As result of that, you have not been 2 able to observe Sandra with Evan in Las Vegas? 3 A: No. 4 Q: You've not been able to observe Evan 5 with his grandparents in Las Vegas? 6 A: No. 7 Q: You have not been able observe Evan 8 with his friends here in Las Vegas? 9 A: Correct. 10 Q: You have not been able to observe 11 Evan with his siblings here in Las Vegas? 12 A: In Las Vegas, no. 13 Q: Are you aware that Evan has a 14 sister, Kayla, here in Las Vegas? 15 A: Correct. 16 Q: Are you aware that he has a brother, 17 Desmond, here in Las Vegas? 18 A: Correct. 19 Q: In fact, you've met Kayla and 20 Desmond, have you not? 21 A: Correct. 22 Q: You have not been able to observe 23 Evan in his extra-curricular activities here in Las 24 Vegas? 25 A: No.</p>

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<p>1 Q: You have not been able to observe 2 Evan here in school in Las Vegas? 3 A: No. 4 Q: Nor have you been able to observe 5 Evan's home here in Las Vegas? 6 A: No. 7 Q: Nothing further your Honor. 8 MS. WILSON: I have no further 9 questions. 10 JUDGE GENTILE: All right. Thank you 11 very much. 12 MS. DOYLE: Thank you. 13 JUDGE GENTILE: Next witness? 14 MS. WILSON: We call Peter Ferraro. 15 That will be our last witness, Peter Ferraro. 16 JUDGE GENTILE: While standing, please 17 raise you right hand. 18 CLERK: You do solemnly swear that the 19 testimony you are about to give in this action shall 20 be the truth, the whole truth and nothing but the 21 truth so help you God? 22 MR. FERRARO: I do. 23 DIRECT EXAMINATION 24 BY: Shannon Wilson 25 Q: Good afternoon, Mr. Ferraro. Would</p>	<p>1 A: No. 2 Q: What is the highest level of 3 education you have completed? 4 A: One year of university. 5 Q: Why only one year of university? 6 A: I went off to represent my country 7 to play in the Olympics and then off to a 8 professional hockey career. 9 Q: Did your career path follow a 10 similar trajectory to that of your brother? 11 A: Yes. 12 Q: When did you stop playing 13 professional hockey? 14 A: 2009. 15 Q: What have you done since that time? 16 A: Since that time, I have partnered 17 with my twin brother and another group and built a 18 state of the art hockey complex in Long Island and 19 have also built a business called Ferraro Brothers 20 Hockey geared towards teaching players of all ages. 21 Q: Did Ferraro Brothers Hockey exist 22 outside of that hockey complex? 23 A: Yes. 24 Q: How many years did Ferraro Brothers 25 Hockey exist before you started working with the</p>
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<p>1 you please state and spell your last name for the 2 record. 3 A: Peter Ferraro, F-E-R-R-A-R-O 4 Q: What is your current address? 5 A: 54 Hempstead Drive, Sound Beach, New 6 York, 11789. 7 Q: How long have you lived there? 8 A: Forty-three years. 9 Q: Have you lived in other places 10 during your life? 11 A: Yes, temporarily. 12 Q: It's really unmistakable that you 13 are Mr. Ferraro's brother. So with the court's 14 indulgence, I won't ask that foundational question. 15 Do you know Sandra Nance? 16 A: Yes, I do. 17 Q: Is she sitting in the courtroom 18 today? 19 A: Yes. 20 Q: What is she wearing? 21 A: Black blouse with seems like a green 22 dress. 23 Q: Okay, very good. Are you married? 24 A: I am not. 25 Q: Do you have any children?</p>	<p>1 complex? 2 A: Approximately eight years. 3 Q: We heard earlier from your brother 4 that that complex filed bankruptcy last year, were 5 you a majority partner in that complex? 6 A: No, I was not. 7 Q: What was your ownership interest? 8 A: I believe approximately 7.5%. 9 Q: Were you responsible for the 10 financial management of that complex? 11 A: No. 12 Q: Can you explain to us what it is 13 that Ferraro Brothers Hockey does? 14 A: Yes, we coach and we teach players 15 of all ages. Primarily, it varies from 5 years old 16 to even 65-year-old adults. But our prime range is 17 probably 6 to 12 and we do on-ice skills hockey 18 camps, clinics, shop talk, hockey education, video 19 analysis, off-ice training. 20 Q: Approximately how many players do 21 you work with a year? 22 A: Thousands of kids. 23 Q: Are there any groups that you really 24 get to work with one on one and know? 25 A: Yes, at times. But it does truly</p>

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1 vary based on the time of the year and the need for
2 certain players and their age bracket.
3 Q: Evan is your nephew. Can you tell
4 us a little bit about him?
5 A: Yes, Evan is a very charismatic,
6 special boy. He has got a big heart, very confident,
7 filled with a lot of leadership. He just impresses
8 me every day.
9 Q: Does Evan have any negative
10 qualities?
11 A: No, that's what makes him so
12 special.
13 Q: Do you think you are a little biased
14 maybe?
15 A: No, I don't.
16 Q: All right. Does Evan have any
17 problem focusing on tasks... actually let me lay a
18 little more foundation first. You live with your
19 brother and your mother, correct?
20 A: Yes, I do.
21 Q: When Chris is with Evan, how
22 frequently do you see Evan?
23 A: I'm a very committed uncle. I am
24 there pretty much 95% of the time, if not more.
25 Q: Okay. Does Evan have any problem

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1 focusing on tasks?
2 A: No. In fact, he is very good at
3 multitasking.
4 Q: Is Evan argumentative?
5 A: No.
6 Q: Does he get annoyed?
7 A: No.
8 Q: Does he get irritated?
9 A: No.
10 Q: Does Evan blame others for his
11 misbehavior?
12 A: No.
13 Q: I assume it's safe to say that he
14 misbehaves.
15 A: Yeah, I mean there are times where
16 Evan may misbehave but it's very minimal.
17 Q: How frequently in the course of the
18 timeshare with Chris would you say that Evan does
19 something he is not supposed to do?
20 A: I wouldn't say he doesn't do
21 something that he is not supposed to do. He may, I
22 guess, reason with you at times to how he wants to
23 maybe structure doing certain activities, whether
24 it's homework first and then an activity after. He
25 is a man of his word and he makes sure that he gets

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1 his things done and prioritizes it properly.
2 Q: How are Evan's listening skills?
3 A: Excellent.
4 Q: Have you ever observed Evan biting
5 his nails?
6 A: Not that I recall.
7 Q: How about chewing his clothing?
8 A: Not that I recall.
9 Q: Do you ever discipline Evan?
10 A: Very little.
11 Q: On what kind of occasion would you
12 discipline Evan?
13 A: For example, if it's time to do his
14 homework or eat his dinner, I will talk to him,
15 communicate with him and reason with him and have him
16 understand and give him a chance to explain himself
17 and it always works out really quickly.
18 Q: Have you ever spanked Evan?
19 A: Never.
20 Q: How about Chris' discipline of Evan.
21 What is Chris' method of discipline?
22 A: Very similar to how I just mentioned
23 that I do it. He is very involved as a father. He
24 reasons with him. He gives him an opportunity to see
25 Evan's side and trusts to give him the benefit of

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1 doubt in the sense where he allows Evan to give him
2 that leadership role where he has the ability to make
3 his own decisions, and dad and son decide from there
4 what the best interest for Evan is at that time.
5 Q: Is that similar to how you and Chris
6 were raised?
7 A: Very similar.
8 Q: When was the last time that you saw
9 Ms. Nance?
10 A: I saw her at Evan's school event
11 approximately two months ago.
12 Q: When was the last time that you... I
13 assume that was probably a day, what was the event?
14 A: It was Evan's field trip, field day.
15 Q: Did you spend any quality time with
16 her?
17 A: No.
18 Q: When was the last time you had an
19 opportunity to spend any significant amount of time
20 with Ms. Nance?
21 A: In 2014 in New York.
22 Q: What was happening at that time?
23 A: At that time, if I recall correctly,
24 Chris and Sandra were communicating and Sandra was
25 having some hardships at home with her kids, her

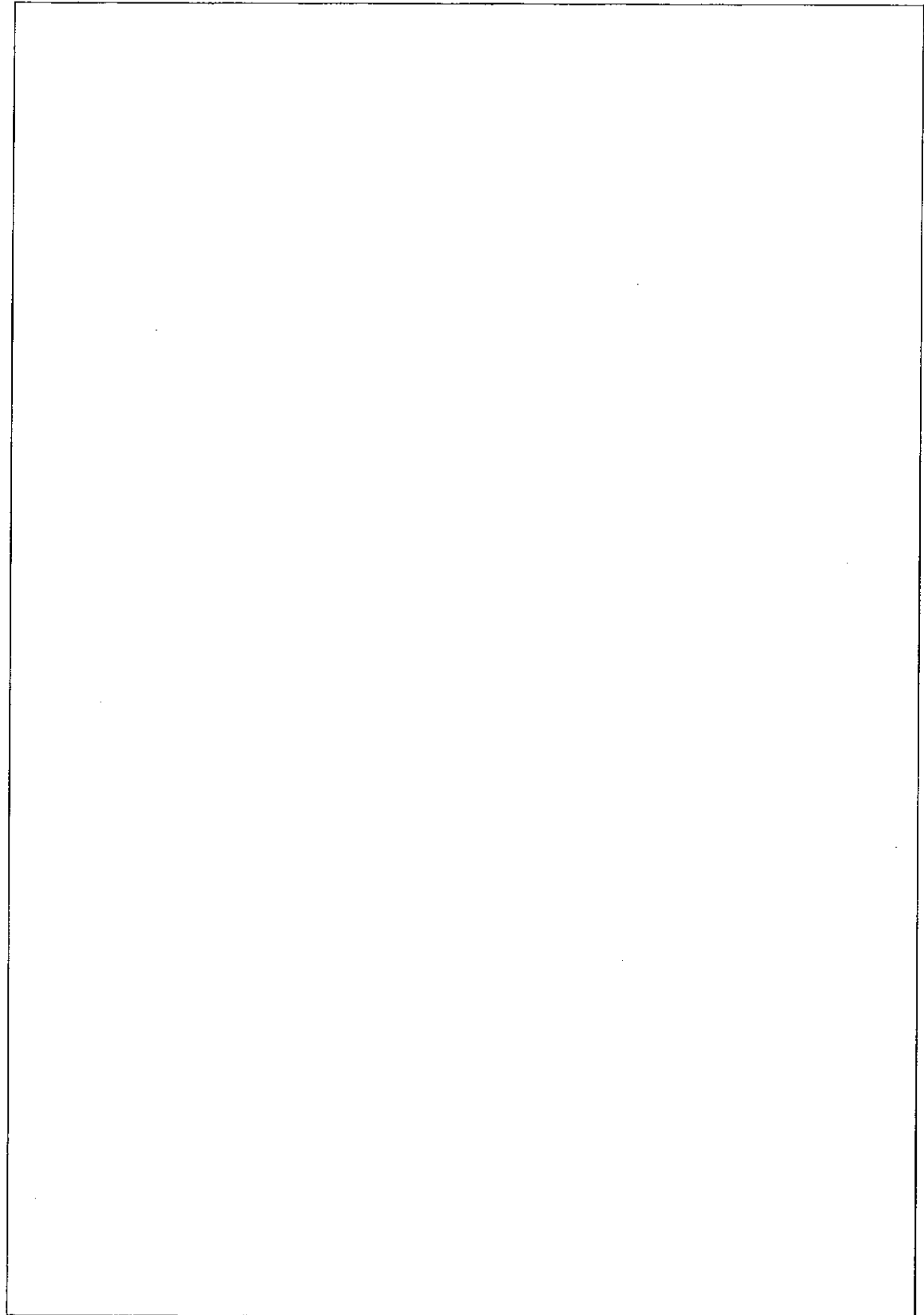
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<p>1 children. And Chris invited her to New York and we 2 welcomed her there with her children. 3 Q: Was everybody happy in New York? 4 A: Yes, quite happy. 5 Q: Prior to that time, when was the 6 last time you saw Ms. Nance? 7 A: I don't recall. 8 Q: What about her son, Desmond. When 9 was the last time you saw him? 10 A: I saw Desmond approximately three 11 months ago. 12 Q: Where did you see him? 13 A: I saw him at Evan's school. 14 Q: How did you encounter him there? 15 A: I was waiting to leave and he had 16 just walked in. I believe he was picking up some of 17 Evan's belongings. 18 Q: What happened when you saw each 19 other? 20 A: Desmond approached me with a big 21 smile on his face asking how I was doing. 22 Ironically, he had a T-shirt on that we had given him 23 a long time ago with our logo the Ferraro Brothers 24 Hockey on it, and we had a great 10-minute 25 conversation.</p>	<p>1 A: Just alone? 2 Q: Yes. 3 A: I believe so, but I don't recall. 4 Q: You don't remember when that was? 5 A: I don't remember. 6 Q: Were you there on that occasion? 7 A: I believe so. I believe, if I can 8 recall correctly, we had just maybe opened up our 9 hockey facility and I'm dating back I am trying to 10 recall the actual timeframe. I can't speak too much 11 to it because I just don't recall. 12 Q: Do you recall what Desmond did while 13 he was there? 14 A: Anytime Desmond is there, he has 15 stayed in the house. He spends a ton of time with 16 Chris and I, wherever we go he comes. He gets 17 introduced to a lot of other kids at the hockey 18 facility wherever we are, whether it was Twin Rinks 19 or other facilities that we have worked at. He is 20 pretty much with us all day long. He gets on the ice 21 and has some fun, enjoys the activities, pretty much 22 follows whatever we do. 23 Q: What was his demeanor on that 24 occasion? 25 A: He was extremely happy, extremely</p>
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<p>1 Q: Presumably you saw him also in 2014 2 when he was with his mom in New York, correct? 3 A: Correct. 4 Q: When was the last time before that 5 that you saw Evan? 6 A: I'm sorry, can you repeat that 7 question? 8 Q: You saw Desmond about three months 9 ago, and you saw him in 2014 when he and Ms. Nance 10 and Kayla came to New York, correct? 11 A: Correct. 12 Q: And prior to that time, when had you 13 seen Desmond? 14 A: I don't recall. 15 Q: Were there any other times that 16 Desmond visited New York? 17 A: Yes, but I don't recall. But yes, 18 there were times prior to the time in 2014, Desmond 19 was in New York. I just don't recall the times or 20 the dates. 21 Q: Okay. Why was Desmond in New York? 22 A: I believe at the time, he had lived 23 there for a short time. 24 Q: Has Desmond ever come to New York 25 with Evan?</p>	<p>1 confident, loves New York. He's always expressed his 2 love and desire for, you know, enjoying being in New 3 York. He seems like he is one of us when he is there 4 with us. We get along with him great. 5 Q: How would you describe Chris as a 6 dad? 7 A: Chris is a great dad. He is a 8 committed dad. He is a very loving dad. He ended 9 his professional playing career for his son which, in 10 many cases, I haven't seen dads do but he has 11 dedicated his whole entire life to Evan. 12 Q: What makes him great? What specific 13 things does he do? 14 A: First and foremost, just the quality 15 of time that he spends with Evan. With the family 16 support that we have, with the job that we have, it 17 gives Chris the ability to have freedom and 18 flexibility. So from the moment Evan wakes up to the 19 moment Evan goes to sleep, Chris is with him. That 20 whole entire time with the exception of if he needs 21 to go to the grocery store and grab groceries and I 22 want to give Evan a little bit more quality time and 23 I do an activity with him. That's really the only 24 time but he is all hands on. 25 Q: Are you typically present when Chris</p>

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<p>1 and Sandra exchange Evan? 2 A: I've been typically there since 3 approximately May of 2015. 4 Q: Were you there for... So Evan was 5 just with Chris in June, correct? 6 A: Correct. 7 Q: Did Chris and Sandra meet at the 8 airport? 9 A: Yes. 10 Q: Did you see Sandra at that time? 11 A: I didn't see her, I saw her vehicle. 12 Q: What was Evan's demeanor when he 13 left her vehicle and came to Chris? 14 A: In all my exchanges that I have 15 seen, Evan come to dad, he can't get out of the car 16 fast enough. He is jumping out of the car, in fact 17 dropping stuff, running up to his dad and jumping 18 into his arms, filled with joy. 19 Q: What is Evan's demeanor when he is 20 returning to Sandra? 21 A: The opposite of that. 22 Unfortunately, his demeanor totally changes. He 23 seems very sad, depressed, head down and lacks 24 confidence. 25 Q: What's his demeanor throughout the</p>	<p>1 A: Correct. 2 Q: You guys have spent all your time 3 together while being raised, is that correct? 4 A: Yes. 5 Q: To this day, you still spend almost 6 all your time together? 7 A: A majority of our time, yes. 8 Q: By majority, would you say 90% of 9 the time? 10 A: I would say that is a fair 11 assessment, 90% of the time. 12 Q: Would you say possibly even more? 13 A: Yes. 14 Q: Maybe the only times you guys are 15 apart is if perhaps, as you said earlier, maybe Chris 16 goes to get some groceries or because obviously you 17 are not sleeping in the same bedroom, is that right? 18 A: Correct. 19 Q: You are familiar with the timeshare 20 in this case, is that correct? 21 A: Yes. 22 Q: You know that timeshare to be 23 essentially on a month-to-month basis, your brother 24 gets about 10 days a month. 25 A: Yes.</p>
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<p>1 timeshare when he is with Chris? 2 A: He is happy for the whole entire 3 time. He is filled with activities. He is filled 4 with all the things that Evan wants to do and he's 5 just a happy boy. 6 Q: When Evan is with Chris, are there 7 sometimes things he is required to do that perhaps he 8 doesn't want to? 9 A: Can you give me an example? 10 Q: Like for instance homework. 11 A: Yes. 12 Q: Does he do it anyway? 13 A: He is required to do it. Yes, he 14 does. 15 Q: Does he get despondent when he has 16 to do it? 17 A: Never. 18 Q: Pass the witness. 19 MR. NAIMI: A moment of the court's 20 indulgence. 21 JUDGE GENTILE: Sure. 22 DIRECT EXAMINATION 23 BY: Jason Naimi 24 Q: I hate to state the obvious but you 25 and Chris are twins, is that correct?</p>	<p>1 Q: Outside of those 10 days, Evan is 2 with his mother, Sandra, is that correct? 3 A: Yes. 4 Q: You testified earlier that Evan is 5 charismatic? 6 A: Yes. 7 Q: That he's got a big heart? 8 A: Yes. 9 Q: That he is a leader? 10 A: Yes. 11 Q: He is a special kid? 12 A: Yes. 13 Q: That he is well-behaved? 14 A: Yes. 15 Q: He is an excellent listener? 16 A: Yes. 17 Q: Would you say that Evan does really 18 well in school? 19 A: Yes. 20 Q: Do you know what grades Evan gets? 21 A: I don't. 22 Q: If I represent to you that he got 23 all A's this past year, does that sound familiar to 24 you? 25 A: That would sound accurate.</p>

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<p>1 Q: You testified that you do a little 2 bit of disciplining to Evan. Do you do so as a 3 parental figure or... 4 A: I'm an uncle, so yes, as an uncle. 5 Q: As an uncle. You discipline him 6 while— you make him eat his dinner? 7 A: I don't make him do anything. 8 Q: But you also testified that your 9 discipline... Let me rephrase that. Chris` 10 discipline style is actually very similar to yours, 11 is that correct? 12 A: Yes. 13 Q: You guys have inherited that 14 stylistic discipline from your parents? 15 A: Yes. 16 Q: Do you believe your parents did a 17 good job of disciplining you two? 18 A: Yes. 19 Q: Do you think there was anything 20 wrong with what your parents did in the manner that 21 they disciplined you? 22 A: No. 23 Q: Do you recall an instant when you 24 were a teenager where you and your brother were 25 horsing around at the airport?</p>	<p>1 A: Not that I recall. 2 Q: You testified earlier that Chris is 3 a great dad, right? You feel he is great because he 4 is committed. He will do whatever it takes to have a 5 relationship with his son. Is that correct? 6 A: Yes. 7 Q: Including coming to Las Vegas to see 8 his son? 9 A: Yes. 10 Q: And he will continue to come to Las 11 Vegas to spend time, will he not? 12 A: What do you mean by continue? 13 Q: After today, he will continue to 14 come... if he has to, he will continue to come to Las 15 Vegas to see him son? 16 MS. WILSON: Objection, calls for 17 speculation. 18 JUDGE GENTILE: Sustained. 19 Q: In your opinion, do you feel that 20 Chris would do whatever it takes to maintain a 21 relationship with his son, Evan? 22 A: Yes. 23 MS. WILSON: Objection, speculation. 24 JUDGE GENTILE: It's not. 25 Q: Would that include continuing to</p>
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<p>1 MS. WILSON: Objection, relevance. 2 Q: It goes to the style of discipline. 3 JUDGE GENTILE: Overruled. 4 Q: Do you recall an instance when you 5 were teens horsing around with your brother, Chris, 6 at the airport? 7 A: I don't. 8 Q: Do you recall that you missed a 9 flight as a result of horsing around? 10 A: No. 11 Q: Do you recall ever missing a flight 12 when you were teenagers with your family at the 13 airport? 14 A: No. 15 Q: Do you recall your dad taking a 16 hockey stick and was it slashing your brother, Chris, 17 in the arm? 18 A: I don't recall that. 19 Q: Do you recall your dad breaking 20 Chris` arm? 21 A: No, I do not. 22 Q: You do not recall your father 23 breaking Chris` arm with a hockey stick? 24 A: I do not. 25 Q: Did Chris ever break his arm?</p>	<p>1 visit Las Vegas in order to see Evan if that's what 2 it took? 3 A: I can't answer that for my brother. 4 Q: You mentioned that Chris ended his 5 career because of Evan being born, is that correct? 6 A: Yes. 7 Q: Didn't he also end his career 8 because he was injured? 9 A: No. 10 Q: So Chris didn't stop playing hockey 11 because of concussion-related symptoms? 12 A: No. 13 Q: Is he not currently suing the NHL 14 for concussion-related symptoms? 15 A: I don't know. 16 MS. WILSON: Objection, relevance. 17 Q: It goes to the basis for ending his 18 career for Evan. 19 JUDGE GENTILE: Overruled. 20 Q: Is he suing the NHL? 21 A: I don't know if he is personally 22 suing the NHL. 23 Q: You are close with Chris, aren't 24 you? 25 A: Yes, I am.</p>

<p style="text-align: right;">Page 250</p> <p>1 Q: You guys talk about stuff?</p> <p>2 A: Yes.</p> <p>3 Q: Does he share with you his NHL</p> <p>4 lawsuit?</p> <p>5 A: Chris is very private in some of his</p> <p>6 information, so he doesn't share everything with me.</p> <p>7 Q: But you spend about 90% of the time</p> <p>8 together?</p> <p>9 A: Yes.</p> <p>10 Q: You have no idea as to whether or</p> <p>11 not he has got any lawsuits going on?</p> <p>12 A: I don't have that answer. I know</p> <p>13 that he has had maybe some discussions, but that's</p> <p>14 all I know.</p> <p>15 Q: Some discussions. Do you ever</p> <p>16 observe or have you ever observed Evan when he first</p> <p>17 sees his mom happy returning from New York?</p> <p>18 A: Yes.</p> <p>19 Q: When was the last time you have made</p> <p>20 that observation? Be more specific. After Evan left</p> <p>21 your brother, have you observed how he is over at</p> <p>22 Sandra's house?</p> <p>23 A: No.</p> <p>24 Q: And have you observed Evan at</p> <p>25 Sandra's house when he is leaving her to come to see</p>	<p style="text-align: right;">Page 252</p> <p>1 MR. NAIMI: I think it makes the most</p> <p>2 sense your Honor due to the fact that we don't want</p> <p>3 to break in the middle of the testimony and then we</p> <p>4 are not going to recall where we're at yesterday.</p> <p>5 JUDGE GENTILE: I agree with you, it's</p> <p>6 better to just start fresh.</p> <p>7 MR. NAIMI: To be clear, we are on at</p> <p>8 1:30 tomorrow afternoon and then again on Wednesday</p> <p>9 at 1:30.</p> <p>10 JUDGE GENTILE: Correct. It looks like</p> <p>11 you will get through everything. It appears that way</p> <p>12 anyway.</p> <p>13 MS. WILSON: We did need and we did all</p> <p>14 that exhibit work beforehand, so we did our job and</p> <p>15 we-</p> <p>16 MR. NAIMI: In fact, we have two three</p> <p>17 trial conferences because we were not done after the</p> <p>18 first one. It just escaped both our minds and I'll</p> <p>19 take responsibility for that one, your Honor, to</p> <p>20 introduce the stipulated exhibits before we even had</p> <p>21 notice of it, I'm sorry.</p> <p>22 JUDGE GENTILE: It's okay, that's why</p> <p>23 when we took the break and I had them ask you-</p> <p>24 MR. NAIMI: Actually, it was in the</p> <p>25 middle of this morning when we had one where we</p>
<p style="text-align: right;">Page 251</p> <p>1 Chris?</p> <p>2 A: No.</p> <p>3 Q: Nothing further.</p> <p>4 JUDGE GENTILE: Okay.</p> <p>5 Q: Nothing further.</p> <p>6 JUDGE GENTILE: Follow up, Ms. Wilson?</p> <p>7 MS. WILSON: We would excuse the</p> <p>8 witness, your Honor.</p> <p>9 JUDGE GENTILE: Okay, great. You may</p> <p>10 step down, thank you very much. It's 4:34 Do you have</p> <p>11 another witness you want to call in a short timeframe</p> <p>12 or do you want to break today?</p> <p>13 MS. WILSON: No, we don't. In fact, we</p> <p>14 rest our case in chief with the exception that Mr.</p> <p>15 Naimi and I have agreed that similar to the way he is</p> <p>16 treating Mr.-- well, I guess it is a little bit</p> <p>17 different. But he has agreed that I am going to-</p> <p>18 JUDGE GENTILE: You are not going to</p> <p>19 call her in your case...</p> <p>20 MS. WILSON: Exactly, and it's still</p> <p>21 beyond the scope.</p> <p>22 JUDGE GENTILE: Yeah, I agree. Okay, so</p> <p>23 now we have 25 minutes left for the... Do you want to</p> <p>24 just end today and then... let me do some</p> <p>25 calculating.</p>	<p style="text-align: right;">Page 253</p> <p>1 realized, "Oh, that is a stipulated exhibit. We</p> <p>2 should have..."</p> <p>3 JUDGE GENTILE: It's okay. I usually ask</p> <p>4 at the beginning myself but for some reason, I didn't</p> <p>5 ask this morning either. All right. So we will go</p> <p>6 off the record and we will see you back here tomorrow</p> <p>7 at 1:30.</p> <p>8 (Deposition adjourned)</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>1 CERTIFICATE OF RECORDER</p> <p>2 STATE OF NEVADA)</p> <p>3 COUNTY OF CLARK)</p> <p>4 NAME OF CASE: SANDRA LYNN NANCE vs CHRISTOPHER MICHAEL FERRARO</p> <p>SI, Peter Hellman, a duly commissioned</p> <p>6 Notary Public, Clark County, State of Nevada, do hereby</p> <p>7 certify: That I transcribed or supervised transcription</p> <p>8 of deposition of the witness, TRIAL TESTIMONY .</p> <p>9 from Recorded Audio-and-Visual Record and said deposition</p> <p>10 is a complete, true and accurate transcription,</p> <p>11</p> <p>12I further certify that I am not a relative or</p> <p>13 employee of an attorney or counsel of any of the</p> <p>14 parties, nor a relative or employee of an attorney or</p> <p>15 counsel involved in said action, nor a person</p> <p>16 financially interested in the action.</p> <p>17IN WITNESS WHEREOF, I have hereunto set my</p> <p>18 hand in my office in the County of Clark, State of</p> <p>19 Nevada, this 06/27/2016.</p> <p>20</p> <p>21 _____</p> <p>22Peter J. Hellman Notary (12-9031-1)</p> <p>23</p> <p>24</p> <p>25</p>	



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DISTRICT COURT
CLARK COUNTY, NEVADA

SANDRA LYNN NANCE,) Case No.: D-10-426817-D
Plaintiff,) Dept. No. F
vs.)
CHRISTOPHER MICHAEL FERRARO,)
Defendant.)
_____)

TRIAL TESTIMONY
Taken on June 28, 2016

Nevada Court Reporting

10080 Alta Drive, Suite 100
Las Vegas, NV 89146
Office: 702-490-3376
Calendar@Nvreporting.com



1 DISTRICT COURT
2 CLARK COUNTY, NEVADA

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5 SANDRA LYNN NANCE,) Case No.: D-10-426817-D
6 Plaintiff,) Dept. No. F
7 vs.)
8 CHRISTOPHER MICHAEL FERRARO,)
9 Defendant.)
10 _____)

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13 TRIAL TESTIMONY

14 Taken on June 28, 2016

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<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2 For the Plaintiffs: JASON NAIMI, ESQ.</p> <p>3 STANDISH NAIMI LAW GROUP</p> <p>4 1635 Village Center Circle</p> <p>5 Suite 180</p> <p>6 Las Vegas, Nevada 89134</p> <p>7</p> <p>8</p> <p>9 For the Defendants: SHANNON WILSON, ESQ.</p> <p>10 TODD MOODY, ESQ.</p> <p>11 HUTCHISON STEFFEN</p> <p>12 10080 Alta Drive</p> <p>13 Suite 200</p> <p>14 Las Vegas, Nevada 89145</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1 JUDGE GENTILE: That's what it's</p> <p>2 looking like, okay?</p> <p>3 MR. NAIMI: Okay.</p> <p>4 JUDGE GENTILE: Alright, so with that.</p> <p>5 MR. NAIMI: Call my first witness?</p> <p>6 JUDGE GENTILE: You may.</p> <p>7 MS. COOLEY: Actually</p> <p>8 JUDGE GENTILE: Yeah.</p> <p>9 MS. COOLEY: Your Honor, we've</p> <p>10 stipulated to close the courtroom to outsiders, so</p> <p>11 we're going to invoke the exclusionary role.</p> <p>12 JUDGE GENTILE: Okay, is there somebody</p> <p>13 in here?</p> <p>14 MR. NAIMI: No.</p> <p>15 MS. COOLEY: No, we're just keeping it</p> <p>16 that way.</p> <p>17 JUDGE GENTILE: Oh, okay. Alright very</p> <p>18 good, so noted. So if somebody decides to come in.</p> <p>19 MR. NAIMI: Your Honor, we would call</p> <p>20 on Mr. Christopher Ferraro to the stand.</p> <p>21 BAILIFF: Raise your right hand.</p> <p>22 CLERK: Do you solemnly swear the</p> <p>23 testimony you</p> <p>24 are about to give in this action will be the truth,</p> <p>25 the whole truth and nothing but the truth so help you</p>
<p>Page 3</p> <p>1 JUDGE GENTILE: We're on the record in</p> <p>2 Case D426817, Nance versus Ferraro. State your</p> <p>3 appearances please.</p> <p>4 MR. NAIMI: Good afternoon Your Honor,</p> <p>5 Jason NAIMI of Barnum and NAIMI, Bar No. 9441 on</p> <p>6 behalf of Ms. Sandra Nance who is also present with</p> <p>7 us this afternoon. With me is Ms. Shelley Cooley.</p> <p>8 MS. COOLEY: Bar No. 8992.</p> <p>9 MR. NAIMI: And then my paralegal.</p> <p>10 JUDGE GENTILE: Got it.</p> <p>11 MS. WILSON: Good afternoon, Shannon</p> <p>12 Wilson, Bar No. 9933 on behalf of defendant</p> <p>13 Christopher Ferraro, who is present, and also co-</p> <p>14 counsel.</p> <p>15 MR. MOODY: Todd Moody.</p> <p>16 JUDGE GENTILE: Bar number?</p> <p>17 MR. MOODY: 5430.</p> <p>18 JUDGE GENTILE: Alright, so it's day</p> <p>19 two, you've rested correct? My calculations for</p> <p>20 time, just so you know, I have 263 minutes on</p> <p>21 your time, we're about 4.3 hours and about 47</p> <p>22 minutes on your side, or .75 hours. So we're</p> <p>23 looking at about 2.2 hours left on your side if</p> <p>24 we do a full 13 hours and 5.75 on your side.</p> <p>25 MR. NAIMI: Okay.</p>	<p>Page 5</p> <p>1 God?</p> <p>2 MR. FERRARO: Yes I do.</p> <p>3 DIRECT EXAMINATION</p> <p>4 BY: Jason NAIMI</p> <p>5 Q: Good afternoon Mr. Ferraro, my name is</p> <p>6 Jason NAIMI as I believe you are aware of at this</p> <p>7 point. Obviously I represent Ms. Sandra Nance. You</p> <p>8 were born on January 24, 1973?</p> <p>9 A: Correct.</p> <p>10 Q: That makes you 43 years old today?</p> <p>11 A: Correct.</p> <p>12 Q: You filed a motion to modify custody and</p> <p>13 relocation of your minor child in this matter?</p> <p>14 A: Correct.</p> <p>15 Q: All the information in that motion was</p> <p>16 correct</p> <p>17 when you signed it, is that correct?</p> <p>18 A: Correct.</p> <p>19 Q: Your motion is complete?</p> <p>20 A: Correct.</p> <p>21 Q: The motion contains all the basis of</p> <p>22 your request to relocate Evan to New York, is that</p> <p>23 correct?</p> <p>24 A: Correct.</p> <p>25 Q: You are a resident of the State of New</p>

<p style="text-align: right;">Page 6</p> <p>1 York?</p> <p>2 A: Correct.</p> <p>3 Q: You were a resident of the State of New</p> <p>4 York when you filed your motion?</p> <p>5 A: Correct.</p> <p>6 Q: You and Sandra have one minor child</p> <p>7 together?</p> <p>8 A: Correct.</p> <p>9 Q: And his name is Evan?</p> <p>10 A: Correct.</p> <p>11 Q: He's currently seven years old today?</p> <p>12 A: Correct.</p> <p>13 Q: Evan will be eight years old on</p> <p>14 September 30th of this year?</p> <p>15 A: Correct.</p> <p>16 Q: You testified yesterday that you're</p> <p>17 currently unemployed, is that correct?</p> <p>18 A: Correct.</p> <p>19 Q: You do however own Ferraro Brothers</p> <p>20 Hockey?</p> <p>21 A: Correct.</p> <p>22 Q: That's an LLC?</p> <p>23 A: Yes.</p> <p>24 Q: You own that with your brother Peter?</p> <p>25 A: Yes.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q: So there may have been a point in time</p> <p>2 when it was known as Ferraro Brothers Elite Hockey</p> <p>3 Foundation?</p> <p>4 A: Correct.</p> <p>5 Q: I see. Do you recall when that might</p> <p>6 be?</p> <p>7 A: Before it became Ferraro Brothers</p> <p>8 Hockey.</p> <p>9 Q: So Ferraro Brothers Hockey, LLC was</p> <p>10 incorporated in August 2007, you testified to that a</p> <p>11 moment ago. If I were to mention that Ferraro</p> <p>12 Brothers Elite Hockey Foundation was incorporated in</p> <p>13 March of 2012 does that sound, does that refresh your</p> <p>14 recollection?</p> <p>15 A: It does not.</p> <p>16 Q: Do you have any foundation, any</p> <p>17 corporation that's not for profit?</p> <p>18 A: Yes.</p> <p>19 Q: Is it possible that that's the</p> <p>20 foundation we're talking about?</p> <p>21 A: No.</p> <p>22 Q: There is also Ferraro Brothers Elite</p> <p>23 Hockey Incorporated, does that sound right?</p> <p>24 A: Yes.</p> <p>25 Q: And that was incorporated in April of</p>
<p style="text-align: right;">Page 7</p> <p>1 Q: You guys incorporated as Ferraro</p> <p>2 Brothers Hockey, LLC in the State of New York?</p> <p>3 A: Correct.</p> <p>4 Q: That company was incorporated in the</p> <p>5 State of New York in August of 2007?</p> <p>6 A: Correct.</p> <p>7 Q: You guys have been working under Ferraro</p> <p>8 Brothers Hockey since that time?</p> <p>9 A: Correct.</p> <p>10 Q: In addition you have also incorporated</p> <p>11 Ferraro Brothers Elite Hockey Foundation, Inc., is</p> <p>12 that correct?</p> <p>13 A: Repeat that please.</p> <p>14 Q: You've also incorporated as Ferraro</p> <p>15 Brother Elite Hockey Foundation, Incorporated?</p> <p>16 A: I'm not aware of that.</p> <p>17 Q: You would agree that Ferraro Brothers</p> <p>18 Hockey most likely correlates to you, is that</p> <p>19 correct?</p> <p>20 A: Correct.</p> <p>21 Q: So if there's a corporation by the name</p> <p>22 of Ferraro Brothers Elite Hockey Foundation that</p> <p>23 doesn't sound like yours?</p> <p>24 A: There was a point in time where Elite</p> <p>25 was changed to Ferraro Brothers Hockey, solo.</p>	<p style="text-align: right;">Page 9</p> <p>1 2010, is that correct?</p> <p>2 A: I can't recall the date.</p> <p>3 Q: But that is your company?</p> <p>4 A: Ferraro Brothers Elite, it was Ferraro</p> <p>5 Brothers Elite, that was changed to Ferraro Brothers</p> <p>6 Hockey.</p> <p>7 Q: Ferraro Brothers Hockey was incorporated</p> <p>8 in August of 2007, correct?</p> <p>9 A: At that particular time, it was-- I may</p> <p>10 be getting my dates screwed up, I believe it might</p> <p>11 have been Elite during that time.</p> <p>12 Q: And then it became Ferraro Brothers</p> <p>13 Hockey?</p> <p>14 A: Correct.</p> <p>15 Q: So, just to clarify it is your testimony</p> <p>16 they're all the same corporation, they do the same</p> <p>17 thing, business wise?</p> <p>18 MALE: Objection. It misstates</p> <p>19 testimony.</p> <p>20 MR. NAIMI: I'm just trying to get</p> <p>21 clarification.</p> <p>22 A: Ferraro Brothers Elite Hockey was the</p> <p>23 initial phase of the business, was switched to</p> <p>24 Ferraro Brothers Hockey. We took elite out.</p> <p>25 Q: Okay.</p>

Page 10	Page 12
<p>1 A: Ferraro Brothers Elite Foundation, we've 2 never had a foundation under Ferraro Brothers Hockey. 3 Q: And through Ferraro Brothers Hockey you 4 work as a hockey instructor, is that correct? 5 A: Correct. 6 Q: You've worked through Ferraro Brothers 7 Hockey as a hockey instructor since 2007? 8 A: Yes. 9 Q: Your work schedule through Ferraro 10 Brothers Hockey, it varies? 11 A: Correct. 12 Q: You don't have a set schedule? 13 A: No. 14 Q: If I could direct you to your Exhibit L, 15 that was your financial disclosure form that was 16 admitted yesterday. 17 A: What book? 18 MR. NAIMI: It would be Volume 1 of the 19 defendant's exhibits, Exhibit letter L. 20 A: I have nothing in here. 21 MR. NAIMI: There is no Exhibit L in 22 there? May I approach Your Honor? 23 JUDGE GENTILE: Yes. 24 Q: This is your updated financial 25 disclosure form, is that correct?</p>	<p>1 that correct? 2 A: It's not there, yes. Yes. 3 Q: You did not attach any copies of your 4 most recent pay stubs to the form? 5 A: No. 6 Q: You did not attach your year-to-date 7 income statements or profit and loss statements? 8 A: No. 9 Q: And you did not attach any copies of 10 proof that you're currently unemployed, is that 11 correct? 12 A: That is correct. 13 Q: You've not filed an amended FDF since 14 this FDF, is that correct? I'll ask it a different 15 way. This is your most recent financial disclosure 16 form filed in the court? 17 A: From my understanding, yes. 18 Q: And everything on this financial 19 disclosure form is true and accurate, is that 20 correct? 21 A: To the best of my knowledge. 22 Q: You knew the court would rely on your 23 financial disclosure form when you filed it? 24 A: Yes. 25 Q: Nothing is missing from this financial</p>
Page 11	Page 13
<p>1 A: Yes. 2 Q: You had filed a previous financial 3 disclosure form in this matter is that correct? 4 A: Yes. 5 Q: This one was filed on January 11th of 6 this year? 7 A: Yes. 8 Q: If you wouldn't mind turning to page 7 9 of that financial disclosure form. 10 A: Yes. 11 Q: The page reads certification, is that 12 correct? 13 A: Yes. 14 Q: That is your signature at the bottom of 15 the page? 16 A: Yes. 17 Q: Dated January 9th 2016? 18 A: Yes. 19 Q: Above that there is an affirmation of 20 oath, under penalty of perjury, do you see that? 21 It's right beneath important. 22 A: Yes. 23 Q: You did not initial I swear or affirm 24 under the penalty of perjury, and the rest of that 25 paragraph you did not initial that paragraph? Is</p>	<p>1 disclosure form? 2 A: Not that I'm aware of. 3 Q: On this financial disclosure form, if 4 you wouldn't mind turning to page 1 of 8. Alright, 5 number one says are you currently employed, you 6 responded yes. Is that correct? 7 A: That is correct. 8 Q: And then under two it asks are you 9 disabled and you responded no. 10 A: Correct. 11 Q: If you wouldn't mind turning to page 2, 12 please. Under Section A, you have your year-to-date 13 income listed, is that correct? 14 A: Yes. 15 Q: And the date of the pay period would 16 have been from January 1st of 2015 through September 17 20th of 2015, is that correct? 18 A: Yes. 19 Q: And in that time your gross annual 20 income was \$96,153.80, is that correct? 21 A: Correct. 22 Q: If I were to extrapolate for the entire 23 year that would amount to a gross annual income of 24 \$135,000 and some change, does that sound about 25 right?</p>

Page 14

1 A: Yes.
2 Q: Is that what you make on an annual
3 basis?
4 A: That's what I made.
5 Q: What you made. In addition to that
6 income, you also list that you receive \$2500 a month
7 from the NHL Emergency Fund, is that correct?
8 A: Not in addition, no.
9 Q: Okay, on this financial disclosure form,
10 if you wouldn't mind going down to the Subsection C,
11 there is the last column says other. And in that
12 column it reads please see below, does it not?
13 A: Please see below, yes.
14 Q: And then under frequency it says
15 monthly?
16 A: Okay.
17 Q: And then under monthly the amount says
18 \$7500, is that correct?
19 A: Correct.
20 Q: And the 12-month average is \$7500, is
21 that correct?
22 A: Yes, correct.
23 Q: And then if you look at the footnote
24 from the please see below italicize it says you're
25 receiving a distribution from Montauk Service Center,

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1 correct? And that amount is— is that correct?
2 A: Yes.
3 Q: And that amount is \$2500 per month?
4 A: Correct.
5 Q: And that you're also receiving another
6 \$2500 from Vanguard Sporting, Inc.
7 A: Correct.
8 Q: And that you're receiving an amount of
9 \$2500 from the NHL Emergency Fund?
10 A: Correct.
11 Q: If you wouldn't mind turning to page 4
12 of the financial disclosure form.
13 A: Okay.
14 Q: Your current child support obligation is
15 \$221.50 per months, is that correct?
16 A: Correct.
17 Q: And that's based off the income on this
18 financial disclosure form, is that correct?
19 A: I don't believe that is correct.
20 Q: Okay, you believe that this child
21 support is based off of previous income?
22 A: Correct.
23 Q: Under personal expenses, you have food
24 and groceries listed at \$1500, is that correct?
25 A: Yes.

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1 Q: Is that just for you every month?
2 A: I spend a lot of money— yes.
3 Q: And that would be your personal food and
4 restaurant bill, is that correct?
5 A: For myself and Evan.
6 Q: And then under— if you wouldn't mind
7 turning to page 5. Are you there?
8 A: I'm here.
9 Q: Okay. Do you see listed under
10 Subsection B, you have transportation cost for
11 visitation, that amount is \$3000?
12 A: Correct.
13 Q: And that is for your flights?
14 A: Correct.
15 Q: And your car rentals?
16 A: Correct.
17 Q: Nothing else?
18 A: Not that I see here.
19 Q: And this is your flights alone, is that
20 correct?
21 A: No, Evan.
22 Q: For Evan's flights?
23 A: Both.
24 Q: Both Evan, and your flights?
25 A: Correct.

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1 Q: And those flights are on average once a
2 month, is that correct?
3 A: Correct.
4 Q: When Evan visits with you in New York
5 you don't need a rental car, is that correct?
6 A: Correct.
7 Q: Under other, you have food and lodging
8 in Las Vegas, an amount listed at \$2800, is that
9 correct?
10 A: Correct.
11 Q: That's for when you visit Las Vegas.
12 A: Correct.
13 Q: The amount you spend on a hotel?
14 A: On average, yes.
15 Q: For the approximate 10-day visit that
16 you're out here for?
17 A: Correct.
18 Q: And that room is for you alone?
19 A: No.
20 Q: You and Evan?
21 A: Correct.
22 Q: Anybody else?
23 A: My brother.
24 Q: Does Peter contribute to that expense?
25 A: No.

Page 18

1 Q: Have you ever flown from New York to Las
2 Vegas first class?
3 A: Yes.
4 Q: Do you do so frequently?
5 A: No.
6 Q: If you were to fly out here 12 times per
7 year let's say. How many flights would be first
8 class?
9 A: Depending on the mileage that I have to
10 use towards first class.
11 Q: Okay, you apply credits towards your
12 first class flights?
13 A: I apply the-- correct.
14 Q: And so this just is strictly your out of
15 pocket expense on flights?
16 A: Correct.
17 Q: If you wouldn't mind turning to page 7,
18 again. As of January of 2016 you've paid your
19 attorneys an amount of \$60,000?
20 A: Correct.
21 Q: And at that time, you owed them another
22 \$35,000.
23 A: Yes.
24 Q: That obviously doesn't include any fees
25 you've incurred since January of 2016 to today, is

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1 that correct?
2 A: Ask the question again, please?
3 Q: These amounts here, do not include any
4 attorney's fees you've incurred since January of
5 2016?
6 A: I believe I'm almost current with--
7 Q: You may be current but those amounts are
8 not included in here, is that correct?
9 A: Correct.
10 Q: Okay, because you filed this in January
11 of '16?
12 A: Correct.
13 Q: So you didn't know about those fees at
14 that point?
15 A: Correct.
16 Q: It's safe to assume you have incurred
17 additional fees since January of 2016?
18 A: Yes.
19 Q: Any idea what amount?
20 A: Amount?
21 Q: How much you've spent in attorney's fees
22 since then?
23 A: Since this time?
24 Q: Yes.
25 A: Ballpark, \$50,000.

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1 Q: So to be clear you've spent
2 approximately \$150,000 on this case to date?
3 A: That's high.
4 Q: Would you say \$125,000?
5 A: That might be a little--
6 Q: In the range?
7 A: Maybe a little lower.
8 Q: One fifteen?
9 A: Probably, yes. I don't know the exact
10 number.
11 Q: No problem. In November 2012, you and
12 Sandra executed a parenting plan, is that correct?
13 A: Correct.
14 Q: And are you familiar with the parenting
15 plan?
16 A: Yes.
17 Q: That plan sets forth your visitation
18 schedule with Evan.
19 A: Yes.
20 Q: And Margaret Pickert was your parenting
21 coordinator at the time?
22 A: Yes.
23 Q: She was the one who prepared that
24 document?
25 A: Yes.

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1 Q: You've been following that plan ever
2 since?
3 A: Yes.
4 Q: That's the plan that is still in control
5 today?
6 A: Yes.
7 Q: You've adhered to the terms of that
8 plan, is that correct?
9 A: Correct.
10 Q: Your visitation schedule is 10 days each
11 month? Your visitation begins with Evan, begins when
12 Evan gets out of school on the third day of each
13 month, is that correct?
14 A: Correct.
15 Q: And then it ends on the Monday following
16 that week, is that correct?
17 A: Correct.
18 Q: In the month of June, July and August
19 you get 14 days of visitation with Evan, is that
20 correct?
21 A: Correct.
22 Q: Your summer visitation begins on the 2nd
23 Friday in those summer months?
24 A: Correct.
25 Q: And it's for a period of-- you return

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1 him 14 days later?
2 A: Correct.
3 Q: The plan also addresses where you are to
4 exercise that visitation, is that correct?
5 A: Can you ask the question again please.
6 Q: That plan addresses where you are to
7 exercise your visitation with Evan, is that correct?
8 A: It suggests that, yes.
9 MR. NAIMI: May I approach Your Honor?
10 JUDGE GENTILE: Yes.
11 MR. NAIMI: If I could direct you to--
12 the court's
13 indulgence, Your Honor?
14 JUDGE GENTILE: Mm-hm.
15 MR. TODD: Your Honor, if counsel is
16 not showing him an exhibit, can we see this before he
17 shows it to him?
18 MR. NAIMI: Absolutely, yes.
19 JUDGE GENTILE: Yes he can.
20 MR. NAIMI: Okay? May I approach Your
21 Honor?
22 JUDGE GENTILE: Give me a moment just
23 so I-- turn to a copy of it, okay.
24 MR. NAIMI: Yes okay, absolutely.
25 MR. NAIMI: If I could correct the

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1 record Your Honor, I believe I asked the question
2 earlier that his visit, his regular visitation
3 begins on the third day of each month.
4 JUDGE GENTILE: You said third day,
5 yeah.
6 MR. NAIMI: I apologize Your Honor.
7 Q: It's the third Friday of each month, is
8 that
9 correct?
10 A: That is correct.
11 JUDGE GENTILE: Yes, I caught that but
12 I figured it was a mistake.
13 MR. NAIMI: Well I want to make sure
14 that the record is straight.
15 JUDGE GENTILE: Yes.
16 MR. NAIMI: I'm just going to wait for
17 counsel to be ready.
18 MS. WILSON: We're ready.
19 MR. NAIMI: Okay.
20 Q: If you wouldn't mind turning to page 6
21 of the plan.
22 A: Okay.
23 Q: Under Section 2.1.2, do you see that?
24 A: Yes. I do.
25 Q: It reads New York Visits.

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1 A: Okay.
2 Q: And it says that the parties agree that
3 father may exercise his residential time with the
4 minor child in New York until the child begins
5 kindergarten in the Clark County School District, is
6 that right?
7 A: Yes it says that.
8 Q: At that time all regular time shares
9 less than three days will occur in Las Vegas, it says
10 that?
11 A: Yes.
12 Q: And then it says, for regular time
13 shares that are four days or more the father's time
14 share may occur in New York at your election, is that
15 correct?
16 A: Correct.
17 Q: So it doesn't just suggest when you may
18 visit New York or Las Vegas, it is actually pretty
19 clear, is that correct?
20 MS. WILSON: Objection, speaks for
21 itself.
22 MR. NAIMI: That's fine I'll leave it.
23 JUDGE GENTILE: Yes sustained, it does
24 speak for itself.
25 MR. NAIMI: Thank you.

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1 Q: It was your testimony a moment ago
2 though that the-- your interpretation of that
3 language was that it was a suggestion, is that
4 correct?
5 A: It suggests, yes.
6 Q: In fact, once Evan starts kindergarten,
7 visits less than three days are to occur in Las
8 Vegas, is that correct?
9 A: Yes.
10 Q: And once Evan started kindergarten
11 visits of four days or more, may occur in New York?
12 A: Yes.
13 Q: There's no language in there that
14 discusses visitation to occur in any other city, is
15 that correct?
16 A: Correct.
17 Q: The plan also provides that your monthly
18 10 day visits may occur in New York until he began
19 kindergarten is that correct?
20 A: Correct.
21 Q: The plan also addresses Skype
22 visitations, is that correct?
23 A: Yes.
24 Q: And that the parties are to Skype on a
25 weekly basis with Evan?

<p style="text-align: right;">Page 26</p> <p>1 A: Yes.</p> <p>2 Q: Specifically Mondays, Tuesdays and--</p> <p>3 A: Monday, Thursday, Saturday.</p> <p>4 Q: Monday, Thursday, Saturday that's</p> <p>5 correct, thank you. And you, when Evan is in his</p> <p>6 mother's care, you regularly Skype with Evan, is that</p> <p>7 correct?</p> <p>8 A: FaceTime, now.</p> <p>9 Q: FaceTime, okay. You do so every Monday,</p> <p>10 Thursday and Saturday?</p> <p>11 A: Depending on scheduling. It may be</p> <p>12 FaceTime; it may be a phone call.</p> <p>13 Q: Do you believe Sandra does a good job of</p> <p>14 facilitating Evans FaceTime with you?</p> <p>15 A: I think she does a fair job.</p> <p>16 Q: Do you, when you get to FaceTime with</p> <p>17 Evan, approximately how long is each FaceTime session</p> <p>18 with him?</p> <p>19 A: It varies</p> <p>20 Q: Thirty minutes?</p> <p>21 A: It varies.</p> <p>22 Q: Would say there are plenty that are at</p> <p>23 30 minutes?</p> <p>24 A: It varies, my last two FaceTime</p> <p>25 discussions were</p>	<p style="text-align: right;">Page 28</p> <p>1 are to participate in counseling?</p> <p>2 A: Correct.</p> <p>3 Q: Yesterday you testified that you--</p> <p>4 MR. MOODY: Objection, that's only a</p> <p>5 portion of the sentence.</p> <p>6 MR. NAIMI: You, you can redirect.</p> <p>7 MR MOODY: I can also state my</p> <p>8 objection.</p> <p>9 JUDGE GENTILE: You can raise it on</p> <p>10 your redirect.</p> <p>11 MR. NAIMI: Yes.</p> <p>12 Q: You testified yesterday that you do not</p> <p>13 take Evan to his counseling sessions when you're in</p> <p>14 Las Vegas, is that correct?</p> <p>15 A: Correct.</p> <p>16 Q: Have you ever met with Ms. Tolman?</p> <p>17 A: Yes.</p> <p>18 Q: Have you ever shared any concerns you</p> <p>19 have with Evan to her?</p> <p>20 A: No.</p> <p>21 Q: You've never had any substantive</p> <p>22 conversations about concerns you have with, about</p> <p>23 Evan with her?</p> <p>24 A: Not that I recall.</p> <p>25 Q: Yesterday, you testified that you've</p>
<p style="text-align: right;">Page 27</p> <p>1 3 minutes.</p> <p>2 Q: Okay.</p> <p>3 A: And then last night it was 30 minutes.</p> <p>4 Q: Alright, have you ever had an</p> <p>5 opportunity to</p> <p>6 FaceTime with Evan for say an hour?</p> <p>7 A: Yes.</p> <p>8 Q: Have you ever had an opportunity to</p> <p>9 FaceTime with</p> <p>10 him for say an hour and a half?</p> <p>11 A: I don't really have a stop watch next to</p> <p>12 me, but</p> <p>13 we talk.</p> <p>14 Q: The plan also addresses counseling does</p> <p>15 it not? If I could direct your attention to page 10</p> <p>16 of the plan? Section 2.8 on that page the title is</p> <p>17 counseling, is that correct?</p> <p>18 A: Correct.</p> <p>19 Q: And that the parties will begin</p> <p>20 counseling for Evan, that the parties would begin</p> <p>21 Evan, counseling with Evan with a counselor, is that</p> <p>22 what it says? That parties will begin counseling for</p> <p>23 Evan with a counselor?</p> <p>24 A: Correct.</p> <p>25 Q: And then it also says that both parties</p>	<p style="text-align: right;">Page 29</p> <p>1 taken Evan out of state, out of the State of New York</p> <p>2 for a hockey tournament in Connecticut for example?</p> <p>3 A: Yes.</p> <p>4 Q: Did you provide Sandra with a travel</p> <p>5 itinerary?</p> <p>6 A: Yes.</p> <p>7 Q: When did you do so?</p> <p>8 A: I believe I provided her the schedule</p> <p>9 the day after we arrived?</p> <p>10 Q: After, after you left for Connecticut?</p> <p>11 A: After we arrived.</p> <p>12 Q: In Connecticut?</p> <p>13 A: In Connecticut, which was my mistake.</p> <p>14 Q: Not prior to, okay.</p> <p>15 A: Correct.</p> <p>16 Q: Have there been times when you've not</p> <p>17 provided her with an itinerary whatsoever?</p> <p>18 A: Yes. Very rarely.</p> <p>19 Q: Yesterday you testified that your home</p> <p>20 is in New York?</p> <p>21 A: Yes.</p> <p>22 Q: Because you were born there?</p> <p>23 A: Yes.</p> <p>24 Q: Because you were raised there?</p> <p>25 A: Yes.</p>

Page 30	Page 32
<p>1 Q: Because your connections are there?</p> <p>2 A: Yes.</p> <p>3 Q: Because your family is there?</p> <p>4 A: Yes.</p> <p>5 Q: To you New York means home?</p> <p>6 A: Yes.</p> <p>7 Q: The reasons you wish to relocate Evan to</p> <p>8 New York are you believe it's better for your</p> <p>9 business?</p> <p>10 A: Not in that order.</p> <p>11 Q: Fair enough but this is one of the</p> <p>12 reasons you identified yesterday, is that correct?</p> <p>13 A: Well Evan would benefit from that, yes.</p> <p>14 Q: Your ability to work?</p> <p>15 A: Correct.</p> <p>16 Q: You would have a flexible schedule?</p> <p>17 A: Yes.</p> <p>18 Q: Because New York is your home?</p> <p>19 A: Yes.</p> <p>20 Q: In fact, you stated that a couple of</p> <p>21 times yesterday, is that correct?</p> <p>22 A: I don't recall, maybe. I'm sure I did.</p> <p>23 Q: New York is your community?</p> <p>24 A: Yes.</p> <p>25 Q: New York is where you were raised?</p>	<p>1 MR. NAIMI: I'm going to pull it up,</p> <p>2 for you to look at it.</p> <p>3 PARALEGAL: What exactly are you</p> <p>4 looking for?</p> <p>5 MR. NAIMI: Huh?</p> <p>6 JUDGE GENTILE: What exactly are you</p> <p>7 looking for?</p> <p>8 MR. NAIMI: The court's indulgence,</p> <p>9 Your Honor.</p> <p>10 May I approach, Your Honor?</p> <p>11 JUDGE GENTILE: You may.</p> <p>12 Q: Is this a copy of the proposed</p> <p>13 visitation schedule you had presented to the court?</p> <p>14 A: Yes.</p> <p>15 Q: And that looks like Exhibit A of your</p> <p>16 motion, is that correct?</p> <p>17 A: Yes.</p> <p>18 Q: This proposed schedule addresses summer</p> <p>19 break, is that correct?</p> <p>20 A: Yes.</p> <p>21 Q: You propose Evan would visit his mother</p> <p>22 every summer for six weeks.</p> <p>23 A: Yes.</p> <p>24 Q: Those six weeks would be divided into</p> <p>25 two, three week visits each.</p>
Page 31	Page 33
<p>1 These were all reasons why you wish to relocate Evan</p> <p>2 to New York?</p> <p>3 A: Yes.</p> <p>4 Q: Because you have resources in New York?</p> <p>5 A: Yes.</p> <p>6 Q: And that you would pay for Evan's travel</p> <p>7 costs?</p> <p>8 A: Yes.</p> <p>9 Q: In your motion, you identified a</p> <p>10 proposed schedule for Evan's mother in the event the</p> <p>11 court were to grant your permission to relocate him</p> <p>12 to New York, is that correct?</p> <p>13 A: Yes.</p> <p>14 Q: That was Exhibit A to your motion, is</p> <p>15 that correct?</p> <p>16 A: I don't remember what exhibit it is, but</p> <p>17 if I could see it, I can identify it.</p> <p>18 MR. NAIMI: May I, Your Honor.</p> <p>19 JUDGE GENTILE: Yes.</p> <p>20 MR. MOODY: I think it was an exhibit,</p> <p>21 I think it was Exhibit A, I guess.</p> <p>22 JUDGE GENTILE: I think it might have</p> <p>23 been in the defendant's.</p> <p>24 MR. NAIMI: Yes, that's right.</p> <p>25 MR. MOODY: Defendants Exhibit A.</p>	<p>1 A: Yes.</p> <p>2 Q: One at the beginning of the summer</p> <p>3 break?</p> <p>4 A: Yes.</p> <p>5 Q: And then one at the end of the summer</p> <p>6 break?</p> <p>7 A: Yes.</p> <p>8 Q: You would have Evan for three weeks in</p> <p>9 between?</p> <p>10 A: Yes.</p> <p>11 Q: That equates to Evan visiting his mother</p> <p>12 approximately 42 days each summer, yes?</p> <p>13 A: If that's the math, yes.</p> <p>14 Q: Yes. In odd years you proposed Evan</p> <p>15 would visit with his mother the second half of</p> <p>16 winter break, is that correct?</p> <p>17 A: Yes.</p> <p>18 Q: From the 26th of December until the day</p> <p>19 before school resumes?</p> <p>20 A: Correct.</p> <p>21 Q: That's about six days?</p> <p>22 A: Yes.</p> <p>23 Q: In odd years, you proposed that Evan</p> <p>24 would visit his mother for April break?</p> <p>25 A: Are we still on winter break or April?</p>

Page 34	Page 36
<p>1 Q: April break.</p> <p>2 A: Oh. Yes.</p> <p>3 Q: From the Friday after school recesses to</p> <p>4 the day before school resumes?</p> <p>5 A: Yes.</p> <p>6 Q: And that would be approximately 9 days?</p> <p>7 A: Yes.</p> <p>8 Q: And I have here you also proposed Evan</p> <p>9 would visit his mother for Columbus Day weekend?</p> <p>10 A: Yes.</p> <p>11 Q: That would be from Thursday after school</p> <p>12 recesses to the Tuesday after Columbus Day?</p> <p>13 A: Yes.</p> <p>14 Q: That's approximately five days? Yes?</p> <p>15 A: Yes.</p> <p>16 Q: The Columbus Day weekend would be</p> <p>17 permitted provided Evan's school permits that</p> <p>18 absence, those absences the Friday and the Tuesday</p> <p>19 right?</p> <p>20 A: Yes.</p> <p>21 Q: And provided there were no substantial</p> <p>22 interference with Evan's extracurricular activities?</p> <p>23 A: Yes.</p> <p>24 Q: So that weekend may not be guaranteed?</p> <p>25 It's possible Evan couldn't visit his mother on that</p>	<p>1 Q: So that would still be 32 days.</p> <p>2 A: Correct.</p> <p>3 Q: In even years you proposed he would</p> <p>4 visit with his mother for the entire winter break?</p> <p>5 A: Correct.</p> <p>6 Q: From when school recesses to the day</p> <p>7 before it resumes?</p> <p>8 A: Correct.</p> <p>9 Q: And that would be about nine days?</p> <p>10 A: Yes.</p> <p>11 Q: And in even years you proposed Evan</p> <p>12 would visit his mother for February break?</p> <p>13 A: Yes.</p> <p>14 Q: And that would be from Friday after</p> <p>15 school recesses to the day before it resumes?</p> <p>16 A: But I also proposed with winter break</p> <p>17 and April break that on my time share with Sandra,</p> <p>18 is I would facilitate her to come and be there for</p> <p>19 Evan if he has any events or any extracurricular</p> <p>20 activities or school events. I would help</p> <p>21 facilitate--</p> <p>22 Q: And so to be clear, that visitation in</p> <p>23 February would be about nine days, right?</p> <p>24 A: I believe so, yes.</p> <p>25 Q: Yeah, in even years you also proposed</p>
Page 35	Page 37
<p>1 weekend?</p> <p>2 A: If it did not effectively interfere with</p> <p>3 schooling or extracurricular activities.</p> <p>4 Q: In odd years you proposed Evan would</p> <p>5 visit his mother for Thanksgiving?</p> <p>6 A: Yes.</p> <p>7 Q: From Wednesday after school recesses to</p> <p>8 Sunday after Thanksgiving?</p> <p>9 A: Yes.</p> <p>10 Q: And that would be approximately four</p> <p>11 days?</p> <p>12 A: Yes.</p> <p>13 Q: Under your proposed schedule Evan would</p> <p>14 visit his mother approximately 66 days every odd</p> <p>15 year?</p> <p>16 A: Yes.</p> <p>17 Q: Assuming, that's assuming of course he</p> <p>18 gets Columbus Day weekend?</p> <p>19 A: Correct.</p> <p>20 Q: If not it would be 61 days?</p> <p>21 A: Correct.</p> <p>22 Q: In even years you proposed a schedule</p> <p>23 for, well okay-- let's back up. In even years the</p> <p>24 summer schedule would stay the same correct?</p> <p>25 A: Correct.</p>	<p>1 Evan would visit his mother for Memorial Day</p> <p>2 weekend?</p> <p>3 A: Yes.</p> <p>4 Q: Again, that would be from Thursday to</p> <p>5 Tuesday?</p> <p>6 A: Correct.</p> <p>7 Q: About five days?</p> <p>8 A: Correct.</p> <p>9 Q: And of course, that also is provided the</p> <p>10 school permits those absences and provided he has no</p> <p>11 extracurricular activities, correct?</p> <p>12 A: Correct.</p> <p>13 Q: In even years you proposed he would also</p> <p>14 have Columbus Day, again with his mother.</p> <p>15 A: Correct.</p> <p>16 Q: And of course that's the same thing,</p> <p>17 from Thursday to Tuesday?</p> <p>18 A: Correct.</p> <p>19 Q: Another five days?</p> <p>20 A: Correct.</p> <p>21 Q: Provided again, there's no-- that the</p> <p>22 school permits these absences and there are no</p> <p>23 extracurricular activities interfering?</p> <p>24 A: Correct.</p> <p>25 Q: Under your proposed schedule Evan would</p>

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<p>1 visit with his mother for approximately 70 days that 2 year, in even years? Does that not sound right? 3 A: I believe so. 4 Q: Your family consists of your brother, 5 Peter. 6 A: Yes. 7 Q: Your mother. 8 A: Yes. 9 Q: Your niece, Michelle. 10 A: My sister, Michelle. 11 Q: Isn't she your niece? 12 A: Michelle, who? 13 MR. NAIMI: Do you know her last name, 14 Tandross? 15 A: That's my sister. 16 Q: She's not your niece? 17 A: She's not my niece. 18 Q: She resides in Los Angeles, is that 19 correct? 20 A: No. 21 Q: She has a vacation home in the Hamptons? 22 A: She has multiple different homes with 23 her husband. 24 Q: You visited with her in LA, have you 25 not?</p>	<p>1 Q: Are you a complainant in a lawsuit 2 against the NHL? 3 A: I'm a member, yes. 4 Q: And in that complaint you're alleging 5 post-concussion syndrome symptoms? 6 A: The suit is against the National Hockey 7 League along with a large pool of other former 8 players that are identifying in supporting the 9 National Hockey League's responsibility moving 10 forward to protect its players from concussions and 11 other related injuries. 12 Q: And you're a plaintiff in that action 13 because you've had concussions, is that correct? 14 A: I've had some, yes. 15 Q: Have you ever reported any sensitivity 16 to noise? 17 A: A little bit, yeah. 18 Q: Headaches? 19 A: Mild. 20 Q: Dizziness? 21 A: Mild. 22 Q: Difficulty remembering? 23 A: Mild. 24 Q: Irritability? 25 A: Mild.</p>
Page 39	Page 41
<p>1 A: I have visited yes, I've been there. 2 Q: She has a home in LA? 3 A: That's correct. 4 Q: Apart from your mother, Michelle and 5 your brother, you have your father, his name is Pete 6 Senior? 7 A: Yes. 8 Q: Are you-- you're presently in good 9 mental and physical health, is that correct? 10 A: You didn't finish my family if you want 11 to continue that? 12 Q: I just wanted to know about the 13 immediate family. I mean I'm sure you have cousins 14 and-- 15 A: Not my brother Michael? 16 Q: Oh, you have a brother Michael? Sorry, 17 I was not aware of that, I apologize. 18 A: Would you like to lay it out, would you 19 like for me to lay it out for you? 20 Q: No that's fine. 21 A: Okay, okay. 22 Q: I just wanted to know who the relatives 23 were. You are presently in good mental and physical 24 health? 25 A: Yes.</p>	<p>1 Q: Sleep issues? 2 A: No. 3 Q: Feeling overly emotional? 4 A: At times. 5 Q: Decreased libido? 6 A: At times. 7 Q: Do you drink alcohol on a regular basis? 8 A: Very casually. 9 Q: No use of-- and I apologize, it's just 10 for the record. No use of narcotics? 11 A: No. 12 Q: To the best of your knowledge, Sandra is 13 in good mental and physical health, is that correct? 14 A: From my understanding. 15 Q: You would acknowledge that Evan doesn't 16 have any special needs. No special physical needs? 17 A: No. 18 Q: He doesn't have any special 19 developmental needs? 20 A: No. 21 Q: You would acknowledge he doesn't have 22 any special emotional needs? 23 A: No. 24 Q: You're aware that he's been diagnosed 25 ADHD, is that correct?</p>

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1 A: Correct.
2 Q: And you're aware that he's been
3 diagnosed with generalized anxiety disorder?
4 A: Correct.
5 Q: And you're aware that he's been
6 diagnosed with oppositional/defiance disorder?
7 A: Correct.
8 Q: Do you believe ADHD can be cured?
9 A: Yes.
10 Q: Do you believe that generalized anxiety
11 disorder can be cured?
12 A: I'm not a medical expert but I believe
13 all of it can be cured.
14 Q: So including generalized anxiety
15 disorder and opposition/defiance disorder?
16 A: I'm not an expert so I--
17 Q: Your belief. Do you believe it can be
18 cured?
19 A: I'm not a medical expert so I don't know
20 if I am qualified to answer these questions.
21 Q: Fair enough. Evan is a solid student?
22 A: Yes he is.
23 Q: He gets straight A's?
24 A: Yes he does.
25 Q: So far, he's done very well in school?

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1 A: Correct.
2 Q: In fact, yesterday you submitted math
3 timed tests report.
4 A: Yes.
5 Q: Those tests were only since June of 2015
6 on, correct?
7 A: What do you mean on?
8 Q: Those tests that you submitted to the
9 court, they're from June of 2015 to current.
10 A: Yes.
11 Q: You submitted a reading log.
12 A: Yes.
13 Q: Those were also from June of 2015 to
14 current?
15 A: That was the summer of June and July and
16 August of 2015.
17 Q: It was not prior to June of 2015, is
18 that correct?
19 A: Correct.
20 Q: The same with the writing. You
21 submitted some writing samples, those were only as
22 of June of 2015?
23 A: June, July, August. After he completed
24 kindergarten.
25 Q: You stated yesterday, you think Evan is,

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1 he's bright.
2 A: Yes I did.
3 Q: He's talented.
4 A: Yes.
5 Q: He's special.
6 A: Yes.
7 Q: He's gifted.
8 A: Yes.
9 Q: He's popular.
10 A: Yes.
11 Q: He's athletic.
12 A: Yes.
13 Q: He's a leader.
14 A: Yes.
15 Q: He's doing well.
16 A: Yes.
17 Q: You would acknowledge that Evan has got
18 a strong relationship with you, correct?
19 A: Yes.
20 Q: You would also acknowledge that he's got
21 a strong relationship with his mother?
22 A: Yes.
23 Q: That both of you have done a marvelous
24 job raising this bright, talented, special, gifted,
25 popular, athletic-- this leader, is that correct?

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1 A: Yes.
2 Q: I believe you testified to this
3 yesterday and I apologize if I didn't get the
4 testimony clear. Evan is your only child?
5 A: Yes, he is.
6 Q: He does have a brother, yes?
7 A: Yes.
8 Q: His brother's name is Desmond?
9 A: Yes.
10 Q: Desmond resides in Las Vegas?
11 A: Yes.
12 Q: Evan has a sister?
13 A: Yes.
14 Q: His sister's name is Kayla?
15 A: Yes.
16 Q: Kayla resides in Las Vegas?
17 A: Yes.
18 MR. NAIMI: We talked-- Your Honor, if
19 I may approach?
20 JUDGE GENTILE: Yes.
21 [BENCH CONFERENCE]
22 Q: If you wouldn't mind turning to the
23 first page of the binder. You testified yesterday,
24 that you had your visitation with Evan in June 2014,
25 from the 12th of that month t the 26th, is that

<p style="text-align: right;">Page 46</p> <p>1 correct?</p> <p>2 A: What month are we?</p> <p>3 Q: June of 2014.</p> <p>4 A: Okay.</p> <p>5 Q: You said you had 14 days in June last</p> <p>6 year.</p> <p>7 A: Yes.</p> <p>8 Q: If you wouldn't mind, if you wouldn't</p> <p>9 mind turning to Tab 1. The document is your Exhibit</p> <p>10 GI I believe. The number on the bottom right hand</p> <p>11 corner says 3-6-4?</p> <p>12 A: Yes.</p> <p>13 Q: The flight from Las Vegas to Los Angeles</p> <p>14 that was on June 14th?</p> <p>15 A: Right.</p> <p>16 Q: That was Evan, he traveled from Las</p> <p>17 Vegas to Los Angeles, is that correct?</p> <p>18 A: Correct.</p> <p>19 Q: And then subsequently he caught a</p> <p>20 connecting flight from Las Vegas, oh excuse me, from</p> <p>21 Los Angeles to JFK?</p> <p>22 A: Okay.</p> <p>23 Q: That was to visit with you.</p> <p>24 A: Yes.</p> <p>25 Q: And then he returned to Las Vegas on the</p>	<p style="text-align: right;">Page 48</p> <p>1 Q: That is on July 4th, is that correct?</p> <p>2 A: Yes.</p> <p>3 Q: And that is from Sandra, right, the 7-0-</p> <p>4 2 number?</p> <p>5 A: July 4th, what year?</p> <p>6 Q: This is 2014.</p> <p>7 A: Okay.</p> <p>8 Q: This phone number, this 7-0-2 number, is</p> <p>9 Sandra's?</p> <p>10 A: Yes.</p> <p>11 Q: And she's saying, here safe he can call</p> <p>12 you now, tomorrow is going to be-- and I'll leave it</p> <p>13 at that.</p> <p>14 A: I got it.</p> <p>15 Q: And then your response is the text</p> <p>16 message directly beneath that?</p> <p>17 A: Yeah.</p> <p>18 Q: That's your phone number? And you said</p> <p>19 you in California, safe. That would imply that Evan</p> <p>20 was with Sandra at that time, is that correct?</p> <p>21 A: Yes.</p> <p>22 Q: If you wouldn't mind turning to Tab 3.</p> <p>23 This is your visitation in July of 2014.</p> <p>24 A: Okay.</p> <p>25 Q: If you look at text number 9-2-5, that's</p>
<p style="text-align: right;">Page 47</p> <p>1 26th of June?</p> <p>2 A: Yes.</p> <p>3 Q: So you had him from the 14th of June to</p> <p>4 the 26th of June?</p> <p>5 A: Correct.</p> <p>6 Q: That would be 13 days. Do you want me</p> <p>7 to count them with you?</p> <p>8 A: No you don't have to count them with me.</p> <p>9 I may have stayed in Las Vegas for an additional day</p> <p>10 I don't recall.</p> <p>11 Q: Okay. In July of 2014, you visited with</p> <p>12 Evan from the 17th--</p> <p>13 A: Where am I looking?</p> <p>14 Q: Well I'll walk you through--</p> <p>15 A: The first page again?</p> <p>16 Q: If you could turn to Tab 2. Do you</p> <p>17 recognize this document at all?</p> <p>18 A: It looks like text messages, yes.</p> <p>19 Q: Is your phone number 631-804-4696?</p> <p>20 A: Yes.</p> <p>21 Q: And is Sandra's 702-807-5792?</p> <p>22 A: Yes.</p> <p>23 Q: And I you wouldn't mind looking at the</p> <p>24 text message identified as 1-0-5-5.</p> <p>25 A: Okay.</p>	<p style="text-align: right;">Page 49</p> <p>1 July 14th.</p> <p>2 A: What page are we on?</p> <p>3 Q: Page, it's PLREB 0084.</p> <p>4 A: Okay, yeah.</p> <p>5 Q: Text number 9-2-5. That is from you on</p> <p>6 July 14th and you're texting Sandra saying Skype</p> <p>7 tonight please?</p> <p>8 A: Okay.</p> <p>9 Q: You wanted to Skype with Evan at that</p> <p>10 time, correct?</p> <p>11 A: Correct.</p> <p>12 Q: And then if we turn the page, and you</p> <p>13 look at text number 8-6-9.</p> <p>14 A: Hold on. I'll turn the page back.</p> <p>15 Q: This would be PLREB 0082.</p> <p>16 A: Okay.</p> <p>17 Q: Do you see the text number 8-6-9?</p> <p>18 A: Yes.</p> <p>19 Q: That's on July 17th</p> <p>20 A: Okay.</p> <p>21 Q: You are texting Sandra.</p> <p>22 A: Okay.</p> <p>23 Q: And you say to her, yes just arrived,</p> <p>24 they're on their way to the car service, sorry I</p> <p>25 didn't text sooner. And that's letting her know that</p>

<p style="text-align: right;">Page 50</p> <p>1 Evan had just gotten to New York, is that correct?</p> <p>2 A: Yes.</p> <p>3 Q: If you would turn to the next page, your</p> <p>4 exhibit DEFT 363.</p> <p>5 A: Okay.</p> <p>6 Q: That's the itinerary where Evan goes</p> <p>7 from Las Vegas to JFK on July 17th and he returns on</p> <p>8 August 1st.</p> <p>9 A: Okay.</p> <p>10 Q: That would be for 16 days, is that</p> <p>11 correct?</p> <p>12 A: Correct.</p> <p>13 Q: So, you had actually an extra couple of</p> <p>14 days, not the 14 you testified to yesterday?</p> <p>15 A: There's a reason for that.</p> <p>16 Q: Oh, that's fine. I mean no one is</p> <p>17 questioning. I just want to clarify that you got an</p> <p>18 extra couple of days. In August if you don't mind</p> <p>19 turning to Tab 4.</p> <p>20 A: Okay.</p> <p>21 Q: That's DEFT 363, see it on the bottom?</p> <p>22 On August 8th you had visitation from August 8th</p> <p>23 through the 23rd, is that correct?</p> <p>24 A: Yes.</p> <p>25 Q: So you had 16 days again in August?</p>	<p style="text-align: right;">Page 52</p> <p>1 A: Okay.</p> <p>2 Q: And then under 1-1-4, she responds I</p> <p>3 have stuff going on, I'll do it when I, you know,</p> <p>4 basically I have work to get done when I go home and</p> <p>5 so on and so forth. And then under 1-1-5, you text I</p> <p>6 will text you after I drop Evan off. That's you</p> <p>7 dropping Evan off to Sandra's, is that correct?</p> <p>8 A: I would assume so, yes.</p> <p>9 Q: And so in August you had-- excuse me, in</p> <p>10 September you had 11 days, is that correct?</p> <p>11 A: Based on these documents, yes.</p> <p>12 Q: Under Tab No. 6, if you were to look at</p> <p>13 the flight itinerary, Evan flew from Las Vegas to JFK</p> <p>14 on 10/25 do you see that?</p> <p>15 A: Yes.</p> <p>16 Q: And he returned on November 2nd, is that</p> <p>17 correct?</p> <p>18 A: Yes.</p> <p>19 Q: That would have been 10 days?</p> <p>20 A: Yes.</p> <p>21 Q: And if you would turn to Tab 7, Evan</p> <p>22 flew from Las Vegas to JFK on November 21st, is that</p> <p>23 correct?</p> <p>24 A: Yes.</p> <p>25 Q: And then returned to Las Vegas on</p>
<p style="text-align: right;">Page 51</p> <p>1 A: Correct.</p> <p>2 Q: If you wouldn't mind turning to Tab 5.</p> <p>3 That's DEFT 3-6-2. Evan flew from Las Vegas to Los</p> <p>4 Angeles on the 19th of September. Is that correct?</p> <p>5 Do you see that on the very bottom, the last</p> <p>6 itinerary?</p> <p>7 A: Yes.</p> <p>8 Q: He flew to LAX and then if you turn to</p> <p>9 the next page, those text messages confirm that his</p> <p>10 visitation with you was from September 19th through</p> <p>11 the 27th.</p> <p>12 A: I don't have the next--</p> <p>13 Q: It would be FLRZB 0056.</p> <p>14 A: I have, are we looking at a text</p> <p>15 message?</p> <p>16 Q: Yes.</p> <p>17 A: And which text message am I looking at?</p> <p>18 Q: Under Tab 5, FLRZB 0056.</p> <p>19 A: Okay, what text message am I looking at?</p> <p>20 Q: You'll be looking at 1-1-2.</p> <p>21 A: Okay.</p> <p>22 Q: You're asking her where do you want to</p> <p>23 meet?</p> <p>24 A: Okay.</p> <p>25 Q: And that's on September 22nd.</p>	<p style="text-align: right;">Page 53</p> <p>1 November 30th?</p> <p>2 A: Yes.</p> <p>3 Q: That would you have been 10 days as</p> <p>4 well, is that correct?</p> <p>5 A: Yes.</p> <p>6 Q: And then if you would turn to Tab No. 8,</p> <p>7 this would be from December 26th to January 1st.</p> <p>8 That was Evan, he flew from Las Vegas, to JFK and</p> <p>9 then back from JFK to Las Vegas, is that correct?</p> <p>10 A: Can you repeat the dates?</p> <p>11 Q: If you look at the last itinerary?</p> <p>12 A: Yes.</p> <p>13 Q: Its December 26th to January 4th.</p> <p>14 A: Okay.</p> <p>15 Q: And that would have been 10 days,</p> <p>16 correct?</p> <p>17 A: Correct.</p> <p>18 Q: Move to Tab 9, please. In January of</p> <p>19 this year, Evan visited with you from January 16th to</p> <p>20 the 25th?</p> <p>21 A: December 26th through--</p> <p>22 Q: Sorry, if you look up above.</p> <p>23 A: Wait where am I?</p> <p>24 Q: Go to the third one down.</p> <p>25 A: What tab are we?</p>

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1 Q: You're under Tab No. 8 it's-- excuse me,
2 Tab No. 9.
3 A: Okay.
4 Q: It's DEFT 361.
5 A: Okay.
6 Q: Evan flies from Las Vegas to JFK on the
7 16th of January.
8 A: It's not highlighted, okay.
9 Q: It's not highlighted, and then he
10 returns on the 25th. It's the first one, up at the
11 top.
12 A: Okay.
13 Q: That would have been for 10 days?
14 A: Correct.
15 Q: And if we turn to Tab No. 10, DEFT 360.
16 Evan visited with you from February-- it's the last
17 one, February 20th LAX to JFK?
18 A: Okay.
19 Q: And then back on March 3rd JFK to Las
20 Vegas. That would be 11 days, correct?
21 A: Correct.
22 Q: Then if we turn to Tab No. 11, Evan
23 visited with you from March 17th through the 27th.
24 MR. MOODY: That's when he came, the
25 17th.

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1 A: What are the dates?
2 MR. NAIMI: One second Your Honor. Sorry,
3 we're on Tab. 11, April. I apologize Your Honor. It
4 would you have been April 21st, which is on the
5 second page, through May 1st.
6 MS. WILSON: Where is that?
7 MR. NAIMI: Oh, sorry. On the first
8 page top one is the April 24th.
9 JUDGE GENTILE: Right.
10 MR. NAIMI: I apologize. And then the
11 May 1st is-- I apologize Your Honor. I just want to
12 make sure.
13 PARALEGAL: Take your time. So he's
14 just basically saying that he didn't travel to New
15 York. He went from Las Vegas to LAX.
16 MR. NAIMI: Oh, I see. Okay, never
17 mind.
18 PARALEGAL: He went, and this one is
19 Chris'.
20 MR. NAIMI: Got it, got it, got it.
21 He, he only went from LAS to LAX from the-- on April
22 24th, I apologize.
23 PARALEGAL: On April 24th.
24 Q: So he didn't go to New York in that
25 time. He visited with you in Los Angeles. But you

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1 had him for 11 days, is that correct? That would you
2 have been your regular visit, you had 11 days?
3 A: I'd like to make clear, that these
4 aren't the days I had with-- these are the travel
5 days I had with Evan.
6 Q: Right, you would pick him up--
7 A: From September.
8 Q: You would pick him up Friday after
9 school, right?
10 A: Correct.
11 Q: And you'd bring him to school on the
12 Monday morning when you came back?
13 A: Correct.
14 Q: And that would, the way you're counting
15 the travel days as part of your time as well. So
16 instead of 10 you're counting 11, is that correct?
17 A: From previous months on these tabs that
18 you had previous, you were saying that these are the
19 days that Evan visited with me. These are the travel
20 days and when I would arrive in Las Vegas, it would
21 be my responsibility the following day to get him to
22 kindergarten. So I was still with Evan during that
23 time.
24 Q: Right, correct. And so from Friday--
25 A: I just wanted to correct your language.

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1 Q: You would return on the Sunday?
2 A: Correct.
3 Q: But you'd bring him to school on the
4 Monday?
5 A: Correct.
6 Q: So, you're counting Friday, Saturday,
7 Sunday, Monday, Tuesday, Wednesday, Thursday, Friday,
8 Saturday, Sunday. That's 10.
9 A: Correct.
10 Q: And then you're returning him to school
11 on the Monday that's 11.
12 A: Returning him--
13 Q: And if you look at this table, I have
14 you credited for 11 days, not 10. Go to the very
15 first table. I've credited you 11, not 10.
16 A: Okay.
17 Q: Because we're counting that return date.
18 We're giving it to you.
19 A: Okay.
20 Q: The total, instead of the 10 days,
21 giving you 11 is still 139 days, is that correct?
22 A: Throughout the whole 2014-15?
23 Q: No, this is from June of 2014 through
24 May of 2015, you had 139 days.
25 MR. MOODY: This is where I want to

<p style="text-align: right;">Page 58</p> <p>1 render the objection. He's now asking him from a 2 demonstrative exhibit to agree with his calculation 3 to the number of days. 4 MR. NAIMI: I did the math on the 5 record, Your Honor, and I credited him an extra day. 6 JUDGE GENTILE: Okay, so are you asking 7 him to acknowledge the numbers that you have in your 8 demonstrative exhibit? 9 MR. NAIMI: I am, Your Honor. 10 JUDGE GENTILE: Pardon me? 11 MR. NAIMI: Yes, I'm asking him to 12 acknowledge that-- 13 JUDGE GENTILE: And this is from June 14 14th of-- 15 MR. NAIMI: June of 2014. 16 JUDGE GENTILE: June of 2014, June 14th 17 of -- 18 MR. NAIMI: Through May of 2015. 19 MR. TODD: So you're asking, this is 20 through the court. Counsel is asking the witness to 21 acknowledge on the demonstrative exhibit as true-- 22 JUDGE GENTILE: Yeah, I think you need 23 to just, make your pitch to me at the end that -- 24 MR. NAIMI: Okay, fair enough. 25 JUDGE GENTILE: Yeah, so I'll sustain</p>	<p style="text-align: right;">Page 60</p> <p>1 A: Yes. 2 Q: You had 14 days in August of 2015. 3 A: Yes. 4 Q: And then each month thereon, he was now 5 in first grade in September of 2015, correct? 6 A: Correct. 7 Q: You had 10 days of visitation with Evan 8 in September of 2015. You had 10 days in October of 9 2015, yes? 10 A: Yes. 11 Q: You had 10 days in November of 2015? 12 A: Yes. 13 Q: You had 10 days in December of 2015? 14 A: Yes. 15 Q: You had 10 days in January of 2016? 16 A: Yes. 17 Q: You had 10 days in February of 2016? 18 A: No. 19 Q: You did not visit with Evan? 20 A: It's 11, if we're giving 11 it's 11. 21 It's not 10, so go back. 22 Q: Okay, so 11, your testimony is you have 23 11 and those-- from September through, we're up to 24 February now, you're saying 11 days? 25 A: Correct, 11 days.</p>
<p style="text-align: right;">Page 59</p> <p>1 your objection. 2 MR. NAIMI: Fair enough, I'll just ask 3 some follow-up questions? 4 Q: Your typical visitation would be Friday, 5 we've already established this, Friday after school, 6 correct? 7 A: Correct. 8 Q: To Monday when you return Evan to 9 school. 10 A: Correct. 11 Q: And we just a moment ago did that math. 12 If you picked up Friday, that was day one. Then 13 you'd have Saturday, Sunday, Monday, Tuesday, 14 Wednesday, Thursday, Friday, Saturday, Sunday, that's 15 10 days. And then you'd return Evan to school on 16 Monday morning and we've given you credit as the 11th 17 day. In doing that, we arrive at 139 days, do you 18 acknowledge that? 19 A: I acknowledge that your math is correct 20 Q: Thank you. Now since June or since May 21 of 2015, you visited with Evan for 14 days in June of 22 '15. You had your two week visit in the summer of 23 2015, June of '15, yes? 24 A: Yes. 25 Q: You had 14 days in July of '15.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q: And then you're saying 11 days in March? 2 A: Yes. 3 Q: And then you're saying 11 days in April? 4 A: Yes. 5 Q: And 11 days in May? 6 A: Yes. 7 Q: And you're saying that because we're 8 counting the travel day, you're getting credit for 9 both the Friday and the Monday, correct? 10 A: Yes. 11 Q: Although you pick up at the end of the 12 day on Friday, yes? 13 A: Yes. 14 Q: And you return him first thing in the 15 morning on Monday? 16 A: And I return to his school during recess 17 and lunch to give him lunch. 18 Q: Okay. 19 A: I'm really there until 12 o'clock in the 20 afternoon on Monday. 21 22 MR. NAIMI: The Court's indulgence for 23 a moment Your Honor. 24 JUDGE GENTILE: Sure, you want to take 25 a quick recess at this point?</p>

<p style="text-align: right;">Page 62</p> <p>1 MR. NAIMI: Okay, okay. Thank you.</p> <p>2 JUDGE GENTILE: We're at, our clock is</p> <p>3 slow up there, it's 3:47. I'm sorry, 2:47.</p> <p>4</p> <p>5</p> <p>6 (Deposition Recessed at 02:47)</p> <p>7 JUDGE GENTILE: Okay. So let's do that</p> <p>8 on the record, so yeah.</p> <p>9 MR. NAIMI: I apologize.</p> <p>10 JUDGE GENTILE: Yeah. We weren't on</p> <p>11 the record, yeah.</p> <p>12 MR. NAIMI: I assumed you were on. I'm</p> <p>13 so sorry.</p> <p>14 JUDGE GENTILE: It's okay.</p> <p>15 MR. NAIMI: I'll go ahead.</p> <p>16 JUDGE GENTILE: Yeah, go ahead.</p> <p>17 Mr. Naimi: Your Honor, we have no</p> <p>18 further questions. We pass the witness.</p> <p>19 JUDGE GENTILE: Okay. Ms. Wilson.</p> <p>20 MS. WILSON: Thank you.</p> <p>21 DIRECT EXAMINATION</p> <p>22 By: Shannon Wilson</p> <p>23 Q: Chris, since you filed your motion,</p> <p>24 you have had some other changes in your life,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q: Did you complete an earlier version</p> <p>2 of this form when you filed your motion for</p> <p>3 relocation?</p> <p>4 A: I believe I did.</p> <p>5 Q: In fact, when you filed your motion</p> <p>6 for relocation, were you employed?</p> <p>7 A: Yes.</p> <p>8 Q: When you amended this form, were</p> <p>9 you no longer employed?</p> <p>10 A: Can you rephrase the question</p> <p>11 please?</p> <p>12 Q: We established that you filed a</p> <p>13 financial disclosure form when you first filed your</p> <p>14 motion?</p> <p>15 A: Yes.</p> <p>16 Q: At that time, you were employed,</p> <p>17 correct?</p> <p>18 A: Correct.</p> <p>19 Q: Then subsequently, you amended the</p> <p>20 form and filed the version that we're looking at?</p> <p>21 A: Yes.</p> <p>22 Q: At that time, when you filed this</p> <p>23 form in January of 2016, you were no longer employed,</p> <p>24 correct?</p> <p>25 A: Correct.</p>
<p style="text-align: right;">Page 63</p> <p>1 MR. NAIMI: Objection. Leading.</p> <p>2 Q: What changes have you had in your</p> <p>3 life since you filed your motion?</p> <p>4 MR. NAIMI: Objection. Assumes facts</p> <p>5 not in evidence.</p> <p>6 JUDGE GENTILE: Yeah. You're assuming</p> <p>7 that there have been changes.</p> <p>8 MR. NAIMI: There are.</p> <p>9 JUDGE GENTILE: Yeah, so --</p> <p>10 Q: Mr. Ferraro, have you had any</p> <p>11 changes in your life since you filed your motion?</p> <p>12 A: Yes.</p> <p>13 Q: What changes have you had?</p> <p>14 A: Employment.</p> <p>15 Q: Specifically what is that change to</p> <p>16 your employment?</p> <p>17 A: I am currently unemployed. The</p> <p>18 business that I was working for at Twin Rinks filed</p> <p>19 for bankruptcy in September.</p> <p>20 Q: Would you turn to in defendant's</p> <p>21 volume one. I think its exhibit L.</p> <p>22 A: Yes.</p> <p>23 Q: Did you complete one of these forms</p> <p>24 when you filed your initial motion for relocation?</p> <p>25 A: Sorry.</p>	<p style="text-align: right;">Page 65</p> <p>1 MR. NAIMI: Objection. Leading.</p> <p>2 JUDGE GENTILE: Yeah. Just be careful</p> <p>3 about that. Sustained.</p> <p>4 Q: When you filed this form in January</p> <p>5 2016, were you no longer employed?</p> <p>6 MR. NAIMI: Objection. Leading.</p> <p>7 Q: When you filed the form, were you</p> <p>8 employed? In January 2016, when you filed the form,</p> <p>9 were you employed?</p> <p>10 A: No.</p> <p>11 Q: Do you know why it states in the</p> <p>12 form that you were employed in January of 2016?</p> <p>13 A: No.</p> <p>14 Q: Can you turn to page two?</p> <p>15 A: Yes.</p> <p>16 Q: And looking at subheading A.</p> <p>17 A: Yes.</p> <p>18 Q: What did you put in that section?</p> <p>19 A: As of pay period ending 9/20/15, my</p> <p>20 gross year-to-date pay is 96,153.80.</p> <p>21 Q: What did you receive that pay for?</p> <p>22 A: That was my salary.</p> <p>23 Q: Your salary with whom?</p> <p>24 A: Twin Rinks.</p> <p>25 Q: When was your last paycheck with</p>

<p>Page 66</p> <p>1 Twin Rinks?</p> <p>2 A: In September of 2015.</p> <p>3 Q: When was the last time you received</p> <p>4 any paystub?</p> <p>5 A: From Twin Rinks?</p> <p>6 Q: At all, any paystub at all. We'll</p> <p>7 withdraw that question. Chris, would you please turn</p> <p>8 to tab three.</p> <p>9 A: Yes. Okay.</p> <p>10 Q: That would be 13.</p> <p>11 A: Yes, I have it.</p> <p>12 Q: In the lower right hand corner,</p> <p>13 it's marked DEFT765.</p> <p>14 A: Yes.</p> <p>15 Q: What is that?</p> <p>16 A: This was the business family loan</p> <p>17 that we were discussing yesterday paid to me from the</p> <p>18 family business.</p> <p>19 Q: So that's just a check from</p> <p>20 Vanguard Sports that's cut to you?</p> <p>21 A: Yes.</p> <p>22 Q: Okay. Do you receive a paystub</p> <p>23 from Vanguard Sports?</p> <p>24 A: My mother --</p> <p>25 Q: Do you know what a paystub is?</p>	<p>Page 68</p> <p>1 we were discussing yesterday in Montauk.</p> <p>2 Q: Is this how you get paid for that</p> <p>3 investment, by this kind of a check?</p> <p>4 A: Yes.</p> <p>5 Q: How were you paid by the NHL relief</p> <p>6 fund?</p> <p>7 A: Same way, check.</p> <p>8 Q: Does that check have a paystub</p> <p>9 attached to it?</p> <p>10 A: I don't believe so.</p> <p>11 Q: Going back to just 11, page two</p> <p>12 again. Those amounts that constitute the \$7500 in</p> <p>13 the other category, when did you first start</p> <p>14 receiving a check from the NHL relief fund?</p> <p>15 A: I'm sorry. Where are we?</p> <p>16 Q: Sorry. Actually, you don't need to</p> <p>17 look at it I think to answer this question. When did</p> <p>18 you first start receiving a check from the NHL relief</p> <p>19 fund?</p> <p>20 A: I would probably say around</p> <p>21 November or December, maybe even right after the</p> <p>22 bankruptcy.</p> <p>23 Q: When did you first receiving a</p> <p>24 check from Montauk Service Center?</p> <p>25 A: Right around the time of the</p>
<p>Page 67</p> <p>1 A: Yes.</p> <p>2 Q: What is a paystub?</p> <p>3 A: A paystub, to my knowledge, shows</p> <p>4 the deductions and -- yes, no?</p> <p>5 Q: That's your understanding of</p> <p>6 paystub?</p> <p>7 A: Yes.</p> <p>8 Q: Okay. Have you received a paystub</p> <p>9 from Vanguard Sports?</p> <p>10 A: I'm not sure. My mother handles</p> <p>11 this and --</p> <p>12 Q: So, to the best of your</p> <p>13 understanding, well, what do you receive from</p> <p>14 Vanguard Sports when you get paid?</p> <p>15 A: Twenty-five hundred a month.</p> <p>16 Q: How do you receive that payment?</p> <p>17 A: Through check.</p> <p>18 Q: And have all of your subsequent</p> <p>19 checks been checks that look substantially like this?</p> <p>20 A: Yes.</p> <p>21 Q: Okay. Turn the page to defendant</p> <p>22 766.</p> <p>23 A: Yes.</p> <p>24 Q: What is this?</p> <p>25 A: This is the family investment that</p>	<p>Page 69</p> <p>1 bankruptcy.</p> <p>2 Q: When did you first start receiving</p> <p>3 a check from Vanguard Sports?</p> <p>4 A: Right around the time of the</p> <p>5 bankruptcy, shortly after.</p> <p>6 Q: Mr. Naimi went over with you that</p> <p>7 your financial disclosure form says that you have</p> <p>8 \$1500 per month for food. What does that consist of?</p> <p>9 A: Restaurants for myself, my brother,</p> <p>10 Evan.</p> <p>11 Q: Why do you eat at restaurants?</p> <p>12 A: Because I'm in hotels often to</p> <p>13 exercise my timeshare with Evan.</p> <p>14 Q: When Evan visits you in New York,</p> <p>15 what transportation cost do you have?</p> <p>16 A: Flights.</p> <p>17 Q: Do you have any other</p> <p>18 transportation costs?</p> <p>19 A: Yes. We have a car service that</p> <p>20 picks us up at the airport and drives us home.</p> <p>21 Q: How much does that cost?</p> <p>22 A: JFK to my house, that's roughly</p> <p>23 around \$300 with the luggage, and Chihuahua, and</p> <p>24 everything that we travel with.</p> <p>25 Q: Is that one way, \$300?</p>

<p style="text-align: right;">Page 70</p> <p>1 A: Yes.</p> <p>2 Q: Do you pay cash for first class</p> <p>3 flights?</p> <p>4 A: No.</p> <p>5 Q: All right. Thinking about the</p> <p>6 parenting plan now, the parenting plan defines the</p> <p>7 days when you and Sandra each receive your Skype or</p> <p>8 FaceTime visits with Evan, correct?</p> <p>9 A: Correct.</p> <p>10 Q: Are there variations as to the days</p> <p>11 that you receive your FaceTime visits with Evan?</p> <p>12 A: Yes.</p> <p>13 Q: Are there variations to the day</p> <p>14 that Sandra receives her FaceTime visits with Evan?</p> <p>15 A: Yes.</p> <p>16 Q: Does duration of your FaceTime</p> <p>17 visits with Evan vary?</p> <p>18 A: Yes.</p> <p>19 Q: Does the duration of Sandra's</p> <p>20 FaceTime visits with Evan vary?</p> <p>21 A: Yes.</p> <p>22 Q: Again, the parenting plan stated</p> <p>23 that there would be counseling. The parties will</p> <p>24 begin counseling for Evan with a counselor provided</p> <p>25 through Hope Counseling or an alternative provider</p>	<p style="text-align: right;">Page 72</p> <p>1 you think he stopped the counseling?</p> <p>2 A: To the best of my knowledge, I</p> <p>3 would say it was around October 2013.</p> <p>4 Q: Were you consulted when Evan</p> <p>5 resumed counseling in 2014?</p> <p>6 A: I don't recall.</p> <p>7 MR. NAIMI: Objection. Vague.</p> <p>8 JUDGE GENTILE: Could you repeat the</p> <p>9 question?</p> <p>10 Q: I'll rephrase the question. Did</p> <p>11 Sandra ask you if she could put Evan back in</p> <p>12 counseling?</p> <p>13 A: No.</p> <p>14 Q: When did you learn that Evan was</p> <p>15 back in counseling?</p> <p>16 A: When I met with Ms. Judith Tolman</p> <p>17 to discuss Evan's timeshare for that year.</p> <p>18 Q: How did you come to engage in that</p> <p>19 discussion with her?</p> <p>20 A: I consulted with her to see if</p> <p>21 there was an opportunity for Evan to continue his</p> <p>22 timeshare in kindergarten in New York throughout that</p> <p>23 kindergarten year.</p> <p>24 Q: So when you talked to her on that</p> <p>25 occasion, is that when you learned that Evan was back</p>
<p style="text-align: right;">Page 71</p> <p>1 agreed by the parties in writing. Both parents would</p> <p>2 participate in counseling as recommended by the</p> <p>3 child's therapist. When did Evan start counseling</p> <p>4 pursuant to that provision?</p> <p>5 A: From my understanding, soon after.</p> <p>6 Q: Has Evan remained in counseling</p> <p>7 consistently from the time that he started soon after</p> <p>8 the adaption of the parenting plan to the present</p> <p>9 date?</p> <p>10 A: No.</p> <p>11 Q: When did he stop counseling?</p> <p>12 A: There was a period of Sandra and I</p> <p>13 reconciling our differences in 2013 and '14 for about</p> <p>14 11 months, and Sandra removed him from therapy on</p> <p>15 majority of that time.</p> <p>16 Q: So presumptively, he resumed</p> <p>17 counseling?</p> <p>18 MR. NAIMI: Objection. Leading.</p> <p>19 A: After.</p> <p>20 JUDGE GENTILE: Sustained.</p> <p>21 Q: Hold on just a moment, Mr. Ferraro.</p> <p>22 When did Evan resume counseling?</p> <p>23 A: If my memory serves me, September</p> <p>24 of 2014.</p> <p>25 Q: I'm sorry. Did you say a date when</p>	<p style="text-align: right;">Page 73</p> <p>1 in counseling?</p> <p>2 A: Yes. Yes.</p> <p>3 Q: Does Sandra notify you when she's</p> <p>4 travelling with Evan?</p> <p>5 A: No.</p> <p>6 Q: How do you learn about when Evan is</p> <p>7 travelling with Sandra?</p> <p>8 A: There've been numerous times when</p> <p>9 Sandra has taken Evan to California to work at fests</p> <p>10 and through FaceTime, I would FaceTime Evan and he'd</p> <p>11 be in California at a fest without my knowledge.</p> <p>12 Q: Does Evan have family in New York?</p> <p>13 A: Yes.</p> <p>14 Q: Does Evan have connections in New</p> <p>15 York?</p> <p>16 A: Yes.</p> <p>17 Q: Does Evan have a home in New York?</p> <p>18 A: A stable home for the last eight</p> <p>19 years -- seven years, excuse me, yes.</p> <p>20 Q: Mr. Naimi went over the proposed</p> <p>21 visitation schedule that you have. Do you still have</p> <p>22 a copy of that in front of you?</p> <p>23 A: Yes.</p> <p>24 Q: --the proposed visitation schedule?</p> <p>25 With respect to Memorial Day and the Columbus Day</p>

<p style="text-align: right;">Page 74</p> <p>1 weekend, what does the contingency within that 2 provision apply to? 3 A: For Memorial Day and Columbus Day? 4 Q: Right. 5 A: The contingency would be if there 6 are any school events where extracurricular 7 activities or sports, is that -- 8 Q: Right. That's what I mean by the 9 contingency. 10 A: Okay. 11 Q: So is the contingency only applying 12 to extra days or the entire weekend? 13 MR. NAIMI: Objection. Leading. 14 JUDGE GENTILE: Sustained. 15 Q: Can you explain that provision more 16 fully, what you intended by that provision? 17 A: Yes. As I think I mentioned 18 yesterday, I would like to make that three-day 19 weekend into a five-day weekend for Sandra from -- 20 Q: Would she always have Evan during 21 the Memorial Day weekend in even years? 22 A: Yes. 23 Q: Would she always have the Columbus 24 Day weekend in odd years? 25 A: Yes.</p>	<p style="text-align: right;">Page 76</p> <p>1 symptoms of ADHD? 2 A: I have not experienced those 3 symptoms on my timeshare. 4 Q: Does Evan experience signs and 5 symptoms of oppositional defiant disorder? 6 A: I have not experienced those on my 7 timeshare. 8 Q: Prior to the summer of 2015, did 9 you do any extra academic exercises with Evan? 10 A: Yes. 11 Q: How old is Evan's half-brother, 12 Desmond? 13 A: Nineteen. 14 Q: How old is Evan's half-sister, 15 Kayla? 16 A: Fourteen or fifteen I believe. 17 Q: What are Sandra's good points as a 18 mom? 19 A: She loves Evan. I believe she 20 wants him to be well-behaved, and cooperative, and a 21 good person. I believe she wants him to do well in 22 school and make sure that he's completing his work 23 and doing his homework and has bedtime. 24 Q: Any other positive attributes that 25 Sandra as a mom come to your mind?</p>
<p style="text-align: right;">Page 75</p> <p>1 Q: What other ways would you 2 facilitate additional visitation for Sandra beyond 3 what's in this proposed agreement? 4 A: I would facilitate throughout the 5 year once a month for Sandra if it fits into her 6 schedule and it does not conflict with Evan's school 7 or extracurricular activities. Once a month, I would 8 help facilitate that and waive child support so in 9 fact, she is able to use those monies towards her 10 travel. 11 Q: Who would pay for the travel 12 expenses for the visitations in the proposed plan? 13 A: I would. 14 Q: How long are children out of school 15 in New York for the typical Christmas break, if you 16 know? 17 A: I don't know. Ten days, 12 days, I 18 don't know. 19 Q: Are your ongoing concussion 20 symptoms resolved? 21 A: Yes. 22 Q: Is the NHL class action litigation 23 similar to the NFL head injury litigation? 24 A: Very much so. 25 Q: Does Evan exhibit signs and</p>	<p style="text-align: right;">Page 77</p> <p>1 A: Ask again please? 2 Q: Are there any other positive 3 attributes of Sandra as a mom that come to your mind? 4 A: As I mentioned, yes. 5 Q: What about any negative criticisms? 6 What criticisms do you have? 7 MR. NAIMI: I'm going to object. It's 8 outside the scope. She had the opportunity to do her 9 direct examination of this witness yesterday. It's 10 outside the scope, your Honor. This is cross 11 examination limited to my direct examination. 12 JUDGE GENTILE: Right. So tell me how 13 it -- 14 Q: So, on Mr. Naimi's direct 15 examination, Chris was asked if they had-I can't 16 remember exactly how he-- but it was with respect to 17 being good parents. 18 MR. NAIMI: I asked specifically 19 whether or not he felt that Sandra and Evan have a 20 strong bond. 21 Q: No. There was another question. 22 MR. NAIMI: I can show you the 23 transcript. 24 Q: It's beyond the strong bond. 25 JUDGE GENTILE: There was another</p>

MCCARTHY & HOLTHUS, LLP
ATTORNEYS AT LAW
9510 WEST SAHARA AVENUE, SUITE 200
LAS VEGAS, NV 89117
TELEPHONE 455-105-3977/Facsimile (466) 339-5691
Email: NVJad@McCarthyHolthus.com

1 is the purchaser, the sheriff shall credit Plaintiff's bid with the total sum with interest
2 and cost accruing subsequent to this judgment, or such part of it, to pay the bid in full.

3 (7) On filing the certificate of sale, the sheriff shall distribute the proceeds of the sale, so
4 far as they are sufficient, by paying: the reasonable expenses of taking possession,
5 maintaining, protecting and leasing the Property, the costs and fees of the foreclosure
6 sale, including reasonable trustee's fees, applicable taxes and the cost of title insurance
7 and, to the extent provided in the legally enforceable terms of the mortgage or lien, any
8 advances, reasonable attorney's fees and other legal expenses incurred by the
9 foreclosing creditor and the person conducting the foreclosure sale; (b) satisfaction of
10 the obligation being enforced by the foreclosure sale; (c) satisfaction of obligations
11 secured by any junior mortgages or liens on the property, in their order of priority; (d)
12 payment of the balance of the proceeds, if any, to the debtor or the debtor's successor
13 in interest.

14
15
16 (8) On filing the certificate of sale, Defendants, and all persons claiming by, through or
17 under them, or any of them, be foreclosed of and forever barred from any and all right,
18 title, claim, interest, or lien in or to the Property or with respect thereto except such
19 rights of redemption as they may have by law and with the exception of any super
20 priority lien rights held by any Defendant pursuant to NRS 116.3116;

21 (9) For any other further relief as this court deems just and proper.

22 DATED this 12 day of June, 2014.

23
24 
25 DISTRICT COURT JUDGE
26 *ae*

26 McCarthy & Holthus, LLP

27 
28 Janice Jacobino, Esq. (SBN# 11612)

NV-13-543952-JUD
DEFT0259

EXHIBIT "1"

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

MCCARTHY & HOLTHUS, LLP
ATTORNEYS AT LAW
9510 WESTSAHARA AVENUE, SUITE 200
LAS VEGAS, NV 89117
TELEPHONE 855-508-3777/Facsimile (866) 339-5691
Email: NVJue@McCarthyHolthus.com

LEGAL DESCRIPTION

Lot Three Hundred Two (302) in Block Three (3) as shown on the FINAL MAP OF SUMMERLIN VILLAGE 20 - PARCELS E, F, G - PHASE I, on file in Book 121 of Plans, Page 25, and amended by that certain Certificate of Amendment Recorded April 06, 2005 in Book 20060406 as Document No: 00442 in the Office of the County Recorder of Clark County, Nevada.

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EXHIBIT G

HUTCHISON & STEFFEN
A PROFESSIONAL LLC



ENROLLMENT

CLASS OF 2015 STUDENT/FACULTY RATIO

Upper School	Grades 9-12	7-to-1
Middle School	Grades 6-8	7-to-1
Lower School	Grades PN, N, PK	4-to-1
	Grades K-5	6-to-1

FACULTY

Portledge employs 62 full-time and five part-time teachers
 Teachers with advanced degrees 42
 On average, teachers have served 15 years in education

COLLEGE COUNSELING PHILOSOPHY

Our college counseling philosophy is an extension of the Portledge mission. We are a college preparatory school and we expect all students to apply and be accepted to four-year colleges. Some students may also choose to pursue a gap year after such acceptance is complete. We believe the college selection process to be private and individualized one where students engage in earnest self-reflection and take responsibility for the application process.

Our counselors offer guidance as students seek the appropriate fit for a college based upon personal criteria and interests. We encourage a healthy student-led, educationally sound and faculty-appropriate approach to the search process. As students embark on this college path and life beyond, our goal is to provide a solid foundation upon which they can become self-reliant, confident and empowered involved members of society. Their passion and purpose will enhance their role as engaged citizens of the world.

NOTABLE CHANGES IN THE CURRICULUM

Portledge has applied to offer the International Baccalaureate Diploma Program in the eleventh and twelfth grades. In the Middle School, our approach to pedagogy has shifted to become more student-centered about inquiry through project-based learning. Four years ago in the Lower School, Portledge began to offer the Reggio Emilia Program in early childhood and currently partners with Harvard's Project Zero programs to inspire learning in grades 1-5.

MINDFULNESS

A new program to Portledge around character and community caring was introduced into the Lower School in 2013. Mindfulness programs will be expanded in 2014 to the Middle and Upper Schools. In addition, faculty and administration will also be offered mindfulness training.

ACADEMIC CALENDAR

The 2014-15 Upper and Middle School calendar is based upon trimesters with a final grade being reported in each class. Interim grades are also posted. The daily schedule has been changed to a modified block schedule where classes rotate on a seven-day model. These longer

class periods will allow for deeper study in more extensive research during a class period. This in turn will lend itself to a more inquiry-based approach.

21ST CENTURY SCHOOL BY DESIGN

I. Global Program

Building sustainable relationships with schools overseas is a vital component of 21st century learning. To this end, Portledge partners with schools in:

- Busto Arsizio, Italy
- St. Petersburg, Russia
- Toulouse, France
- Barcelona, Spain

New partnerships are being sought in Buenos Aires, Argentina; Cardiff, Wales; and Shanghai, China.

II. Portledge Learning Pathways Program

This program pairs the diverse talents of our students with local businesses and other non-profits. These partnerships expose students to a variety of alternative learning experiences including special interest internships and travel. A sample of partnerships and programs include:

- Gross Anatomy with Winthrop-University Hospital
- Marine Biology with the Waterfront Center
- Nanotechnology with the New York Institute of Technology
- Studio Art with Tilles Center for the Performing Arts
- Robotics

ACCREDITATION MEMBERSHIP

Portledge is accredited by the New York State Association of Independent Schools (NYSAIS) and is a member of the National Association of Independent Schools (NAIS) and the National Association for College Admission Counseling (NACAC).

DIVERSITY STATEMENT

Portledge School believes that diversity and inclusion are essential to a 21st century community of intellectual and personal development. We believe that the support for diversity will enhance the school's ability to implement its mission of preparing students for life-long learning. Portledge offers a warm, inclusive community that challenges all forms of discrimination including race, color, national origin, sexual orientation, gender identity, socio-economic level, and religion.

NON-DISCRIMINATION STATEMENT

Portledge School does not discriminate on the basis of race, color, national origin, sexual orientation, gender identity, socio-economic level, or religion, in the administration of its educational policies, admissions policies, financial aid decisions, and extracurricular programs. Portledge also prohibits discrimination on the basis of social identifiers in the employment of faculty, administration and staff.

Allison Perlman
University of Michigan

AA00507

Andrew DeAngelis
Gap year

Ryan Farahmandpour
Lynn University

Kyle Flowers
University of Virginia

Eric Ghaly
Ithaca College

Alisa Shvartsbart
Syracuse University

Tamara Simpson
Yale University

Alexander Snow
Haverford College

Wyatt Todd
Tulane University

Carley Tslames
New York University

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EXHIBIT H

HUTCHISON & STEFFEN

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The New York State School Report Card [2013 - 14]

NAME: FRANK J CARASITI ELEMENTARY SCHOOL

BEDS Code: 580209020003

ADDRESS: 90 ROCKY PT-YAPHANK RD, ROCKY POINT, NY 11778

PHONE: (631) 849-7203

The New York State Report Card is an important part of the Board of Regents' effort to raise learning standards for all students. It provides information to the public on school/district enrollment and staff, student performance, and other measures of school and district performance. Knowledge gained from the report card on a school's or district's strengths and weaknesses can be used to improve instruction and services to students.

FRANK J CARASITI ELEMENTARY SCHOOL Enrollment (2013 - 14)

K-12 Enrollment: 691

These enrollment data are collected as part of NYSED's Student Information Repository System (SIRS). These counts are as of "BEDS Day" which is typically the first Wednesday in October. Available are enrollment counts for public and charter school students by various demographics for the 2013 - 14 school year. For nonpublic school enrollment data please see the [Non-Public School Enrollment and Staff Information](#) on our Information and Reporting Services webpage

Students by Gender

Male		Female	
338	49%	353	51%

Students by Ethnicity

American Indian or Alaska Native	Black or African American	Hispanic or Latino	Asian or Native Hawaiian/Other Pacific Islander	White	Multiracial
2	6	76	16	581	10
0%	1%	11%	2%	84%	1%

Other Groups

Limited English Proficient Students		Students with Disabilities		Economically Disadvantaged Students	
27	4%	90	13%	172	25%

Students by Grade

Kindergarten (Full Day)	1st Grade	2nd Grade
215	253	223

Average Class Size (2013 - 14)

Common Branch

23

Teacher Turnover Rate (2012 - 13)

Turnover Rate of Teachers with Fewer Than Five Years of Experience

0%

Turnover Rate of All Teachers

5%

Staff Counts (2013 - 14)

Principals

1

Assistant Principals

1

Other Professional Staff

4

Paraprofessionals

0

Teacher Qualifications (2011-12 through 2013-14)

	2011 - 12	2012 - 13	2013 - 14
Total Number of Teachers	56	56	56
Percent with No Valid Teaching Certificate	0%	0%	0%
Percent Teaching Out of Certification	0%	0%	0%
Percent with Fewer Than Three Years of Experience	2%	0%	2%
Percentage with Master's Degree Plus 30 Hours or Doctorate	77%	82%	80%
Total Number of Core Classes	42	48	45
Percent Not Taught by Highly Qualified Teachers in This School	0%	0%	0%
Percent Not Taught by Highly Qualified Teachers in This District	0%	0%	0%
Percent Not Taught by Highly Qualified Teachers Statewide	2%	3%	4%
Percent Not Taught by Highly Qualified Teachers in High-Poverty Schools Statewide	4%	6%	9%
Percent Not Taught by Highly Qualified Teachers in Low-Poverty Schools Statewide	1%	1%	1%
Total Number of Classes	86	101	86
Percent Taught by Teachers Without Appropriate Certification	0%	0%	0%

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The New York State School Report Card [2013 - 14]

NAME: JOSEPH A EDGAR INTERMEDIATE SCH

BEDS Code: 580209020001

ADDRESS: 525 RT 25A, ROCKY POINT, NY 11778

PHONE: (631) 849-7404

The New York State Report Card is an important part of the Board of Regents' effort to raise learning standards for all students. It provides information to the public on school/district enrollment and staff, student performance, and other measures of school and district performance. Knowledge gained from the report card on a school's or district's strengths and weaknesses can be used to improve instruction and services to students.

JOSEPH A EDGAR INTERMEDIATE SCH Enrollment (2013 - 14)

K-12 Enrollment: 746

These enrollment data are collected as part of NYSED's Student Information Repository System (SIRS). These counts are as of "BEDS Day" which is typically the first Wednesday in October. Available are enrollment counts for public and charter school students by various demographics for the 2013 - 14 school year. For nonpublic school enrollment data please see the [Non-Public School Enrollment and Staff](#) information on our Information and Reporting Services webpage

Students by Gender

Male		Female	
355	48%	391	52%

Students by Ethnicity

American Indian or Alaska Native	Black or African American	Hispanic or Latino	Asian or Native Hawaiian/Other Pacific Islander	White	Multiracial
3	4	67	11	647	14
0%	1%	9%	1%	87%	2%

Other Groups

Limited English Proficient Students		Students with Disabilities		Economically Disadvantaged Students	
23	3%	136	18%	226	30%

Students by Grade

3rd Grade	4th Grade	5th Grade	Ungraded Elementary
236	254	249	7

Average Class Size (2013 - 14)

Common Branch

24

Teacher Turnover Rate (2012 - 13)

Turnover Rate of Teachers with Fewer Than Five Years of Experience

0%

Turnover Rate of All Teachers

6%

Teacher Qualifications (2011-12 through 2013-14)

	2011 - 12	2012 - 13	2013 - 14
Total Number of Teachers	53	54	59
Percent with No Valid Teaching Certificate	0%	0%	0%
Percent Teaching Out of Certification	0%	0%	0%
Percent with Fewer Than Three Years of Experience	0%	0%	10%
Percentage with Master's Degree Plus 30 Hours or Doctorate	83%	87%	83%
Total Number of Core Classes	47	47	50
Percent Not Taught by Highly Qualified Teachers in This School	0%	0%	0%
Percent Not Taught by Highly Qualified Teachers in This District	0%	0%	0%
Percent Not Taught by Highly Qualified Teachers Statewide	2%	3%	4%
Percent Not Taught by Highly Qualified Teachers in High-Poverty Schools Statewide	4%	6%	9%
Percent Not Taught by Highly Qualified Teachers in Low-Poverty Schools Statewide	1%	1%	1%
Total Number of Classes	82	73	91
Percent Taught by Teachers Without Appropriate Certification	0%	0%	1%

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Graduation Rate (2013 - 14) - 4 Year Outcome as of June

NAME: ROCKY POINT HIGH SCHOOL

BEDS Code: 580209020002

PRINCIPAL : John Debenedetto

ADDRESS: 82 ROCKY PT-YAPHANK RD, ROCKY POINT, NY 11778

PHONE: (631) 849-7505

GRADE CONFIGURATION: 9, 10, 11, 12

Graduate data are reported for a 9th grade cohort for the first time at the end of June of the 4th year of high school. The graduation rate as of August of the 4th year, June of the 5th year, and June of the 6th year of high school are also calculated and available. For complete information on the types of diploma credentials which can be earned and the criteria for each see: <http://www.p12.nysed.gov/cia/gradreq/revlsgdgradreq3column.pdf> [Diploma Requirements].

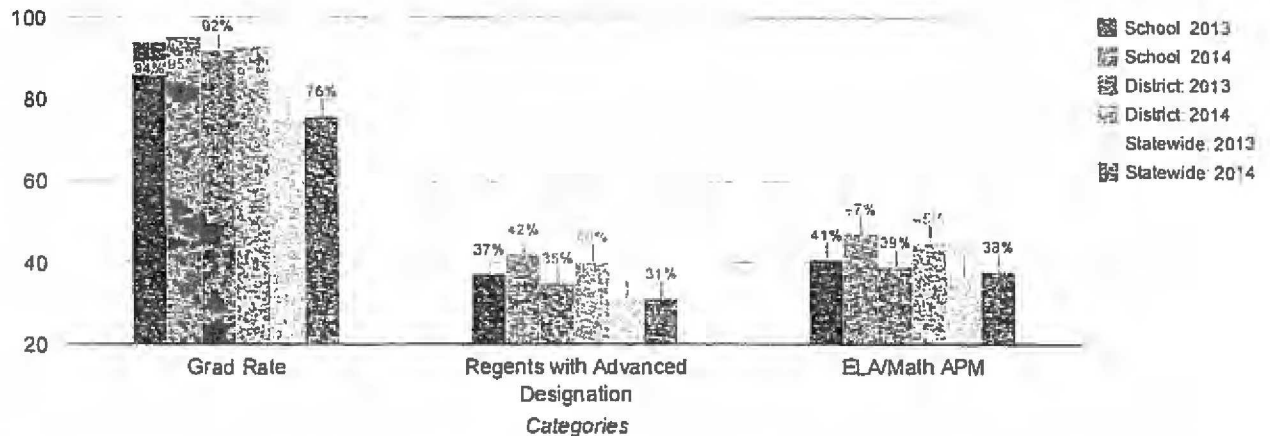
ROCKY POINT HIGH SCHOOL Graduation Rate (2013 - 14) - 4 Year Outcome as of June

Aspirational Performance Measures (APMs)

In addition to the graduation rate, cohort outcomes on two Aspirational Performance Measures (APMs) are reported

Regents with Advanced Designation - the percentage of students in the cohort who earned a Regents Diploma with Advanced Designation

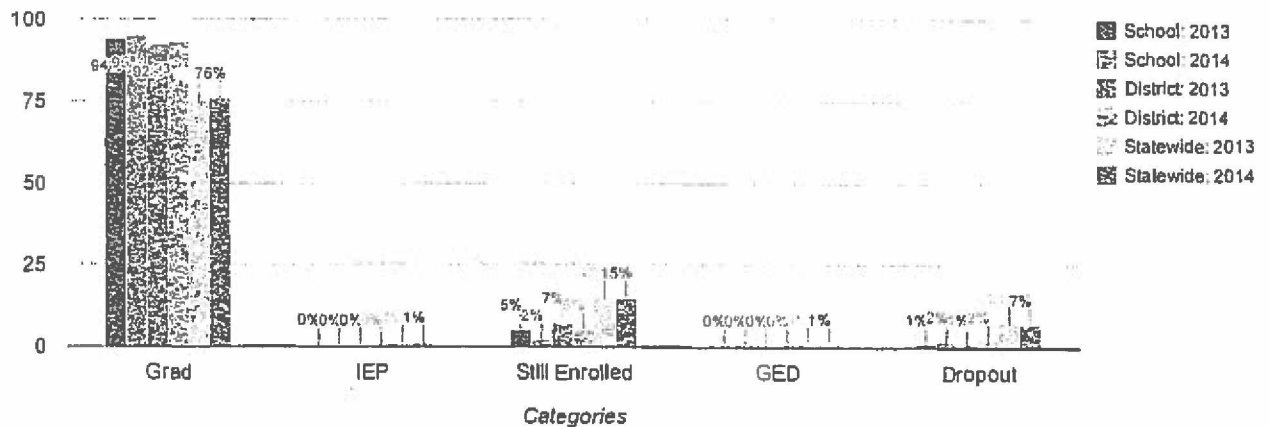
ELA/Math APM - the percentage of students in the cohort who graduated with a Local, Regents, or Regents with Advanced Designation diploma and earned a 75 or greater on their English Regents examination and earned a 80 or greater on a math Regents examination.



Results by Student Group	2013			2014		
	Grad Rate	Regents with Advanced Designation	ELA/Math APM	Grad Rate	Regents with Advanced Designation	ELA/Math APM
All Students	94%	37%	41%	95%	42%	47%
Female	98%	37%	42%	94%	50%	55%
Male	89%	38%	39%	97%	34%	39%
American Indian or Alaska Native	0%	0%	0%	0%	0%	0%
Black or African American	—	—	—	0%	0%	0%
Hispanic or Latino	58%	33%	25%	78%	22%	33%
Asian or Native Hawaiian/Other Pacific Islander	—	—	—	—	—	—
White	95%	37%	41%	96%	42%	48%
Multiracial	—	—	—	—	—	—
General-Education Students	95%	41%	45%	98%	49%	55%
Students with Disabilities	81%	4%	7%	79%	0%	3%
English Proficient	—	—	—	—	—	—
Limited English Proficient	—	—	—	—	—	—
Not Economically Disadvantaged	94%	40%	42%	97%	47%	52%
Economically Disadvantaged	90%	27%	37%	87%	20%	27%
Not Migrant	—	—	—	—	—	—
Migrant	—	—	—	—	—	—

Enrollment Outcomes

For each cohort, the distribution of students who graduated (earned local or Regents diplomas with or without advanced designation), earned IEP diplomas, were still enrolled, transferred to GED programs or who dropped out as of the reporting date.



Results by Student Group	2013					2014				
	Grad	IEP	Still Enrolled	GED Transfer	Dropout	Grad	IEP	Still Enrolled	GED Transfer	Dropout
All Students	94%	0%	5%	0%	1%	95%	0%	2%	0%	2%
Female	98%	0%	1%	0%	2%	94%	1%	2%	0%	2%
Male	89%	1%	10%	0%	0%	97%	0%	2%	0%	1%
American Indian or Alaska Native	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Black or African American	—	—	—	—	—	0%	0%	0%	0%	0%
Hispanic or Latino	58%	8%	25%	0%	8%	78%	0%	11%	0%	11%
Asian or Native Hawaiian/Other Pacific Islander	—	—	—	—	—	—	—	—	—	—
White	95%	0%	4%	0%	0%	96%	0%	2%	0%	1%
Multiracial	—	—	—	—	—	—	—	—	—	—
General-Education Students	95%	0%	4%	0%	1%	98%	0%	1%	0%	1%
Students with Disabilities	81%	4%	15%	0%	0%	79%	3%	9%	0%	6%
English Proficient	—	—	—	—	—	—	—	—	—	—
Limited English Proficient	—	—	—	—	—	—	—	—	—	—
Not Economically Disadvantaged	94%	1%	5%	0%	1%	97%	1%	1%	0%	1%
Economically Disadvantaged	90%	0%	8%	0%	2%	87%	0%	7%	0%	4%
Not Migrant	—	—	—	—	—	—	—	—	—	—
Migrant	—	—	—	—	—	—	—	—	—	—

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EXHIBIT I

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

Demographic Profile

Name	Accountability Year	Total Enrollment	Ethnicity						
			Am In/AK Native	Asian	Hispanic	Black	White	Pacific Islander	Two or More Races
			%	%	%	%	%	%	%
Clark	2012-2013	311,029	0.52%	6.67%	43.85%	12.08%	29.43%	1.47%	5.98%
Clark	2013-2014	314,636	0.47%	6.56%	44.4%	12.41%	28.62%	1.51%	6.03%
Givens ES	2012-2013	1,139	-	11.68%	12.73%	2.99%	61.63%	0.88%	9.39%
Givens ES	2013-2014	1,103	-	12.24%	13.06%	2.27%	60.92%	1%	9.7%

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EXHIBIT J

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

Ferraro adv. Nance
Case No. D-10-426817-D

Timeshare Calculation				Note	
2015	Timeshare	# of Days w/Dad	Type		
January	1/16 to 1/20	0	MLK weekend w/Dad	Overlaps w/routine timeshare	
	1/16 to 1/26	10	Routine w/ Dad		
	Sat. 1/24	1	Chris's Birthday	Overlaps w/routine timeshare	
February	2/13 to 2/16	0	President's weekend w/Mom		
March	2/20 to 3/3 ¹	10	Routine w/ Dad		
	3/17 to 3/27*	10	Routine w/ Dad		
	3/27 to 4/6	0	Spring Break/Easter w/Mom		
April	4/21 to 5/1	10	Routine w/ Dad		
	5/9 to 5/12	0	Mother's Day weekend w/Mom		
	5/22 to 6/1	10	Routine w/ Dad		
June	5/23 to 5/26	0	Memorial weekend w/Dad	Overlaps w/routine timeshare	
	6/12 to 6/26	14	Routine w/ Dad		
	6/19 to 6/23	0	Father's Day w/Dad		
July	7/3 to 7/7	0	4th of July w/Mom		
	7/10 to 7/24	14	Routine w/ Dad	Overlaps w/routine timeshare	
	Fri. 8/7	0	Sandra's Birthday		
August	8/14 to 8/28**	14	Routine w/ Dad		
	9/4 to 9/8	4	Labor Day w/Dad		
	9/18 to 9/28	10	Routine w/ Dad		
September	Wed. 9/30	1	Evan's Birthday w/Dad		
	10/16 to 10/26	10	Routine w/ Dad		
	10/30 to 11/2	0	NV Day/Halloween w/Mom		
October	Wed. 11/11	0	Veteran's day w/Mom		
	11/13 to 11/23†	10	Routine w/ Dad		
	11/25 to 11/30	0	Thanksgiving w/Mom		
November	12/18 to 12/28	10	Routine w/ Dad		
	12/18 to 12/28	0	X-mas part 1 w/Dad	Overlaps w/routine timeshare	
	12/28 to 1/4	0	X-mas part 2 w/Mom		
Total Days w/Dad		138	Annual Percentage Timeshare	0.38	

¹ Evan returned to Sandra a day late due to a snow storm.

* Earlier timeshare in consideration that Sandra has Evan for spring break during Chris's routine timeshare.

** If Evan remains in Nevada, this will need to be adjusted because school starts 8/24

† Earlier timeshare in consideration of the fact that Sandra has Evan for Thanksgiving during Chris's routine timeshare

Ferraro adv. Nance
Case No. D-10-426817-D
Timeshare Calculation

2014	Timeshare	# of Days w/Dad	Type	Note
January	1/17 to 1/21	0	MLK weekend w/Mom	
	1/19 to 1/30	11	Routine w/ Dad	Mom elected not to exercise MLK weekend
	Fri. 1/24	0	Chris's Birthday	Overlap w/routine timeshare
February	2/14 to 2/18	3	President's weekend w/Dad	
	2/19 to 2/28 ¹	11	Routine w/ Dad	
March	3/18 to 3/31 ²	13	Routine w/ Dad	
April	4/15 - 4/17	3	Spring Break/Easter w/Dad	Whereas Evan was not in school, combined with routine ts
	4/18 to 4/28	11	Routine w/ Dad	
May	5/9 to 5/12	0	Mother's Day weekend w/Mom	
	5/16 to 5/27	11	Routine w/ Dad	
	5/23 to 5/27	0	Memorial weekend w/Mom	Mom elected not to exercise & gave Dad an extra day
June	6/12 to 6/26 ³	14	Routine w/ Dad	
	6/13 to 6/16	0	Father's Day w/Dad	Overlap w/routine timeshare
July	7/4 to 7/8	4	4th of July w/Dad	
	7/14 to 7/30	16	Routine w/ Dad	7/29 and 7/30 were in Las Vegas, Mom allowed extra
August	7-Aug	0	Sandra's Birthday	
	8/8 to 8/26	17	Routine w/ Dad	8/23 to 8/26 were in Las Vegas getting Evan ready for school
September	8/29 to 9/2	0	Labor Day w/Mom	
	9/19 to 9/29	10	Routine w/ Dad	
	Tues. 9/30	0	Evan's Birthday w/Mom	
October	10/24 to 11/3	10	Routine w/ Dad	Overlapped w/routine timeshare
	10/31 to 11/3	0	NV Day/Halloween w/Dad	
November	Tues. 11/11	0	Veteran's day w/Dad	
	11/21 to 12/1	10	Routine w/ Dad	Dad arrived 11/20 to volunteer at school; mom did not allow an extra day
	11/26 to 12/1	0	Thanksgiving w/Dad	Overlap w/routine timeshare
December	12/26 to 1/5	10	Routine w/ Dad	Overlap w/routine ts; Dad came in on 12/17 & 12/18 to attend a school event
	12/19 to 12/29	0	X-mas part 1 w/Mom	To date, the parties have not followed parenting plan
	12/29 to 1/5	0	X-mas part 2 w/Dad	
Total Days w/Dad		154	Annual Percentage Timeshare	0.42

Timeshare Calculation				
	# of Days			
2013	Timeshare	w/Dad	Type	Note
January	1/18 to 1/21	0	MLK weekend w/Dad	Overlap with routine timeshare
	1/18 to 1/28 Thurs. 1/24	10 0	Routine w/ Dad Chris's Birthday	Overlap with routine timeshare
February	2/15 to 2/18	0	President's weekend w/Mom	Mom did not exercise
	2/15 to 2/25	10	Routine w/ Dad	
March	3/15 to 3/25	10	Routine w/ Dad	
	3/22 to 3/31 ¹	0	Spring Break/Easter w/Mom	Overlapped with Dad's timeshare
April	4/19 to 4/29	10	Routine w/ Dad	
May	5/9 to 5/12	0	Mother's Day weekend w/Mom	
	5/18 to 5/28	10	Routine w/ Dad	
June	5/24 to 5/27	0	Memorial weekend w/Dad	Overlap with routine timeshare
	6/14 to 6/28	14	Routine w/ Dad	
July	6/14 to 6/16	0	Father's Day w/Dad	Overlap with routine timeshare
	Thurs. 7/4	0	4th of July w/Mom	
August	7/12 to 7/26	14	Routine w/ Dad	
	Wed. 8/7	0	Sandra's Birthday	
September	8/20 to 9/3	14	Routine w/ Dad	
	8/30 to 9/2	0	Labor Day w/Dad	Overlap with routine timeshare
October	9/20 to 9/30	10	Routine w/ Dad	
	Mon. 9/30	0	Evan's Birthday w/Dad	Overlap with routine timeshare
November	10/18 to 10/28	10	Routine w/ Dad	
	10/28 to 11/3 ²	5	NV Day/Halloween w/Mom	Parties exercised together
December	Mon. 11/11	0	Veteran's day w/Mom	
	11/14 to 11/24	10	Routine w/ Dad	
December	11/27 to 11/30	0	Thanksgiving w/Mom	
	12/8 to 12/11 ³	4	Routine w/ Dad	
	12/12 to 12/24 ⁴	12	X-mas part 1 w/Dad	the parties did not follow the timeshare
	12/24 to 1/6	0	X-mas part 2 w/Mom	
Total Days w/Dad		143	Annual Percentage Timeshare	0.39

¹ Evan returned for Easter weekend with Sandra

² Evan stayed with Chris at the Palazzo, and Chris and Sandra got together for lunch a few times to discuss the possibility of Sandra moving to New York with Desmond and Kayla, as well as the assistance that Chris would

be willing to provide for Desmond and Kayla if they moved there.³ Timeshare Calculation

³ Evan stayed with Chris three nights at the Palazzo, during the day Chris, his two brothers, sister, sister-in-law, Sandra, Desmond and Kayla spent time together; then Evan flew back to New York with Chris

⁴ From 12/16 to 12/24, Sandra, Desmond and Kayla joined Chris and Evan in New York doing all of the traditional New York Christmas activities: ice skating in Central Park, the Rockettes holiday show, Toys R' Us in Manhattan and celebrated Christmas at Chris's sister's house; on the 24th Evan returned to Las Vegas with Sandra, Desmond & Kayla

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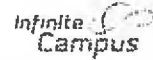
EXHIBIT K

HUTCHISON & STEFFEN

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Archived: Tuesday, June 16, 2015 6:19:50 PM
 From: eferraro1513@gsi.com
 Sent: Tuesday, May 19, 2015 12:22:33 PM
 To: Shannon F Wilson; Nikki Trautman
 Subject: Evan Ferraro Attendance (September, October, November 2014)
 Importance: Normal

14-15 Given's ES
 Student Number: 12009962
 Grade: 0K



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- Contact Preferences >
- Access Log >
- Notification Settings >

Attendance

September 2014							October 2014							November 2014						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			3	4	5					1	2	3								
	8	9	10	11	12		6	7	8	9	10				4	5	6	7		
	15	16	17	18	19		13	14	15	16	17					12	13	14		
	22	23	24	25	26		20	21	22	23	24				17	18	19	20	21	
	29	30																		

Dates that are highlighted can be clicked to view daily period details.
 Excused
 Unexcused
 Exempt
 Unknown

Course Period Day Term

Attendance Summary by Course

Course	Teacher	Periods Absent	Tardy
008 530 Homeroom K AM All Day	REHBEIN-RENGEL, DAWN CHRISTINE	18	3
008 540 Homeroom K PM All Day	REHBEIN-RENGEL, DAWN CHRISTINE	16	0
Total		34	3

Archived: Tuesday, June 16, 2015 6:19:24 PM
 From: cferraro1513@aol.com
 Sent: Tuesday, May 19, 2015 12:24:03 PM
 To: Shannon R. Wilson, Nikki Trautman
 Subject: Evan Ferraro Attendance (December 2014, January & February 2015)
 Importance: Normal

Welcome Chris Ferraro



14-15 Givens ES
 Student Number: 12009562
 Grade: 0K



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Attendance

December 2014							January 2015							February 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5											2	3	4	5	6
	8	9	10	11	12		5	6			8			9	10	11	12			
		16	17	18	19		12	13	14	15	16					17	18	19	20	
							26	27	28	29	30									

Days that are highlighted can be clicked to view daily period details. Excused Unexcused Exempt Unknown

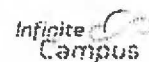
Course Period Day Term

Attendance Summary by Course

Course	Teacher	Periods Absent	Tardy
> 008530 Homeroom K AM All Day	REHBEIN-RENGEL, DAWN CHRISTINE	12	0
> 008540 Homeroom K PM All Day	REHBEIN-RENGEL, DAWN CHRISTINE	19	0
Total		31	0

Archived: Tuesday, June 16, 2015 6:18 47 PM
From: cferraro1513@aol.com
Sent: Tuesday, May 19, 2015 12:25:43 PM
To: Shannon R. Wilson, Nikki Trastman
Subject: Evan Ferraro Attendance (March, April, May 2015)
Importance: Normal

14-15 Given: ES
 Student Number: 12009562
 Grade: DK



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- User Account**
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Attendance

March 2015							April 2015							May 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Su
		2	3	4	5	6														
	9	10	11	12	13			6	7	8	9	10			4	5	6	7	8	
	16	17	18	19	20			13	14	15	16	17			11	12	13	14	15	
	23	24	25	26	27			20	21	22	23	24			18	19	20	21	22	
								29	30						26	27	28	29		

Dates that are highlighted can be clicked to view daily period details.

☐ Excused
 ☐ Unexcused
 ☐ Exempt
 ☐ Unknown

Course	Period	Day	Term
Attendance Summary by Course			
Course	Teacher	Periods Absent	Tardy
> 008530 Homeroom K AM All Day	REHBEIN-RENGEL, DAWN CHRISTINE	19	2
> 008540 Homeroom K PM All Day	REHBEIN-RENGEL, DAWN CHRISTINE	10	0
Total		29	2

IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA LYNN NANCE,

Appellant,

v.

CHRISTOPHER MICHAEL
FERRARO,

Respondent.

Electronically Filed
May 08 2017 04:08 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court No.: 72454

District Court No.: D426817

**APPEAL FROM ORDER GRANTING RELOCATION AND MODIFYING
CHILD CUSTODY**

Eighth Judicial District Court of the State of Nevada

In and for the County of Clark

THE HONORABLE DENISE L. GENTILE

DISTRICT COURT JUDGE

APPELLANT'S APPENDIX – VOL. 3

Emily McFarling, Esq.

Nevada Bar Number 008567

McFarling Law Group

6230 W. Desert Inn Road, Las Vegas, NV 89146

Phone: (702) 565-4335; Fax: (702) 732-9385

eservice@mcfarlinglaw.com

Attorney for Appellant Sandra Lynn Nance

INDEX OF APPELLANT'S APPENDIX

VOLUME:

BATES NUMBER:

1	AA00001 – AA00250
2	AA00251 – AA00500
3	AA00501 – AA00750
4	AA00751 – AA01000
5	AA01001- AA01250
6	AA01251 – AA01393

ALPHABETICAL INDEX OF APPELLANT'S APPENDIX

<u>VOL.</u>	<u>DATE</u>	<u>PLEADING</u>	<u>BATES NO.</u>
1	03/15/10	Complaint for Divorce	AA00001- AA00005
1	04/29/10	Court Minutes	AA00027
1	05/06/10	Court Minutes	AA0028- AA00029
1	11/21/11	Court Minutes	AA00095-96
3	02/02/16	Court Minutes	AA00592- AA00593
1	03/26/11	Custody Evaluation by John Paglini, Psy. D. ¹	AA00097- 00180
1-3	06/19/15	Defendant Christopher Ferraro's Appendix to Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief	AA00230- AA00532
6	01/13/16	Defendant Christopher Ferraro's Motion In Limine #2	AA01382- AA1393
1	06/19/15	Defendant Christopher Ferraro's Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief	AA00199- AA00229
3	08/11/15	Defendant Christopher Ferraro's Reply in Support of Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief	AA00582- AA00590
4	07/21/16	Defendant' Motion to Reopen Trial or in the Alternative for New Trial Limited to Hear Testimony of Desmond Nance	AA00831- AA00864
4-5	08/05/16	Defendant's Closing Brief	AA00897- AA01185
6	08/15/16	Defendant's Reply to Motion to Reopen Trial or in the Alternative for New Trial Limited to Hear Testimony of Desmond Nance and Opposition to Plaintiff's Countermotion for Attorney's Fees	AA01335- AA01341
6	02/15/17	Notice of Appeal	AA01380-

¹ Submitted under seal subject to Court approval.

			AA01381
<u>VOL.</u>	<u>DATE</u>	<u>PLEADING</u>	<u>BATES NO.</u>
6	01/27/17	Notice of Entry of Findings of Fact, Conclusions of Law and Order, filed 01/27/17	AA01342-AA01379
5-6	08/10/16	Opposition to Motion to Reopen Trial or in the Alternative for New Trial, filed 08/10/16	AA01186-AA01311
3	08/04/15	Plaintiff's Opposition to Defendant's Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief and Countermotion for Confirmation of Primary Physical Custodian; Modification of Child Support; Strike Chris' Motion as Defective; and Reasonable Attorney Fees and Costs	AA00533-AA00581
4	08/05/16	Plaintiff's Closing Argument	AA00865-AA00896
1	03/15/10	Plaintiff's Motion for Permission to Return the Minor Child to the State of Nevada; UCCJEA Hearing; for an Order Awarding Plaintiff Primary Physical Custody (sic); Supervised Visitation; for a Pick Up Order; Child Support; Back Child Support; for Plaintiff's Legal Costs; Future Attorney's Fees; and Other Related Relief	AA00006-AA00026
1	04/08/11	Stipulation and Order	AA00030-AA00094
1	11/30/12	Stipulation and Order re Parenting Plan	AA00181-AA00198
6	08/12/16	Supplement to Opposition to Defendant's Motion to Reopen Trial or in the Alternative for New Trial Limited to Hear Testimony of Desmond Nance, filed 08/12/16	AA01312-AA01334
3	06/27/16	Trial Testimony Transcript dated June 27, 2016	AA00593-AA00696
3-4	06/28/16	Trial Testimony Transcript dated June 28, 2016	AA00697-AA00764
4	06/29/16	Trial Testimony Transcript dated June 29, 2016	AA00765-AA00830