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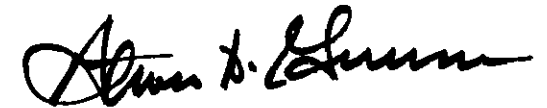
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11 **DISTRICT COURT, FAMILY DIVISION**
12 **CLARK COUNTY, NEVADA**

14 SANDRA L. NANCE,
15 Plaintiff,

16 vs.

17 CHRISTOPHER M. FERRARO,
18 Defendant.

Case No. D-10-426817-D
Dept. No. F

Date of hearing: August 16, 2016
Time of hearing: 3:30 p.m.

19 **OPPOSITION TO DEFENDANT'S MOTION TO REOPEN TRIAL**
20 **OR IN THE ALTERNATIVE FOR NEW TRIAL LIMITED TO HEAR**
21 **TESTIMONY OF DESMOND NANCE**
22 **AND COUNTERMOTION FOR ATTORNEY'S FEES**
23 **AND OTHER RELATED RELIEF**

22 Plaintiff, Sandra L. Nance ("Mother"), by and through her attorneys of record, JASON
23 NAIMI, ESQ., of STANDISH NAIMI LAW GROUP, and SHELLY BOOTH COOLEY, ESQ., of
24 The Cooley Law Firm, and submits her Opposition to Defendant's Motion to Reopen Trial or in the
25 Alternative for New Trial Limited to Hear Testimony of Desmond Nance and Countermotion for
26 Attorney's Fees, and respectfully requests the Court enter its order granting the following relief:

- 27 1. Denying Defendant, Christopher Michael Ferraro's Motion in its entirety;
- 28 2. Ordering that, if the Court deems Desmond's ex-girlfriend's testimony is necessary,

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such testimony can be provided via an in-chambers interview, as the witness is a minor, as well as a victim of domestic violence awaiting the issuance of temporary restraining order;

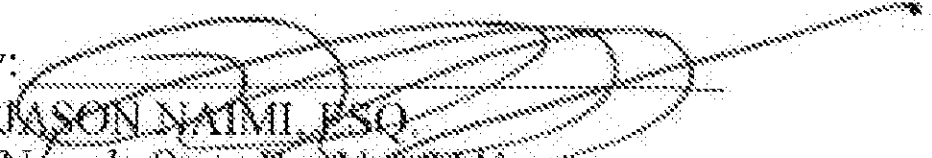
3. Excluding Desmond Nance as a witness in this matter;
4. Awarding Mother her attorney's fees and costs incurred herein; and
5. For such other and further relief as the Court deems just and proper.

This Opposition and Countermotion is made and based upon the pleadings and papers on file herein, the Affidavits attached hereto, the exhibits attached, and the argument at the hearing hereon.

DATED this 10th day of August, 2016.

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By:


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I.

POINTS AND AUTHORITIES

A. BACKGROUND.

The parties, Plaintiff, Sandra Nance ("Mother"), and Defendant, Christopher Michael Ferraro ("Father"), were before this Court for approximately 13 hours of evidentiary hearing on June 27, 2016, from 9:00 a.m. to 5:00, June 28, from 1:30 p.m. to 5:00 p.m., and June 29, 2016, from 1:30 p.m. to 5:00 p.m., related to Father's Motion to Modify Custody, for Relocation of Minor Child, and Other Related Relief, as well as Mother's Opposition and Countermotion for Confirmation of Primary Physical Custodian; Modification of Child Support; Strike Chris' Motion as Defective, and

Reasonable Attorney Fees and Costs. As the Court is aware, Father utilized all of his allotted trial time (if not exceeding same), while Mother had unused trial time at the conclusion of the evidentiary hearing on June 29, 2016.

Notably, when Father rested his case in chief on June 27, 2016, as relates to Father's request to modify custody, Father failed to meet his burden to prove that (1) there has been a substantial change in circumstances affecting Evan's welfare to warrant a modification of custody of the minor child, Evan Daniel Ferraro, born September 30, 2008 ("Evan"), and (2) that a modification of custody is in Evan's best interest. Relating to Father's request to relocate Evan to New York (Father's home state), Father failed to sufficiently meet the threshold test pursuant NRS 125C.007(1), requiring the Court to weigh the factors of 125C.007(2).

B. FACTS.

1. Under the current circumstances, Desmond is not a creditable witness.

Unfortunately, Mother's adult son, Desmond Nance, is going through a difficult time. As Father freely admitted in his deposition taken November 24, 2015, when discussing Desmond,

... it's a **concern of mine** ... he's been **frustrated** his whole life so he runs away. (Emphasis added.)

See pg. 231, ll. 2-4, of **Exhibit "1"** attached hereto, which is a true and correct copy of the deposition transcript of Father's deposition taken November 24, 2015.

On June 6, 2016, Desmond, who is nineteen (19) years of age, committed an act of domestic violence against his underage girlfriend, Lauren. Unbeknownst to either Mother, or his girlfriend's parents, Desmond restrained his girlfriend by holding her wrists, laying on top of her and suffocating her.¹ Unfortunately, because Desmond's girlfriend did not share this incident with any adults (either her own parents, or Mother), it lead to another incident of domestic violence by Desmond.

¹ Neither Mother, nor Lauren's parents were aware of this incident until June 19, 2016.

1 On or about June 18, 2016, Desmond and his ex-girlfriend, Lauren, were in Desmond's
2 bedroom in Mother's home. Mother's father, Dan Nance, was home and heard them arguing.
3 Lauren approached Dan requesting assistance because Desmond refused to return her car keys to her
4 or allow her to leave the residence. Dan instructed Desmond to return the car keys and let Lauren
5 leave if she wanted to leave. Desmond immediately became verbally violent and physically
6 challenged Dan. Desmond grabbed Lauren by the arm and physically dragged her into his bedroom,
7 where he locked the door and essentially held her hostage, all the while brandishing a hockey stick
8 and threatening to destroy the house. Dan tried to reach Mother and Lauren's parents via telephone,
9 but was unable to do so. He was only able to leave voice messages for both of them.

11 Dan tried to reason with Desmond and get him to open the door to allow Lauren to leave. At
12 some point Desmond opened the door to argue with Dan and Lauren ran out of the room, out of the
13 house, and down the street crying. Desmond chased Lauren down the street and somehow
14 convinced her to return to the house, where she and Desmond got into her car and left. Mother
15 returned home just as Desmond and Lauren were leaving.

17 The following day, Desmond was returned to Mother's home by Lauren's father, who, after
18 seeing bruises on his daughter from Desmond's violence the prior day, advised Desmond that he was
19 no longer welcome in his home and that he was to stay away from Lauren. Attached hereto as
20 **Exhibit "2"** are photographs of the bruises left on Lauren by Desmond.²

22 Since that day, Desmond has become increasingly angry, destructive and volatile, striking
23 out at Mother, his grandparents, and his girlfriend's parents. Attached hereto as **Exhibit "3"** is a
24 copy of a text message Desmond sent to Dan Nance on June 19, 2016,

27 ² Because Lauren is a minor, an Affidavit has not been submitted with this Opposition. It is respectfully submitted, that
28 Lauren, a minor and a victim of domestic violence, will make herself available to the Court for an interview in chambers
pursuant to NRCP 16.215. Lauren's parents sent her out of the state and then out of the country in the hope that
Desmond would calm down and the situation would subside. Unfortunately, Desmond continues to harass and stalk
Lauren such that it has been necessary for Lauren to apply for a temporary protective order.

1 I hope somebody wacks you off you fat piece [sic] of shit

2 You are lucky I didn't rock your shit that day let me see you in public you fuck

3 It is respectfully submitted that Dan Nance has never provided Desmond any reason to speak
4 to him in such a manner. Dan Nance has literally helped Mother to provide a home for Desmond for
5 the majority of his life, as well as keep food on the table and clothing on his back.
6

7 Desmond has threatened everyone he can possibly threaten, including threats to take his own
8 life, unless his relationship with Lauren is repaired. He blames everyone, other than himself, for the
9 break-up with Lauren and refuses to accept responsibility for the fact that his actions are the only
10 reason his relationship is over. Specifically, he blames his grandfather, Dan Nance, for calling
11 Lauren's parents while Desmond and Lauren were arguing in his home the day Desmond held
12 Lauren hostage and bruised her arms.
13

14 Father has claimed throughout this entire litigation that Mother never did anything to help
15 Desmond and that Mother simply allowed Desmond to become a degenerate. Attached hereto as
16 **Exhibit "4"** are copies of Mother's text messages to Desmond on June 19, 2016 and June 20, 2016,

17 1:02 p.m., June 19, 2016:

18 K, this is my LAST TEXT!!!! You have choices!!! You have a family here!
19 You should be talking to me right now!!!! Lauren is obviously talking to her
20 parents and family! You are 19yrs old and have an ENTIRE LIFE ahead of you!!!!
21 There is A LOT that needs to be discussed! I will come meet you, and we can talk!
22 But.... I WILL NOT KEEP BEGGING YOU!!!! YOU ARE A MAN NOW! It's
23 time you GROW UP AND FIGURE STUFF OUT!!! You're in this situation bc of
24 the WRONG DECISIONS! YOUR CHOICE NOW.... CALL ME OR DON'T BUT
25 I WILL NOT KEEP BEGGING, CHASING OR BEING DISRESPECTED!!!!!!!

26 The foregoing text from Mother to Desmond is heartfelt, offers him assistance if he so
27 chooses to return to his family, and points out that, at 19 years of age, he is responsible for his
28 actions. Desmond did not respond to Mother's entreaty that he meet her somewhere where they
could talk like adults about his situation.

On June 20, 2016, Mother reached out to Desmond again with the following text:

1 R u hungry? Do you want to get any food?

2 Desmond responded with:

3 I have nothing to say to you im not 10 i don't need your help anympre [sic] thanks

4
5 Over the next several weeks, including the week of trial, things were relatively quiet. Mostly
6 because Lauren's parents took Lauren out of town in an effort to calm things down and remove her
7 from the volatile situation with Desmond.

8 For reasons unknown to Mother, everything came to a head on or about July 11, 2016. This
9 is the date Desmond first contacted Father. This is the date Mother received a text from Desmond in
10 response to a text Kayla had sent to Desmond saying she missed and loved him. Desmond's
11 response to Kayla's text was received by Mother on July 11, 2016, at 8:48 p.m.:

12 Stop texting me from your fucking daughters phone you bitch just worry about
13 fucking your lawyer hoe

14 Have a nice fucking life you cunt im texting your ex husband and going against
15 all of your shit bye bitch

16 Desmond forwarded a picture to Mother of the text he forwarded to Father, which said,
17 "Hello is this chris ferraro," followed by his text to Mother,

18 You think im a bull shitter bitch fuck you

19 See Exhibit "5" attached hereto.

20 It is evident that Desmond's actions in contacting Father and offering to testify in this matter
21 are meant as retaliation against Mother for what Desmond perceives as Mother and his grandparents
22 causing the break up of his relationship. Demond's motives for coming forward at this time are bad
23 and his text messages show an obvious bias for Father.

24
25 **2. Father's Refusal to CoParent.**

26 On July 11, 2016, in a valiant effort to coparent with Father, Mother reached out to Father
27 briefly advising him of issues she was having with Desmond and why and how those issues could
28 adversely affect Evan. See Exhibit "B" attached to Father's Motion. Mother also hoped that Father

1 would be respectful of the parenting issues Mother faced, not to mention a host of other issues,
2 Mother was dealing with concerning Desmond. Over the next few days, Mother reviewed
3 Desmond's cell phone records and it became disappointingly clear that Father was going to use
4 Desmond as a pawn in this litigation to further his own agenda. To say Mother was crushed is an
5 understatement.
6

7 Mother made another attempt to coparent with Father and reached out to Father via email,
8 this time providing Father additional information regarding recent issues with Desmond, again in the
9 hope that Father would see reason and either help Desmond himself or back off, allowing Mother to
10 hopefully reach out to Desmond and get him some much needed help. See Exhibit "C" attached to
11 Father's Motion. Disappointingly, as the Court can see, Father leapt at the chance to not only
12 exploit this unfortunate situation with Desmond, but now also drag Lauren, who is a minor, into this
13 matter when the obvious appropriate way to handle the matter, if Father is the "great" guy he
14 purports to be, would be to offer to provide Desmond help or offer to help Mother with Desmond.
15

16 **3. Father's shares responsibility for Desmond's current circumstances.**

17 Father states in his Motion, "[w]hatever has transpired in Desmond's life, it is highly
18 irregular that a child should proceed on a course to threaten their parent as Desmond has." Father's
19 feigned ignorance in this instance is disingenuous. Father has been involved in Desmond's life since
20 Desmond was approximately 9/10 years old. In his deposition, Father testified,
21

22 I did the very best I could to be a positive role model, a positive father figure .
23 ... See Exhibit "1", pg. 8, ll. 16-17.

24 Desmond's father is not involved in his life, and he has had many, many
25 issues throughout his life in which I have tried to be a positive role model father
figure for him. See Exhibit "1", pg. 8, ll. 23-24.

26 ... it was about a year ago, Desmond ran away from home. See Exhibit "1",
27 pg. 17, ll. 6-7.

28 I just don't want my son to end up like Desmond, not graduating high school,
being in the situation running away from home. And he will never get there because I
won't let it. See Exhibit "1", pg. 60, ll. 10-13.

1
2 . . . same way Desmond wasn't fulfilled. This kid has gone on a rampage.
3 And me and him are buddies, not now because we don't communicate . . . See
4 Exhibit "1", pg. 65, ll. 10-12

5 There was a point in time where, again, Desmond was being challenged here
6 and had some issues and Sandra asked me if I would just get him out of here.
7 That's an interference of my timeshare to have Desmond with Evan, but the days
8 were also a little longer, too, that I was granted because Desmond wanted to stay
9 some extra days, Evan wanted to stay some extra days. See Exhibit "1", pg. 119, ll.
10 24 to pg. 120, ll. 13.

11 . . . I don't think it's appropriate for me to be challenged and provoked by
12 Desmond and his posse during my time share with my four-year-old son . . . See
13 Exhibit "1", pg. 182, ll. 5-8.

14 Desmond and his two if you like to call them thug friends . . . See Exhibit
15 "1", pg. 219, ll. 17-18.

16 Desmond and I have had long conversations. . . . Because he wants out of the
17 house. He wants affection and emotion and fulfillment elsewhere. See Exhibit "1",
18 pg. 231, ll. 12-17.

19 I was taking care of Desmond. See Exhibit "1", pg. 232, ll. 16-17.

20 It is evident from Father's deposition testimony that Father shares some responsibility for
21 Desmond. According to Father, he has been Desmond's "role model" and "father figure," albeit on
22 and off, when Father chooses to be involved in Desmond's life, or, sadly, for example, in the present
23 situation, when Desmond is useful and serves a purpose for Father.

24 Father wants accolades because he believes he has been a "role model" and "father figure" in
25 Desmond's life, but he should also understand the negative impact he has had on Desmond.
26 Understandably, Desmond is resentful of his siblings for the mere fact that they each have fathers
27 who are involved in their lives, where his father has been absent the majority of his life. Desmond,
28 unfortunately, has lived in the shadow of his siblings and stood on the sidelines while his siblings,
especially, Evan, have received every and any thing they could possibly need or desire.

Desmond has continued to spiral emotionally and nothing Mother or his grandparents have
been able to provide for him, emotionally or materially, has been able to fill the void. Desmond has

1 shared with Mother, and others, that he has no love for Father because he feels Father "wrecked his
2 life," much the same as he apparently now claims to Father that Mother has wrecked his life.
3 However, Mother attributes these claims to Desmond's desire to blame others for his actions. For
4 example, in the present situation, Desmond blames Mother and his grandparents for the loss of his
5 girlfriend. Desmond is lashing out by attempting to cost Mother the loss of someone she loves
6 Evan. Desmond knows that assisting Father by telling him fabricated stories will hurt Mother
7 deeply because Father will latch on to whatever he can to deprive Mother of her relationship with
8 Evan.
9

10 **4. Father has long been aware of Desmond's potential usefulness as a witness**

11 During his deposition on November 24, 2015, Father testified as follows:

12 Desmond and I have had long conversations. "I hate my mother," blah, blah,
13 blah. This is a concern of mine. . . . Because he wants to be out of the house. He
14 wants affection and emotion and fulfillment elsewhere.

15 See Exhibit "1", pg. 231, ll. 12-17.

16 NRCP 59(a) provides, in relevant part, as follows:

17 A new trial may be granted to all or any of the parties and on all or part of the issues
18 for any of the following causes or grounds materially affecting the substantial rights
19 of an aggrieved party . . .

20 (4) Newly discovered evidence material for the party making the motion which the
21 party could not, with reasonable diligence, have discovered and produced at the trial.

22 By his own testimony, Father is fully aware of anything Desmond has to say. They have had
23 "long conversations." Surely, Father would have ascertained during those "long conversations" how
24 Evan was being affected by Desmond's complaints? Surely, Father would have investigated during
25 those "long conversations" if Mother, or anyone in her household, were physically harming Evan, if
26 complaints of such a nature were made by Desmond? Surely, if Father had been made aware, during
27 such "long conversations" of even the remotest possibility that harm was befalling Evan, this Court,
28 or the authorities, would have heard about it before now?

1 By his own testimony, Father has a close relationship with Desmond. They have had "long
2 conversations" — apparently about Mother and her household. Father was fully aware of Desmond's
3 potential usefulness as a witness when he testified at his deposition on November 24, 2015.
4 Discovery in this matter closed on January 4, 2016 (See Ord. re Hg. Of Aug. 12, 2015 & Case
5 Mgmt. Ord. filed Oct. 13, 2015; *see also* Stip. & Ord. filed Dec. 23, 2015.) To merit new trial,
6 newly discovered evidence must be evidence that could not have been discovered through
7 reasonable diligence either before or during trial. *D'Agostino v. State*, 112 Nev. 417, 915 P.2d 264
8 (1996).
9

10 At the time of Father's deposition testimony, Desmond was 18 years of age. Despite
11 Father's representations set forth in his Motion, Desmond was **NOT** a minor during the entirety of
12 discovery in this matter. Discovery closed on January 4, 2016 - Desmond turned 18 years old in
13 May 2015 — 8 months prior to the close of discovery.
14

15 The Trial Order in this matter, filed October 13, 2015, required the parties to provide lists of
16 names/individuals likely to possess discoverable information regarding the action on or before
17 **November 2, 2015**. Additionally, each party's list and all documents to be used at trial were due
18 **November 24, 2015**. On December 10, 2015, the parties entered into a Stipulation and Order to
19 Continue by which the parties agreed to extend the due date for the list of names/individuals likely to
20 possess discoverable information to **December 2, 2015**, and each party's list and all documents to be
21 used at trial to **December 24, 2015**. All of the aforementioned dates are significantly after Desmond
22 attained the age of 18.

23 Furthermore, upon information and belief, Desmond was listed as one of Mother's witnesses
24 from the inception of discovery in this matter³, and certainly Desmond was listed as one of Mother's
25 witnesses in her Pre-Trial Memorandum filed herein on January 21, 2016. However, during pre-trial
26 conferences between counsel for the parties that occurred at Ms. Wilson's office on May 19, 2016,
27
28

³ Undersigned counsel was not Plaintiff's counsel from the inception of the discovery process.

1 and June 2, 2016, Desmond was discussed. It was stipulated that Desmond would not be called as a
2 witness to testify at the Evidentiary Hearing in this matter. Mother's counsel honored this
3 agreement and did not call Desmond as a witness during the Evidentiary Hearing. Father and his
4 counsel do not now get to renege on the agreement made with Mother's counsel during pretrial
5 conferences that took place prior to the Evidentiary Hearing.
6

7 The Court will further recall that Father's brother, Peter Ferraro, testified that when he last
8 saw Desmond, Desmond was wearing a t-shirt Father and Peter had given him a long time ago with
9 the Ferraro Brothers Hockey logo on it, and Peter and Desmond had a "great 10 minute
10 conversation"⁴ Thus, it is apparent that Father and his twin brother remained on good terms with
11 Desmond prior to trial.

12 There is no "newly discovered evidence" for this Court to consider. Anything Desmond has
13 to say, he has said to Father in the past pursuant to Father's own deposition testimony provided on
14 November 24, 2015. Additionally, Father is not entitled to a new trial based upon the "newly
15 discovered evidence" of Desmond's testimony that is meant to contradict, impeach or discredit
16 witnesses at trial, unless the witness' testimony was so important that a different result would be
17 reasonably probable. *D'Agostino v. State*, 112 Nev. 417, 915 P.2d 264 (1996). It is respectfully
18 submitted that, for the purposes Father intends to introduce Desmond's testimony to attempt to
19 impeach Mother and her witness, Rebecca Nance, the testimony in question is not so important that
20 a different result would be reasonably probable.
21
22

23 Despite the current situation with Desmond, Mother is still hopeful that he will see reason
24 and that she will be able to get him the help he so desperately needs. Mother was hopeful that by
25 reaching out to Father and providing him all the sordid details of what is truly happening with
26
27
28

⁴ See Video Transcript. 6/27/2016. 16:22:36 – 16:23:39.

Desmond, Father would be the "great guy" he keeps saying he is and provide Desmond with real help instead of giving him tools to hurt him further.

This latest attempt by Father to deprive Mother of her relationship with Evan should be scrutinized closely by this Court.

5. Desmond's current state of mind is questionable due to the fact that he is mixing drugs.

Desmond's ex-girlfriend has advised Mother that Desmond is not only smoking marijuana, but he is taking Xanax, using Cocaine and keeping company with a known Cocaine dealer. If the Court is going to consider reopening the trial for the purpose of allowing Desmond to present evidence, it is respectfully requested that Desmond be required to immediately submit to a drug test for the purpose of evaluating the veracity of any testimony he may present, as well as his state of mind. "The mental confusion and impairment of moral character produced by the habitual use of morphine, cocaine, or a like narcotic are established facts in medical research. That such use may be shown for the purpose of affecting the creditability of a witness is also well established." *Effinger v. Effinger*, 48 Nev. 205, 239 P. 801 (1925) (quoting *State v. Fong Loon*, 29 Idaho, 248, 158 P. 233, L.R.A. 1916 F, 1198; *Anderson v. State* 65 Tex. Cr. R. 365, 144 S. W. 281; *People v. Webster*, 139 N.Y. 73, 34 N.E. 730).

After Mother learned of Desmond's drug use, Mother confirmed this information as best she could through contacts and social media. In an effort to coparent, Mother informed Father of these new developments with Desmond. The Court should note that Father is incapable of coparenting with Mother and, instead, uses Mother's coparenting efforts in litigation against her.

6. Desmond's drug-induced and vengeful comments are not relevant to the issues before this Court

The parties have submitted their respective Closing Arguments. Nothing Desmond has to say is relevant to the issues before this Court. Despite Mother's pleas and best efforts, Desmond has chosen a path that is filled with drugs and poor choices. Desmond chooses to blame others for his

failures and his refusal to strive to improve himself. Mother has plead with him and offered him opportunities for tutors, classes, jobs, etc., but Desmond is filled with anger and resentment.

C. DESMOND SHOULD BE EXCLUDED AS A WITNESS

As stated herein, Father testified in his deposition on November 24, 2015, that Desmond had advised Father, "I hate my mother." If true, such a statement by Desmond unquestionably affects Desmond's ability to testify without bias. Desmond's reaction to the recent break-up with his girlfriend and his perception that Mother and his grandparents are to blame for the same further questions Desmond's ability to provide unbiased testimony. Desmond is the definition of an impeachable witness in that his credibility depends on his willingness and ability to tell the truth. In light of the foregoing circumstances, Desmond's alleged and "confessed" hatred of Mother, it is respectfully submitted that Desmond can be impeached with respect to perception, memory, communication, sincerity and bias. *Collman v. State*, 116 Nev. 687, 7 P.3d 426 (2000).

D. ATTORNEY'S FEES

NRS § 18.010 states in relevant part as follows:

1. The compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law.
2. In addition to the cases where an allowance is authorized by specific statute, the court may make an allowance of attorney's fees to a prevailing party:

(a) When he has not recovered more than \$20,000; or

(b) Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

1 3. In awarding attorney's fees, the court may pronounce its decision on the fees at the
2 conclusion of the trial or special proceeding without written motion and with or without
3 presentation of additional evidence.

4 By his own deposition testimony on November 24, 2015, Father is fully aware that
5 Desmond is "frustrated" with his situation, and Father admitted to have knowledge of Desmond's
6 "hatred" of his mother directly resulting from "long conversations" with Desmond long before the
7 discovery cutoff in this matter.

8 Father's attempt to reopen this trial is yet another attempt by Father to deprive Mother of her
9 relationship with Evan and to increase Mother's attorney's fees and costs in this matter.

10 Under *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345 (1969), when courts determine the
11 appropriate legal fees to award in civil cases, they must consider the following factors including:
12

13 1. The qualities of the advocate:

14 Mother's counsel, Jason Naimi, Esq., has been a Nevada licensed attorney since 2005 and is
15 a Board Certified Family Law Specialist. He has a very good professional standing in the
16 community and is a strong advocate for his client.

17 2. The character and difficulty of the work performed:

18 There was a lot of time and skill required to get this matter properly before this Court,
19 including but not limited to researching and preparing the instant Opposition and Countermotion,
20 and to defend this matter at the hearing and draft the subsequent order.

21 3. The work actually performed:

22 Many hours have been required to resolve this matter. Father continues to harass Mother by
23 throwing everything he can at her in this litigation, including her efforts to coparent. This Court
24 can clearly see with the work required, Counsel will have earned every billable hour charged in this
25 matter. Counsel charges \$395/hour, which is very reasonable considering most attorneys in the
26 greater Las Vegas area charge between \$250 - \$600 per hour. This Court also must consider that
27 Mother's counsel has several years experience in Domestic Relations and is an effective litigator.
28

4. The results obtained:

Mother is entitled to the relief that she seeks and her award is justified. Father has no justifiable reason for his actions described herein.

Pursuant to *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005), the Court has the discretion to award Mother her attorneys' fees and costs.

11.

CONCLUSION

Based on the foregoing, Mother respectfully requests the Court grant the following relief:

1. Denying Defendant, Christopher Michael Ferraro's Motion in its entirety;
2. Ordering that, if the Court deems Desmond's ex-girlfriend's testimony is necessary, such testimony can be provided via an in-chambers interview, as the witness is a minor, as well as a victim of domestic violence awaiting the issuance of temporary restraining order;
3. Excluding Desmond Nance as a witness in this matter;
4. Awarding Mother her attorney's fees and costs incurred herein; and
5. For such other and further relief as the Court deems just and proper.

Dated this 10th day of August, 2016.

STANDISH NAIMI LAW GROUP

By JASON NAIMI, ESQ.
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Las Vegas, Nevada 89134

SHELLY BOOTH COOLEY, ESQ.
THE COOLEY LAW FIRM
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

Attorneys for Plaintiff

DECLARATION OF SANDRA L. NANCE

1. I, Sandra L. Nance, am the Plaintiff in the above-referenced matter, have read and understand this underlying Opposition and Countermotion, and attest to the below referenced facts as being true and correct to the best of my knowledge.

2. I fully incorporate by reference each and every statement in the foregoing Opposition and Countermotion as if fully restated herein as true except for those portions offered upon information and belief.

3. Attached hereto as Exhibit "1" is a true and correct copy of the deposition transcript of Defendant, Christopher Michael Ferraro, taken on November 24, 2015.

4. Attached hereto as Exhibit "2" are true and accurate photographs of Lauren's arm showing bruises left by Desmond.

5. Attached hereto as Exhibit "3" is a true and accurate copy a text message from Desmond Nance to Dan Nance on June 19, 2016.

6. Attached hereto as Exhibit "4" are true and accurate copies of my text messages to Desmond Nance dated June 19, 2016, and June 20, 2016, and Desmond Nance's responsive text to me dated June 20, 2016.

7. Attached hereto as Exhibit "5" are true and accurate copies of Desmond Nance's text messages to me dated July 11, 2016.

8. Attached hereto as Exhibit "6" is a true and accurate copy of Desmond Nance's text message to me dated July 11, 2016.

9. I respectfully request that this Court grant me all of my requests for relief as stated in the foregoing Opposition and Countermotion.

///

///

1 10. I respectfully request that this Court grant other and additional relief deemed just and
2 proper under the circumstances.

3 I declare under the penalty of perjury of the laws of the State of Nevada that the foregoing is
4 true and correct.
5

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7 
8 SANDRA L. NANCE
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MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

SANDRA LYNN NANCE,
Plaintiff/Petitioner,

v.

CHRISTOPHER MICHAEL FERRARO,
Defendant/Respondent

CASE NO.: D-10-426817-D

DEPT. NO.: F

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Opposition 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 or 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) fee filed with Motion.

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: Plaintiff Date: August 10, 2016

Signature of Party or Preparer: _____

In The Matter Of:
Sandra L. Nance vs.
Christopher M. Ferraro

Christopher M. Ferraro
November 24, 2015



Min-U-Script® with Word Index

Christopher M. Ferraro - November 24, 2015
Sandra L. Nance vs. Christopher M. Ferraro

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1 DISTRICT COURT
2 FAMILY DIVISION
3 CLARK COUNTY, NEVADA
4
5 SANDRA L. NANCE,)
6 Plaintiff,)
7 vs.) CASE NO. D-10-426817-D
8 CHRISTOPHER M. FERRARO,) DEPT. NO. K
9 Defendant.)
10
11
12
13
14 DEPOSITION OF CHRISTOPHER M. FERRARO
15 Taken at Depo International
16 at 703 South Eighth Street
17 Las Vegas, Nevada 89101
18 On Tuesday, November 24, 2015
19 at 9:06 a.m.
20
21
22
23
24
25 Reported by: Jualitta Stewart, CCR No. 807, RPR

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1 APPEARANCES:
2 For the Plaintiff, Sandra Nance:
3 ERIC P. ROY, ESQ.
4 Law Offices of Eric P. Roy
5 818 East Charleston Boulevard
6 Las Vegas, Nevada 89104
7 (702) 423-3333
8
9 For the Defendant, Christopher Ferraro:
10 SHANNON R. WILSON, ESQ.
11 Hutchison & Steffen
12 10080 West Alta Drive
13 Suite 200
14 Las Vegas, Nevada 89145
15 (702) 385-2500
16
17 Also Present: Sandra Nance
18
19
20
21
22
23
24
25

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Page 4

1 LAS VEGAS, NEVADA;
2 Tuesday, November 24, 2015; 9:06 A.M.
3
4 CHRISTOPHER M. FERRARO,
5 having been first duly sworn, testified as follows:
6
7 EXAMINATION
8 BY MR. ROY:
9 Q. Mr. Ferraro, first deposition for you?
10 A. Yes.
11 Q. Okay. You were present yesterday, saw
12 how the procedure works. I'm just going to be
13 asking you some questions. From your answers, we'll
14 be able to deem where this case is going. Maybe
15 sometimes, you know, with these depositions and we
16 decide that the case can be settled if we decide do
17 you want this, do we want this. It's just a matter
18 of miscommunication that has landed us where we are
19 today, but that doesn't happen in every case, but
20 sometimes it does happen.
21 So I'm going to ask you questions. If
22 you don't understand what I'm asking you, just say,
23 "Look, Eric, I don't understand what the hell you're
24 asking me. Say it again in different terms so I can
25 understand it." Because I don't want you to give me

1 some answer you thought I was asking one thing, in
2 fact I was intending to ask something else so you
3 gave me an inaccurate answer.

4 You can take breaks anytime you want.
5 Use the restroom, let me know. There's a restroom.
6 Any coffee, we got coffee, water, all that.

7 Do you have any questions for me?

8 A. No.

9 Q. All right. So where I want to start is,
10 I want to talk a little bit about you and a little
11 bit about Sandra, and I want to start with Sandra.

12 Now, these cases, these custody cases are
13 decided based on the best interest of the child and
14 what parent, you know, can provide for the best
15 interest of the child. You know that generally?

16 A. Right.

17 Q. So I want to know -- so it's important
18 for me and it's important for the Court to know any
19 faults that Sandra might have and any faults that
20 you might have, and any strengths that you may have
21 and any strengths she may have so the Court can make
22 an analysis as to who would be, you know, a better
23 parent, obviously.

24 So I want to start with Sandra, and I
25 want to talk about everything good about Sandra and

1 I also want to talk about everything bad about
2 Sandra. It's not that you're being demeaning or
3 intentionally --

4 A. I understand.

5 Q. -- degrading to her, it's just a matter
6 of what this case requires.

7 A. Right.

8 Q. So no one is going to take it personally.
9 So let's start with Sandra and let's start with any
10 negative attributes that Sandra might have. So I
11 want you to just tell me any negative attributes
12 that Sandra may have.

13 MS. WILSON: Objection. Relevance.
14 Objection. Vague.

15 Go ahead and answer.

16 BY MR. ROY:

17 Q. You know what, and I'm going to define
18 it. First of all, I'm going to start with that. Is
19 that question open-ended enough or would you prefer
20 a specific question within that criteria?

21 A. My question to you is, do you want me to
22 date back to -- how far do you want me to date back?
23 Do you want me to date back when we met?

24 Q. Excellent question.

25 A. Or do you want me to answer in the last

1 year or two or history?

2 Q. I appreciate that. So I want you to talk
3 about the last few years and your perception of her
4 being and her personality within that period of
5 time, which is probably going to be consistent with
6 the rest of her life, but if there's been any
7 changes, the important part is going to be within
8 the last two or three years.

9 A. Yes.

10 Q. Do you want me to narrow it down to a
11 specific aspect of her personality or do you prefer
12 that I keep it wide open for you?

13 A. I think that's broad, but I can cover
14 some areas.

15 Q. Okay. Why don't you start and I'll ask
16 you questions as we get going. Okay? You can start
17 wherever you want. Feel free to open up.

18 A. I think that -- you know, on a
19 relationship level, I think that she's failed to be
20 in successful relationships. Without being
21 demeaning, she has had multiple kids from multiple
22 different men plus there was an abortion. Had she
23 had that child, that would have been another child
24 from a different man. I strongly believe that she
25 doesn't have children to raise a family and raise

1 kids and provide for their future. I strongly feel
2 she uses it as a business to collect child support.

3 She has not maintained a consistent job,
4 a consistent home. Evan, including the other
5 children, have not been heavily involved in
6 extracurricular activities. I think she's an absent
7 parent. She's not actively involved in the
8 children's lives.

9 As we learned yesterday, Desmond is going
10 on 19 years old and still hasn't graduated high
11 school. Sandra has called the cops on Desmond on
12 several occasions because of his behavior. Has
13 wanted to send him to military school, and my heart
14 goes out to these kids.

15 In our relationship, I did the very best
16 I could to be a positive role model, a positive
17 father figure for them, and I'm experiencing that
18 now with Evan. It took her seven years to enroll
19 Evan into baseball. Six years to -- six and a half
20 years to finally get him baptized.

21 I have diligently tried to enroll my
22 child -- or our child Evan into private school and
23 have been denied on more than three occasions at my
24 expense. Enroll Evan at the Challenger School.
25 It's clear and obvious that Las Vegas school systems

1 don't rank the highest in the country.

2 So for me to offer an opportunity to pay
3 full tuition, all I asked her to do is transport him
4 there and pick him up. They have wonderful after
5 school programs. I've asked her to participate in
6 Evan's hockey, soccer, MMA, all of these
7 extracurricular activities that she denies.

8 So that's a list of some negative
9 attributes.

10 Q. Okay. So I want to -- within that --
11 thank you for that answer. Within -- let's start
12 just going through those topics a little bit.

13 You mentioned that she has a problem with
14 relationships, which -- can you expound a little bit
15 more upon that topic.

16 A. I think it's been unfortunate for the
17 children to be exposed to environments where she has
18 put herself in a situation where she is -- has been
19 in multiple different relationships. Has been
20 engaged and broke off the engagement, as we learned
21 yesterday. She was arrested with a previous
22 relationship. It just seems as though the
23 relationships she's been in has been very hostile
24 and haven't been in the best interest of the
25 children.

1 Q. Okay. And then the next topic you
2 mentioned was that she doesn't have a consistent
3 home. Can you expound on that?

4 A. Yeah. Well, I know that she's been
5 foreclosed on on a few of her homes. She has lived
6 in homes with previous relationships. Each
7 relationship that she's been in, for the most part,
8 she's resided with her significant other, whoever
9 that may be. And not being able to maintain a solid
10 home in one location and owning a home and paying
11 the bills and being stable.

12 Q. Now, you mentioned extracurricular
13 activities, what were you telling me about that with
14 regard to Sandra?

15 A. With respect to all the children or Evan
16 solely?

17 Q. You can do all the children, but Evan
18 specifically.

19 A. Just going back in history, I was with
20 Sandra for, you know, a significant amount of time
21 and these kids weren't active. They were in the
22 house the majority of the day, and it caused a lot
23 of conflict and hostility between the children and
24 Sandra. And, you know, they're young, they should
25 be active in anything, you know, sports, play dates,

1 extracurricular activities, sports, instruments,
2 educational. And they had very limited time with
3 that, and I am experiencing that now with Evan.

4 Again, I gave her baseball equipment that
5 I purchased. I told her I will pay for everything,
6 3,000 miles away. It's not to show my money, it's
7 just I want Evan involved in extracurricular
8 activities.

9 You know, my history as an athlete, I
10 think that sports and being part of a team and being
11 coached and being taught certain skills, all these
12 skills are life skills. It's not just sports that
13 you're learning. There's a lot of good that comes
14 out of that.

15 There's facts that prove that athletes
16 excel in the business world. They excel in school,
17 and they're more prone to stay away from drugs and
18 alcohol moving forward in their adulthood.

19 Q. Now, you mentioned -- I believe you
20 mentioned that Sandra, something about her being an
21 absent parent, can you tell me -- describe that for
22 me.

23 A. Am I dating back again?

24 Q. Yeah, you can date back.

25 A. Well, I've experienced --

1 MS. WILSON: Just interpose an objection
2 that the facts and circumstances pursuant -- prior
3 to the entry of the last child custody order in
4 November of 2012 would be irrelevant and not likely
5 to lead to the discovery of admissible information
6 pursuant to McMonigle and Castle.

7 You can continue with your answer.

8 THE WITNESS: Well, I've experienced
9 firsthand that she has -- she will be out in the
10 evening times until very, very early in the morning,
11 five, six in the morning and the children are either
12 home with the grandparents. When I was with her, a
13 lot of times it would be with me or they'd be at a
14 daycare center throughout the night.

15 She would get home at very early in the
16 morning. At times get the kids to school and sleep
17 all day until they get out of school and then she's
18 off to work again or whatever she was doing. So
19 she's -- history now just not active to enroll now
20 Evan into baseball and sit there on your phone and a
21 laptop computer and not be actively engaging is
22 you're not all in. She doesn't do anything upon
23 that.

24 She doesn't go to the park and practice
25 with him. From my understanding, her father, who

1 she lives with and mother, her father was a pro
2 baseball player. So just to go to practice and go
3 to a game, one practice a week and one game on the
4 weekend, you're not actively involved. Again, it
5 took seven years to finally get Evan involved in an
6 extracurricular activity.

7 **BY MR. ROY:**

8 Q. You mentioned that Desmond hasn't
9 graduated from high school.

10 A. Yes.

11 Q. Tell me about that.

12 A. Desmond is an unfortunate situation
13 because his father doesn't exist, and I think that
14 Sandra has successfully removed the fathers from the
15 children's lives and has not embraced the other
16 fathers.

17 Q. Tell me more about that.

18 A. Well, Desmond --

19 **MS. WILSON:** Objection. Relevance.
20 Go ahead.

21 **THE WITNESS:** Desmond's father is not
22 involved in his life, and he has had many, many
23 issues throughout his life in which I have tried to
24 be a positive role model father figure for him.

25 **MR. ROY:** If you need to take break, go

1 it have to do with Sandra's disposition?

2 A. I'm unaware of that, but I will tell you
3 when there was a time where -- when Sandra and I
4 rereconciled our differences and she moved to New
5 York for almost six months, Kayla had limited
6 communication with the father. Sandra had virtually
7 nothing nice to say about Kayla's father. And he
8 didn't visit one time in almost six months of living
9 in New York, and Kayla had never visited the father
10 for that period of time. So it's just another
11 example of these children not having a solid father
12 in their lives.

13 Q. You mentioned an issue with private
14 school --

15 A. Yes.

16 Q. -- a few minutes ago.

17 A. Yes.

18 Q. Tell me about that.

19 A. Well, when Evan was in preschool, I
20 explored options at Merryhill private school. And
21 then when he was on the verge of entering
22 kindergarten and first grade, I wanted to look at
23 options, obviously with Sandra's approval, to send
24 Evan to Challenger private school. Again, I would
25 pay the full tuition, all I asked her to do would be

1 ahead.

2 (Pause in proceedings.)

3 **THE WITNESS:** You know, my heart bleeds
4 for the kid because he's never had an opportunity in
5 life and it's not his fault.

6 **BY MR. ROY:**

7 Q. Now, go on a little bit. You told me
8 about -- you were saying that, I think, I don't want
9 to put words in your mouth, but I think you were
10 saying something to the effect that Sandra kind of
11 like shoos the fathers out of the kids' lives. Is
12 that correct? Am I stating that right? Or how
13 would I phrase that to make it an accurate
14 statement?

15 A. You know, I mean, there's examples that
16 obviously -- yeah, I think that it's uncomfortable
17 for Sandra with Evan because I am so heavily
18 involved in their lives. I see my son Evan more
19 than Kayla sees her dad, and he lives locally. If
20 you combine the time that he puts in for a month, it
21 might amount to eight days. I see Evan ten days.
22 And I would see him more if I was granted more time.

23 Q. And so understanding that, that you see
24 Evan more than Kayla's father sees Kayla, is that
25 because of Kayla's father's lack of interest or does

1 to participate in transporting him to and from
2 Challenger School. We actually went on a tour
3 together and we toured the facility and met the
4 staff.

5 Q. When you say "we," you're referring to
6 you and Sandra, I assume?

7 A. Yes. Sorry. Sandra and I toured the
8 facility and just got a landscape of what it offers
9 and the information packet that it offers. And I
10 was ready to enroll, again, because of the standards
11 of their schooling and curriculum is far greater
12 than public school systems here in Las Vegas. The
13 teacher to student ratio is tighter and the
14 background of the teachers at these schools are
15 stronger and their resumes are stronger than public
16 school teachers. And her comments after the tour
17 were, "I hate it. I don't want my son to be around
18 a bunch of Asians and Jews."

19 Q. Okay.

20 A. And that frustrated me, of course,
21 because I'm looking for the best opportunity of my
22 child, our child, excuse me.

23 Q. Based on your experience with Sandra,
24 does she have -- does she carry any racist
25 attitudes?

1 A. Yes.
2 Q. Tell me about that.
3 A. Well, I've received text messages with
4 her using the N-word, and yes.
5 Q. Okay. So you -- okay.
6 A. To be -- to give you an example, it was
7 about a year ago, Desmond ran away from home.
8 Sandra called the cops. He posted a social media
9 picture of him and his friend and a girl and called
10 the cops and reported rape on her own child. And it
11 was information, text message that she used the
12 N-word on a few different occasions.
13 Q. Just so I'm understanding you correct, so
14 you would say on balance that she is -- Sandra is
15 racist or is not racist?
16 A. I would say that she is based on an
17 example of that.
18 Q. Okay. I want to talk to you about
19 Sandra's integrity. Is that a familiar term for
20 you, integrity?
21 A. Yeah.
22 Q. Tell me about Sandra's integrity.
23 A. Can you narrow it down?
24 Q. That is a broad question. Let me say
25 this. When I refer to integrity, I'm going to

1 define it as -- and this is probably not the
2 Webster's definition, but it's my loose definition.
3 Integrity being the likelihood to speak the truth
4 and follow through with commitment.
5 A. Commitment in a relationship or just
6 commitment in general?
7 Q. Commitment in general. To herself, to
8 other people, commitments overall.
9 A. Again, I don't want to make this session
10 a session where I'm just belittling Sandra the whole
11 entire session because this is not what's in the
12 best interest of Evan.
13 I would like to say that -- I can tell
14 you that when Evan is with me during my time share,
15 I've had numerous, numerous interferences with
16 Sandra reporting to the parent coordinator Margaret
17 Pickard that it was a problem here, there was a
18 problem there.
19 There was an instance, I don't know, at
20 the end of last year or towards the end of last
21 year, as you learned yesterday, that there was a
22 picture that was taken of Evan at the field day that
23 I was at and Sandra was not there that he had a mark
24 on his face, and it was just a shadow from the
25 light. Nothing happened but she reports that.

1 There was another instance where I
2 volunteer. When I'm here with my ten days with
3 Evan, I volunteer at his school all ten days -- I
4 shouldn't say all ten days because there's weekends.
5 But his week in school, I'm there volunteering
6 during lunchtime, any school events that I -- I
7 should not be there as often as I am. Meanwhile,
8 the school and the children enjoy having myself and
9 my brother.
10 School events, whether they're plays or
11 voluntary events, Sandra feels as though it's
12 inappropriate that me and my brother or family
13 member should be there, where I embrace her and her
14 family to be at everything. I invite her on my time
15 share, come to Evan's baseball game, come to his
16 hockey game, come see him, you're invited, he's your
17 child. Be there, support him, encourage him.
18 So there's been a long history of her
19 interfering with my time share where I have to sit
20 here, respond to false allegations and so on and so
21 forth with respect to my -- and I just want to be
22 left alone and be the best father I can and fulfill
23 my time with my son when I have him.
24 On the other hand, Sandra would not get
25 that in return. So there's been several e-mails

1 when I had Evan in my care during my time share, our
2 parent coordinator would say, "I received a phone
3 call from Sandra stating all these issues," blah,
4 blah, blah, blah, and just go on and on and on, just
5 interfere with my time share with my child. I think
6 that falls along integrity.
7 Integrity calling the cops on your
8 children. Falsely accusing me back in the day that
9 I sexually molested my son in New York court system.
10 That was denied and unfounded and all those things,
11 but she went to that level.
12 So I guess the integrity part I think she
13 spends a lot of time trying to separate my bond and
14 my relationship with my child and Evan's bond and
15 his relationship with myself and New York and my
16 side of the family. I think it's one of her goals
17 and her mission is to -- because she's not used to
18 heavy involvement from the father side.
19 Q. So would you say on balance that Sandra
20 has strong integrity or lacks integrity?
21 A. I think that she lacks integrity in the
22 areas that I just explained.
23 Q. Okay. Let's move on and talk about
24 Sandra's overall judgment and ability to make good
25 decisions. Tell me about that.

1 A. Sorry to repeat myself, but, again,
2 broad. In what capacity, decisions for herself,
3 decisions for her children?
4 Q. Let's do -- I want to keep it broad. I
5 want you to talk about her judgment in general based
6 on your experiences with her, and that can go to
7 decision making that has involved her children, has
8 involved you, has involved her own life choices, et
9 cetera.
10 MS. WILSON: Objection. Relevance.
11 Go ahead.
12 THE WITNESS: So decision making, that's
13 what we're talking about?
14 BY MR. ROY:
15 Q. And I'm not trying to beat a dead horse.
16 This is probably going to be a long depo. You're
17 going to be able to say good things about her too.
18 We're going to go through all that, then we'll go
19 through you.
20 A. That's fine.
21 Q. Okay. Just take your time.
22 A. Okay. I can go anywhere with this
23 question.
24 MS. WILSON: Objection. Vague.
25 ///

1 BY MR. ROY:
2 Q. How about we do this. Let me make it
3 more specific, I apologize.
4 A. Yeah.
5 Q. Let's do this, let's talk about her
6 decision making regarding her own life. Is that
7 narrow enough? So there you can talk about economic
8 choices, you know, education, ability to raise
9 children, whatever it is as it pertains to her own
10 life.
11 A. I think we learned a lot yesterday about
12 her work ethic. I don't think that she has the
13 greatest work ethic. I know she clearly has been
14 involved in the nightlife industry. She gambles
15 excessively. Whatever limited funds that she has,
16 she admitted yesterday that she gambles excessively.
17 Everything is a quick fix. To refurbish
18 furniture for a hobby to make a few dollars here and
19 sell off kids' items, it's not a sustainable career.
20 It's not being a positive role model. It's not
21 being a positive leader to your children.
22 To make decisions to work -- you know,
23 this is Las Vegas and the nightlife industry, that's
24 a good decision to make if you're 18, 19, 20,
25 whatever you are and you don't have kids at home.

1 But when you have three children that are home -- or
2 even before Evan, two children at home and you're at
3 Tao Nightclub sitting in a bathtub, I don't think
4 that's the best decision of a mother with two
5 children at home just because the grandparents are
6 there or you have access to daycares at night that
7 you put your children in. I don't -- that's an
8 example of not making a good decision, in my
9 opinion.
10 Q. On balance, would you say that Sandra
11 makes good decisions in her life or makes poor
12 decisions?
13 MS. WILSON: Objection. Vague.
14 THE WITNESS: Well, I think collectively
15 if you look at her current situation and you put
16 everything together, again, living at home in a
17 rental home. She's been for the most part in a
18 stable setting or stable place for, I don't know,
19 15, 20 years and after all this time, you still have
20 no solid career, no solid resources, finances.
21 You're living in a rental home, not in a solid
22 relationship and three children from three different
23 men. Almost 19-year-old child that hasn't graduated
24 and is taking his time to graduate high school is,
25 in my opinion, not good leadership and not good

1 decision making. Living off of state aid and living
2 off of child support, not having the greatest work
3 ethic to provide better leadership.
4 BY MR. ROY:
5 Q. Okay. And so given those circumstances,
6 I take it your opinion is that her general decision
7 making ability is poor and that she lacks good
8 judgment, would that --
9 MS. WILSON: Objection. Vague. Sorry, I
10 didn't mean to interrupt you.
11 MR. ROY: That's fine.
12 BY MR. ROY:
13 Q. Would that be a fair and accurate
14 statement?
15 A. That she makes poor decisions and her --
16 say that again, please.
17 Q. My question would be this: Am I correct
18 in my understanding that it's your belief that
19 Sandra lacks good judgment and generally lacks the
20 ability to make good decisions?
21 MS. WILSON: Objection. Vague.
22 Compound. Misstates testimony.
23 You can answer.
24 THE WITNESS: I can answer?
25 MS. WILSON: H'm-h'm.

1 **THE WITNESS:** Again, just a simple
2 example is that I've had an opportunity to enroll
3 Evan into a private school, and she has no solid
4 reason why she wouldn't want the best interest of
5 her child to be in a private school. If I'm paying
6 the full tuition and all I'm asking her to do is
7 transport him, you know, me being out of town and
8 she objects to it because she doesn't want our child
9 to be around a bunch of Asians and Jews.
10 **BY MR. ROY:**
11 Q. Okay.
12 A. I know that's repetitive, but that's an
13 example of her having an ability to make a good or
14 bad decision.
15 Q. Okay. Let's move on to talk about
16 Sandra's moral turpitude, if you will.
17 Do you understand what that means?
18 A. Yes.
19 Q. Okay. What her -- how would you describe
20 her moral foundation, if you will. When I refer to
21 "her," I refer to Sandra.
22 A. Are you -- again, broad in the sense
23 where is it her, her with her kids, business,
24 career?
25 Q. I want to keep it broad. I want to have

1 your general opinion, and then after that, you can
2 give examples of whatever supports that opinion.
3 A. Can we come back to this question?
4 Q. Okay. Make a note.
5 Okay. Now, I understand you're not an
6 expert in this area, neither am I, but in your
7 general opinion, how would you rate Sandra's
8 intelligence?
9 **MS. WILSON:** Objection. Relevance.
10 Vague. Perhaps calls for expert opinion.
11 **THE WITNESS:** Am I to answer?
12 **MS. WILSON:** Yes, if you can.
13 **THE WITNESS:** Are we talking in an
14 educational environment such as school or are you
15 talking about street smart or all of the above?
16 **BY MR. ROY:**
17 Q. Good question. Let's talk about all of
18 the above. And you can speak specifically about her
19 educational, you know, or just her innate
20 intelligence.
21 A. I don't know her educational background.
22 I know that she competed a few levels of university
23 or college or whatever. I think that she's street
24 smart. I think she grew up in Chicago, and I think
25 she learned how to be street smart.

1 I think she has a very creative smart
2 business mind, but very unrealistic on how she can
3 get there. So I think she has a good mind and good
4 ideas, but never has the ability to execute. You
5 saw her financial model of her business, that was
6 very poor yesterday. That is an example of her
7 having ideas but not able to execute. She's --
8 that's as far as I can go, I guess, on that one.
9 Q. Okay. Now let's talk about Sandra's
10 parenting skills. How would you rate her parenting
11 skills on a scale of 1 to 10, with 1 being the worst
12 and 10 being the best?
13 **MS. WILSON:** Objection. Vague.
14 **THE WITNESS:** Another broad question. It
15 depends on the standard that you're looking for. I
16 mean, to have a roof over your head and food
17 available and --
18 **BY MR. ROY:**
19 Q. Let me define it a little bit more
20 specifically. I want you to rate Sandra's parenting
21 skills from 1 to 10, with 1 being the worst, 10
22 being the best. And I want you to rate her
23 parenting skills in relation to most mothers in the
24 United States who are financially -- who have some
25 financial resources. We're not talking about

1 impoverished women here, we're talking about mothers
2 in general.
3 **MS. WILSON:** Objection. Vague.
4 Objection. Basis of knowledge. Objection. Lacks
5 foundation.
6 If you can answer, go ahead.
7 **THE WITNESS:** Okay.
8 **BY MR. ROY:**
9 Q. You can take your time if you want.
10 A. I don't think that financial resources
11 make you a better parent. I don't think that gives
12 a basis of a positive role model. Putting in your
13 time, dedicating your time, actively involved,
14 actively interested in what your children are doing
15 and basically having a plan for them makes you, in
16 my opinion, a good parent.
17 I think that Sandra has been able to
18 instill fear into the children. Unfortunately, I
19 don't think she's well respected by her children. I
20 think she's feared by her children. And there's
21 been many examples where she has threatened the cops
22 on her children, military schools, punishment.
23 My opinion, that's not -- definitely not
24 a 10 in my book.
25 Q. What number would you give it, Chris?

1 A. It's such a broad question. From what I
2 know and what I've experienced from her decision
3 making from Desmond not graduating high school,
4 being kicked out of school when he was younger,
5 running away from home, I would give her a 5 at
6 best.

7 Q. Okay.

8 A. Denying them opportunities to go to
9 private school, denying them opportunities to be
10 involved in extracurricular activities, denying them
11 access of having play dates, maybe below a 5. Those
12 are all things that are far away from a number 10.

13 Q. Okay.

14 A. Getting a day job so you can be with your
15 children when they're home from school. We're in
16 Las Vegas and temptations are there, gambling,
17 partying, nightclubs, all those things, but live
18 that life if you're single, not if you have
19 children, and what's in the best interest of the
20 children.

21 Q. Now let's talk specifically about
22 Sandra's parenting of Evan.

23 How do you feel she's done as a parent
24 with respect to Evan?

25 A. I don't know much about their

1 relationship. Falls pretty consistent with the
2 other children in the sense where, again, here's an
3 opportunity for private school, here's an
4 opportunity for extracurricular activities. Evan
5 has built family and life in New York, and his best
6 friends are in New York. His family is there. He's
7 got a solid stable home. He's got four acres of
8 land, a pool, a finished basement with all his toys.

9 I take him to sporting events, he's
10 involved in modeling, Wilhelmina Modeling. He's
11 been involved in modeling. He's learned how to
12 swim, ride a bike, tie his shoes, all of these
13 things with me in New York. Hockey, soccer,
14 baseball, he's learned all these skills through me.

15 The reason why she's able to enroll Evan
16 into baseball this year is because -- not because
17 Evan just was able to play baseball, that was me
18 putting all the time and effort and energy into
19 practicing with him and teaching him how to catch a
20 ball, throw a ball, hit a ball. So as she enrolls
21 him, I did all the dirty work teaching him how to do
22 that.

23 Did I answer your question? I'm sorry.

24 Q. You did. And then specifically you did a
25 good job answering the question, but I want to --

1 you to be even a little more specific as to Sandra's
2 parenting skills of Evan.

3 MS. WILSON: Objection. Vague.

4 THE WITNESS: Well --

5 BY MR. ROY:

6 Q. Let me ask you this first, and then you
7 can either do the conclusion first and the example
8 second or the examples first and the conclusion
9 second.

10 A. Okay.

11 Q. But I want you to rate Sandra's parenting
12 skills of Evan again on a scale of 1 to 10; 1 being
13 the weakest, 10 being the greatest, and then provide
14 some examples that support your conclusion.

15 MS. WILSON: Objection. Vague.

16 THE WITNESS: Again, I think it would
17 fall below a 5. She has -- history will -- again,
18 it's patterns that have developed here that are
19 leading into -- with Evan. Not providing a solid
20 home for Evan. Not providing a solid stability for
21 Evan. Not enrolling him in extracurricular
22 activities. It took seven years to enroll him in
23 baseball, six years to get him baptized.

24 And Sandra will procrastinate until I not
25 challenge her, but in a way almost challenge her.

1 Well, if you're not going to baptize him, I'll
2 baptize him in New York, and quickly she baptizes
3 him. Why is it taking you so long? In my opinion,
4 her kids are not her priority.

5 To put them in a car after school and run
6 around and do errands. Do your errands during the
7 day if you're not working so when your kids are done
8 with school, you're rushing them to baseball
9 practice, hockey, whatever, instruments, religion
10 class. They need that social development and that
11 social interaction, not in a car running errands to
12 Wal-Mart, manicures and pedicures, grocery shopping.
13 Do all that on your time, don't do that on the
14 children's time.

15 I taught Evan how to swim. Each time
16 Evan would come to New York, I would put him in
17 swimming lessons, and then in the summertime, I
18 would have him in hockey camps all summer all day
19 long. We get home at 6:00, I'm in the pool for two
20 hours teaching my son to swim. Why, because he
21 lives in an environment like Las Vegas where it's
22 warm and there's pools around and God forbid my son
23 doesn't know how to swim and there's an accident.
24 I'm in New York, he's here.

25 He learned how to ride a bike.

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1 Definitely wasn't Sandra, it was me. Simple thing
2 as tying your shoes. Being a good parent or a
3 committed parent takes a lot of work. You put them
4 before you, and that's -- and we're not talking
5 about me, but that's what I am to my child.
6 I have not missed one time share in all
7 of this time. I have not sacrificed any time. If
8 it was ten days, I did ten days. Sandra has
9 sacrificed time for me to take for her own specific
10 needs. I quit my career for my child. I
11 technically could still be playing pro hockey
12 somewhere in Europe if I chose to. As soon as I was
13 introduced to my child, it's time for me to put my
14 son above me now. I'm done.
15 **BY MR. ROY:**
16 Q. Okay. Thank you.
17 Earlier I mentioned this idea of moral
18 turpitude.
19 A. Right.
20 Q. Are you ready to go back to that?
21 A. Yeah, I think that, you know --
22 Q. Okay. Let me ask the question real
23 quick, Chris, to make sure we're on the same page.
24 A. Sure.
25 Q. I want to talk to you about Sandra's

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1 moral integrity, if you will, moral makeup, whatever
2 you want to call it.
3 How would you describe Sandra in those
4 regards?
5 **MS. WILSON:** Objection. Vague.
6 **THE WITNESS:** The definition of moral --
7 say the word again.
8 **BY MR. ROY:**
9 Q. The definition of moral turpitude, just
10 the ability for her to -- or her moral principles,
11 her moral integrity, what is her likelihood -- or
12 does she have good values or poor values and does
13 she act on those values?
14 **MS. WILSON:** Objection. Vague.
15 Compound.
16 **THE WITNESS:** I think previous questions
17 that were asked, I think that could answer that.
18 My -- to my understanding, moral -- I can't
19 pronounce it.
20 **BY MR. ROY:**
21 Q. Turpitude. You don't have to use that
22 word.
23 A. I think falsely lying or doing something
24 along those lines. As explained before, she's made
25 numerous false allegations towards me and my family

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1 and all have been unfounded. And I find it a
2 little -- and I don't know if this falls in the line
3 of this, a little suspicious she doesn't do banking.
4 She makes cash money and doesn't reveal -- I think
5 these are all things that fall in line with that on
6 a -- on that level. I don't know if that completes.
7 Q. No, that's good. And then I want to ask
8 you again on a scale of 1 to 10; 1 being the least,
9 10 being the most moral, where would you rate Sandra
10 on that scale? What number would you give her?
11 **MS. WILSON:** Objection. Vague.
12 **THE WITNESS:** Again, I want to make it
13 clear I don't -- me personally don't want to spend
14 the whole session --
15 **BY MR. ROY:**
16 Q. We got a lot of time.
17 A. -- putting Sandra in this light because
18 my focus is Evan and what is the best interest of
19 Evan and his life and his development and his growth
20 and his opportunities and his stability in his life.
21 And I'm --
22 Q. Just to stop you there, Chris. We know
23 that, the reason I'm asking you this question is
24 just exactly that. We need to know -- if the mother
25 of a child lacks morals that is typically going to

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1 instill a lack of morals in the child. So this is a
2 relevant question for the best interest of Evan,
3 that's why I asked it.
4 A. I understand.
5 **MS. WILSON:** Objection. Relevance.
6 **BY MR. ROY:**
7 Q. I want you to give me a rating of how you
8 perceive Sandra's morals on a scale of 1 to 10, with
9 1 being the worst and 10 being the best.
10 **MS. WILSON:** Objection. Relevance and
11 vague.
12 **THE WITNESS:** I think it's going to fall
13 under 5 again.
14 **BY MR. ROY:**
15 Q. Is there a specific number under 5?
16 **MS. WILSON:** Same objections.
17 **THE WITNESS:** Four.
18 **BY MR. ROY:**
19 Q. Okay.
20 A. That's just an estimate.
21 Q. Okay. Now, there's been some mention, at
22 least I think you mentioned maybe Sandra was doing
23 some partying or she was away when she could have
24 been with Evan.
25 Can you tell me a little bit more about

1 her lifestyle, Sandra's lifestyle?

2 **A. Okay. Are you -- do you want me dating**
3 **back or do you want me to just focus on the present**
4 **because --**

5 **Q. I would say let's narrow it down to the**
6 **past three or four years in your perception.**

7 **MS. WILSON: Objection. Relevance. Same**
8 **McMonigle and Castle objection.**

9 **THE WITNESS: Last three or four years.**

10 **BY MR. ROY:**

11 **Q. H'm-h'm.**

12 **A. Very limited work ethic, not committed to**
13 **a solid career, job. Again, no heavy involvement**
14 **with the children's extracurricular activities**
15 **whether it's sports, educational, play dates, social**
16 **development. It's pretty consistent from what I**
17 **have mentioned.**

18 **MR. ROY: Okay. Do you guys need a**
19 **break?**

20 **MS. WILSON: It's up to you. How long**
21 **have we been going?**

22 **MR. ROY: What time is it?**

23 **MS. WILSON: It's been an hour.**

24 **MR. ROY: Want to do five minutes real**
25 **quick?**

1 **THE WITNESS: Sure.**

2 (A recess was taken.)

3 **BY MR. ROY:**

4 **Q. Let's talk a little bit about this word**
5 **coparenting. You've heard that term probably?**

6 **A. Yes.**

7 **Q. Okay. So I think it's pretty**
8 **self-explanatory to both of us what that word means.**
9 **If it's not, let me know so we can define it. But**
10 **otherwise, I want you to talk to me a little bit**
11 **about Sandra's ability to coparent with the father**
12 **of her other children, and then we can get to you**
13 **specifically.**

14 **MS. WILSON: Objection. Vague.**
15 **Relevance.**

16 **THE WITNESS: Well, I think the ability**
17 **to coparent with Desmond's father is pretty simple.**
18 **He's not around. He's not in the picture. So she**
19 **hasn't had the -- or she hasn't had to coparent,**
20 **make decisions with Desmond's father.**

21 **With Kayla's father, just from my**
22 **experience when I was with her, I think that**
23 **Sandra's pretty much had full control, and I don't**
24 **know the reasons why, whether he just didn't have an**
25 **active interest or -- in Kayla, but there was --**

1 there seemed to be no coparenting between the two.
2 Sandra had full control.

3 **BY MR. ROY:**

4 **Q. Tell me more about that.**

5 **A. Just full control of all decision making**
6 **from what I recall. If Kayla was -- for example,**
7 **when we reconciled our differences and Sandra took**
8 **the kids, all three kids to New York to reside in**
9 **New York and make a relocation, there didn't seem to**
10 **be any holdup with the father or she just we're**
11 **leaving.**

12 **Q. Okay. So given that, is that a**
13 **reflection -- just so I know, are you -- are these**
14 **examples an example of Sandra's lack of coparenting**
15 **or examples of the other fathers' lack of activity**
16 **or action?**

17 **A. I don't know the deal that they worked**
18 **out to get to that point. Give me full -- I don't**
19 **even know their custody arrangement. Give me full**
20 **custody and you don't have to pay child -- I don't**
21 **know what their arrangement is.**

22 **Q. Okay.**

23 **A. We're talking on a coparent level?**

24 **Q. Yeah.**

25 **A. It seems like there's no coparenting the**

1 way Sandra is, I guess, forced to coparent in this
2 particular situation. I find it very odd the
3 coparenting or lack of with especially Kayla's
4 father that lives here locally. I don't know their
5 relationship or their agreement or the deal that
6 they have in place where Sandra seems to be full --
7 in full control of that.

8 **Q. On that note, let's be more -- I want to**
9 **be more specific with my question now regarding**
10 **coparenting. I want to talk to you a little more**
11 **about her ability -- and if you don't know, just**
12 **tell me you don't know. But her ability to**
13 **communicate with the other fathers, does she keep**
14 **them informed, does she facilitate contact between**
15 **the child and the father? Talk a little bit about**
16 **that, if you will.**

17 **A. I don't know.**

18 **MS. WILSON: Objection. Vague.**
19 **Relevance.**

20 **Go ahead.**

21 **THE WITNESS: I can just go on examples.**
22 **I mean, I've been in and around Sandra and all of**
23 **the children for several years now, and I never met**
24 **Desmond's father. I recall one time when Evan --**
25 **excuse me, Desmond was in New York that Desmond got**

1 a surprise phone call from his father, that was the
2 first time I ever saw him communicate with his
3 father. And Desmond was emotionless and was
4 shocked, and the phone call lasted for like two
5 minutes and it was over.
6 I have met Kayla's father on a few
7 different occasions. He seems like a hardworking
8 gentleman, career driven. And he was cordial to me,
9 I was cordial to him. When I would drop Kayla off,
10 he would be there. "How are you, Sam?" And this
11 was before Evan was in the picture, and I maybe met
12 him or saw him five, six different occasions but
13 just dropping Kayla off for Saturday time share,
14 returning on Sunday with -- back to Sandra.
15 **BY MR. ROY:**
16 Q. So you've had -- do you remember that
17 father's name by chance?
18 A. Sam.
19 Q. Sam. Okay.
20 A. Kayla's father?
21 Q. Yes.
22 A. Is Sam and then Desmond's father is
23 Byron.
24 Q. Okay. So you told me you've had
25 conversations with Sam?

1 A. No, just some interactions. Not
2 conversations, just interaction.
3 Q. Okay. Based on those interactions, were
4 you able to develop some type of understanding as to
5 what Sam's perception of Sandra is with regard to
6 coparenting, facilitating contact, et cetera?
7 **MS. WILSON:** Objection. Relevance.
8 **THE WITNESS:** Just through Sandra's
9 frustration, I think, you know, she became
10 increasingly frustrated when -- from my
11 understanding, I don't know, but he does very well
12 financially. He's, I don't know, some bigwig at
13 Nissan. I think in Anthem. He's like the general
14 manager or has part ownership, so he does very well.
15 And I think that frustrated Sandra to see
16 that her ex-fiance is doing extremely well
17 financially. He got involved in a relationship,
18 that bothered her as well, and he just moved on and
19 has, I guess, a small role as a father to Kayla.
20 From there, I --
21 **BY MR. ROY:**
22 Q. But you don't know if that has anything
23 to do with Sandra's actions or not, is that what
24 you're telling me?
25 A. I truly don't.

1 Q. Okay. That's fine. Okay. We're about
2 to leave the section regarding Sandra. Is there
3 anything else you want to add before I move on?
4 Otherwise, I'm not likely to come back to this
5 section. If you want to think about it, you can.
6 A. I mean, I think the one thing I would
7 like to involve in the part of Sandra, I think along
8 with Sandra because her family is with her, the
9 mother, the father, sister, brother-in-law. Just
10 because you're in the same household doesn't mean
11 you're active with the children, you're just
12 present. I can tell you Sandra comes as a package
13 deal with her mother, father, and other kids.
14 Desmond has no interest in a seven-year
15 old kid. He's at that age where he's out and about,
16 he's dating a girl. He's at that age.
17 Kayla is a 13-year-old girl that is not
18 interested in a seven-year-old boy. She's at that
19 age where boys are becoming interesting and, you
20 know, she's a teenager. The mother and father are,
21 I think, collecting social security and enjoying
22 their retirement, they don't want to raise kids
23 anymore. They're just present.
24 My family, on the other hand, I come with
25 a package deal, too, where my brother on his own

1 dime when I'm out here doing my time share, he's
2 right with me. He is very active in Evan's life,
3 volunteering at his school, on the ice, volunteering
4 with Evan's ice hockey, soccer, baseball, everything
5 that he's involved in.
6 My brother Peter is here. And my sister,
7 Evan's aunt, and my brother-in-law, heavily, heavily
8 involved in Evan's life, development. My mother, my
9 father, very, very active in Evan's development in
10 life. They're not just present, they're actively
11 involved. I've taken my son in the last -- seven
12 years old, three times to Disneyland, World. What's
13 the one in Orlando.
14 Q. World.
15 A. Disney World. Unfortunately, Desmond and
16 Kayla's never been there once. But that's just fun
17 experiences like that that they've been able to
18 facilitate for Evan and be with Evan.
19 Cousins, been Upstate New York
20 snowmobiling, just very, very active family but
21 hands-on. Not just present.
22 So kind of the final thing that I would
23 like to add is, you know, the families that are not
24 in competition, just different.
25 Q. Anything else before I move on?

1 A. No.
2 Q. Okay. Let's talk about -- now I want to
3 move on to talk about yourself, and I'm going --
4 we're going to later go on and talk about Sandra and
5 the positive qualities with her.
6 Would you prefer to start with the good
7 or the bad, it's up to you or it doesn't matter?
8 A. You ask the questions how you see fit,
9 please.
10 Q. Okay. I want you to tell me all of
11 your -- first of all, I want you to rate yourself as
12 a parent for me. And this is, again, on a scale of
13 1 to 10; 1 being the worst, ten being the best.
14 MS. WILSON: Objection. Vague.
15 THE WITNESS: This is putting me in an
16 uncomfortable situation because I don't want to come
17 across as arrogant.
18 BY MR. ROY:
19 Q. You have to understand, this is -- these
20 are facts that are necessary for a custody
21 determination, so you have to go --
22 A. I'm just not an arrogant person, so I
23 will answer it.
24 I truly believe that I'm a 10. I have
25 not missed a time share with my child ever. As you

1 seen my financial disclosure forms, the majority of
2 my resources go to facilitating my time share with
3 my child -- travel, rental cars, hotels,
4 extracurricular activities. I spend 6500 a month to
5 maintain a strong bond relationship with my child.
6 I am available. I wake up with my child.
7 I go to bed with my child. All day long I am with
8 him in every aspect whether it's play dates,
9 swimming in the pool, I am -- I have extensive
10 videos, pictures of me being with my child and
11 spending quality time with my child.
12 So I work very hard as a father and being
13 a responsible parent. From my understanding from
14 comments with people around me that they have never
15 seen commitment, dedication and the job that I do
16 for my child. I'm just very committed to my child
17 and his development and his growth and his
18 opportunities in life.
19 Q. Okay. Now I want to talk to you about
20 the topic of coparenting which we spoke about a
21 little bit earlier.
22 How do you -- how would you describe your
23 ability to coparent with Sandra regarding Evan?
24 A. I think early on I think we both had our
25 challenges with coparenting, and that was the reason

1 why we had a parent coordinator involved to help us
2 learn the ropes and learn the process. As Sandra
3 mentioned, we were required to take a parenting
4 course that I learned a lot from. It took me a
5 little longer than I hoped to complete the course,
6 but I did and I learned a lot through that process.
7 But it's an ongoing learning process, and
8 this is my first time around involved in this. This
9 is my first child. I've learned a lot. I've grown
10 a lot. I will not claim to be perfect, but I am the
11 type of person and parent that will continue to grow
12 and learn and do a better job. I'm certainly open
13 and not close-minded to that.
14 Q. And how would you -- would you say that
15 you coparent well at this point or do you feel like
16 you lack coparenting skills?
17 A. I think I coparent very well at this
18 point, yes.
19 Q. Okay. Now let's move on to -- this is
20 somewhat related to coparenting, but specifically I
21 want to talk about facilitating visitation or
22 contact between Evan and Sandra. So specifically
23 what I'm asking is, do you feel like you facilitate
24 a relationship between Evan and Sandra or do you
25 feel like you inhibit or obstruct the relationship

1 between Evan and Sandra?
2 A. Okay. Can I understand this correctly.
3 When Evan is on my time share, do I facilitate a
4 relationship with Sandra, do you mean through phone
5 calls and Skype conversations or Face Time
6 conversations?
7 Q. H'm-h'm.
8 A. Is that the narrowed down question? Or
9 is it do I inform Sandra on Evan's whereabouts, his
10 flight schedules, his location, his emergency
11 contacts, all of the above?
12 Q. No. Thank you for specifying. I want to
13 start with just facilitating which is exactly that,
14 Skype, making sure the child is available, telling
15 the child, you know, to enjoy being with his mom, et
16 cetera.
17 And then after that, we can talk about
18 communication, which I'm glad you brought it to my
19 attention. So let's go over them one at a time,
20 that's a better question.
21 A. Through our parenting plan, we have three
22 days a week that are specific Face Time
23 conversations. If the Internet connection is not
24 great, it's just a phone call. Monday, Thursday,
25 Saturday at 8:30 p.m. is the time that's given in

1 the -- and there are times where because of her
2 schedule, my schedule, me being -- time change, me
3 being in New York that things get changed slightly.
4 May have to call for another day.

5 There have been times where Sandra's been
6 very open-minded and there's been times when she was
7 very strict and very close-minded towards that's
8 your time, don't deviate, that's it. And I would
9 have to deal with that strict line in the sand that
10 she would put. So yes, I -- I am very -- what's the
11 word? I'm very responsible in the sense where Evan
12 has to facilitate communication with Sandra.

13 Now, I will say that there are many times
14 where Evan, he may want to be on the phone for a
15 long period of time and there are times where he
16 just doesn't want to be on the phone. And even when
17 the roles are reversed and I'm calling him, "Daddy,
18 can I go now," after a minute. "My cousin's here, I
19 want to go play."

20 "Okay. I love you. I just want to tell
21 you I love you. See you later."

22 I don't push the issue. I don't question
23 him. I don't interrogate him. Just how are you, I
24 love you, miss you, can't wait to see you soon,
25 that's it. So I facilitate the time.

1 But my personal attitude is, and I've
2 said this and expressed this to Sandra, your child
3 should have 24 hours a day, seven days a week access
4 to his mother. Call anytime you want. You're his
5 mother. She doesn't agree with that. That's just
6 my honest opinion. Why should a child be restricted
7 from their parents? You have full access. She
8 doesn't seem to agree with that.

9 Q. Would you say on balance that you
10 facilitate a relationship between Evan and Sandra or
11 inhibit a relationship between Evan and Sandra?

12 A. I think every child deserves a mother and
13 a father. My intent is not to remove Evan from his
14 mother 100 percent, that is not my intent. A child
15 deserves a mother and a father.

16 Q. Okay.

17 A. One of the first things I've learned --
18 my parents, unfortunately, after 25 years were
19 divorced, has never speak bad about the other parent
20 in front of the child ever, and that's something I
21 hold true to, hang on to.

22 Q. Okay.

23 A. So I do strongly encourage a strong
24 relationship between Sandra and Sandra's side of the
25 family.

1 Q. With Evan?

2 A. Correct.

3 Q. Now let's continue on to the
4 communication aspect of that coparenting equation.
5 How well do you feel like you communicate
6 with Sandra with regard to the best interest of
7 Evan?

8 A. In the sense of when he's traveling with
9 me?

10 Q. H'm-h'm.

11 A. It's my duty to inform Sandra every
12 single month of flight itinerary. When I book
13 Evan's flight, it goes directly to Sandra. Here's
14 Evan's, for example, December time share. He's
15 taken flight to New York and back. Here is the
16 location where he will be, 5400 State Drive. Here's
17 his emergency contact.

18 If he's away for a day or two somewhere
19 else, I will provide that location. Two weekends
20 ago we went to Los Angeles for the weekend and he
21 had a sleepover at a friend's house. The original
22 address was my sister and brother-in-law's house. I
23 informed her to say he's having a sleepover at this
24 particular address.

25 So I have been very organized and

1 structured. There have been times, of course,
2 through out of my control, where flights have been
3 canceled or redirected because of mother nature, and
4 I informed her and been very informative.

5 Q. Okay. So that I understand you
6 correctly, you would say overall you feel like you
7 coparent very well?

8 A. Yes.

9 Q. Okay.

10 A. In that category or just overall?

11 Q. Overall.

12 A. Well, because I did mention in the
13 beginning I think we had our challenges.

14 Q. Right.

15 A. With that particular category as far as
16 informing her, I think consistently I've been very,
17 very good with that. Facilitating times I think
18 I've been very, very good. Although there's been
19 times because of her schedule, my schedule that it
20 hasn't been at the exact days or times. And then
21 the other part of us may -- coparenting seeing eye
22 to eye on certain things.

23 Certain examples, we -- I, I, talking
24 about me, have grown tremendously to this point. So
25 I think in that sense, I'm very good at this point.

1 Q. Okay. I want to now talk about -- I know
2 you played hockey. Hockey is -- I mean, you have
3 your own idea, I assume you'd agree it can be --
4 it's a physical sport. So I want to know about any
5 tendency you might have to be aggressive or to lose
6 your temper.
7 Tell me about that. Do you feel like you
8 have a real cool temper or do you feel like you have
9 a hot temperament? Tell me about that.
10 **MS. WILSON:** Objection. Vague.
11 Compound.
12 You can answer, if you can.
13 **THE WITNESS:** Okay. Are you asking do I
14 have a hot temper, aggressive attitude off the ice
15 or while I'm playing on the ice?
16 **BY MR. ROY:**
17 Q. I don't know. I just segued in with the
18 ice skating, but I'm really referring to off the
19 ice.
20 A. I've never been arrested. When I was in
21 elementary and high school, did I get into a few
22 altercations, but who doesn't. In my adulthood, I
23 don't want any problems with anybody. Do I have
24 outbursts from time to time, disagreements, who
25 doesn't? But there's nothing that stands out that

1 would put me in a category that I am aggressive, I'm
2 violent. I've never been arrested. I've never even
3 been close to being arrested.
4 And if you want to switch to hockey.
5 Hockey is a high-contact fast-pace sport that I was
6 trained my whole life and was able to thankfully
7 make a good career out of it, and that's just the
8 nature of the sport.
9 Q. Okay.
10 A. They have made significant strides to
11 make the sport safer at the NHL level, at the youth
12 hockey level. I'm on the board of USA Hockey --
13 Youth Hockey Development for kids that are Evan's
14 age all the way up to 16 years old. And they
15 prioritize player development, player safety, and
16 player fun. So they do that at the youth level and
17 even at the NHL level.
18 So I'm an NHL level which I'm an NHL
19 alumni member. I'm involved in youth hockey, I'm
20 involved as well to make the sport a safer more
21 aware sport.
22 Q. Would you say overall that you have a
23 cool temperament or you have a short temper?
24 A. I think I have a mild-mannered
25 temperament. I have my moments, yes, but I wouldn't

1 say that consistently I'm hot-tempered loose
2 cannon --
3 Q. Okay. Now I want to -- is there anything
4 else you want to say in that section before I move
5 on?
6 A. Unless you have any other, like, direct
7 questions.
8 Q. Generally why -- generally, do you think
9 that you are a better parent than Sandra or a worse
10 parent than Sandra?
11 **MS. WILSON:** Objection. Vague.
12 **BY MR. ROY:**
13 Q. For Evan.
14 **MS. WILSON:** Same objection.
15 **THE WITNESS:** It's my belief that I'm a
16 more committed, dedicated parent to Evan on many
17 levels.
18 **BY MR. ROY:**
19 Q. Say that again, I'm sorry.
20 A. I think I'm a more committed, dedicated
21 parent towards Evan on many -- on several levels.
22 Q. Tell me why.
23 A. I am active with him, I am present with
24 him, extracurricular activities, play dates. I have
25 taught him how to play hockey, soccer, baseball,

1 basketball, swimming, riding a bike, tying your
2 shoes. Simple things at a dinner table, cut your
3 steak, use your --
4 In the summer months when he's not
5 attending school, I have a stack of curriculum that
6 I give him to write stories. After you write your
7 stories, draw a picture of what you just drew of
8 your experiences. Addition and subtraction, I time
9 him. Do your -- so on that level. Reading books,
10 educating him through life.
11 Disciplining him in a sense where not
12 punishment. If he does something that I don't agree
13 upon, I'm not a big fan of punishing him. I give
14 him an opportunity to problem-solve and fix it and
15 then come back, and 99 percent of the time, he
16 resolves it on his own.
17 So I am just very, very active in his
18 life. Very available from morning to night. I wake
19 him up in the morning, I put him to bed every night.
20 There's very limited time that I spend away from
21 him, and it's very, very rare.
22 Q. So that I understand you correctly, your
23 opinion is that you are a better parent than Sandra?
24 A. If you would like to use better as
25 opposed to committed, dedicated, I guess, yeah, you

1 could use better.

2 Q. Is there anything else that you would
3 like to say on that subject before I move on to talk
4 about Evan?

5 A. No.

6 Q. Okay. So I want to talk to you a little
7 bit about Evan's choice. Who do you think --
8 sometimes the Court, you know, if they deem the
9 child intelligent or old enough, they'll give
10 discretion to the children as to where they want to
11 live and why. Sometimes the judges will say they're
12 too young, sometimes they're old enough. It's up to
13 the judge for the most part. So that is a criteria
14 that the judge takes into consideration.

15 Given that, who do you believe Evan would
16 want to live with?

17 MS. WILSON: Objection. Calls for a
18 legal conclusion. Relevance. Misstates the law.

19 Go ahead and answer.

20 THE WITNESS: Evan has expressed on
21 numerous occasions that he would like to be in New
22 York with daddy and his family and his friends in
23 New York.

24 Does that answer your question? What
25 else would you be looking for with that question?

1 BY MR. ROY:

2 Q. That's what --

3 A. I can tell you his schedule is very fun,
4 very full, very active. From going to the hockey
5 rink being on the ice with his best friends, then
6 after getting off the ice playing at Twin Rinks all
7 day long, and then going to a movie and then coming
8 back to Twin Rinks, playing more, having sleepovers,
9 then going to dinner together with his best friends,
10 going to lunch together, going to the beach
11 together. It is constant, constant with very little
12 almost downtime.

13 Going to a New York Rangers game. Going
14 to a New York Yankee game. Going to a New York Mets
15 game, being active in those -- during the holidays
16 going into New York City and enjoying those
17 experiences in New York City.

18 My dad has a nice beautiful home at the
19 end of Long Island where Evan's at the beach
20 kayaking, Mopedding, but we do this all as a family
21 and his friends. At times he gets very emotional
22 when he has to go back.

23 Q. Okay.

24 A. Go back to Las Vegas.

25 Q. And why -- okay. Just so I'm

1 understanding you correctly, is it the fact that
2 he -- Evan is participating in all these activities
3 and examples that you just mentioned that -- is that
4 the reason why he wants to be with you in New York
5 or is there a different reason? I just want to make
6 sure I'm understanding correctly.

7 A. I think that it's a big part of it, but
8 him and I have a tremendous, tremendous amazing
9 relationship, a father-son relationship that is the
10 bond -- the bond is -- I have not come across a
11 stronger bond in my life.

12 Q. Tell me about that.

13 A. You want me to get emotional again?

14 Q. H'm-h'm.

15 A. Because I will.

16 Q. Okay.

17 A. Give me a minute.

18 Q. Take your time.

19 MR. ROY: Going to the restroom.

20 (Off the record.)

21 THE WITNESS: So we're at the bond with
22 my child and my relationship with my child. You may
23 not -- you may or may not know the history of I was
24 lucky enough to play 16 years professional hockey.
25 Played for the U.S. Olympic team in 1994. Got a

1 full scholarship at University of Maine and won a
2 national championship there. As soon as I put my
3 hands on my child, I gave that up. And it was the
4 best decision I ever made in my life. I don't
5 regret it. I don't care about it. It was like
6 everything else was a blur. This is my life now.
7 So you get my point.

8 BY MR. ROY:

9 Q. H'm-h'm.

10 A. I just don't want my son to end up like
11 Desmond, not graduating high school, being in the
12 situation running away from home. And he will never
13 get there because I won't let it.

14 My parents, although they're divorced,
15 were the most amazing. They created every
16 opportunity for me to live my dream out. I'm not a
17 player or retired athlete that didn't fulfill my
18 dream. I don't even play. I don't play in any
19 adult leagues or anything like that. I'm done.

20 I coach and teach and pass along my
21 knowledge to young people to better their lives.
22 It's what I do. As I'm bettering every other kid's
23 life when I'm in New York, I don't have my child
24 with me. It hurts.

25 Q. Now, we've talked a little bit about

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1 Evan's preference for you over Sandra. I want you
2 to tell me a little bit about why Evan doesn't -- if
3 Evan doesn't, why Evan doesn't want to spend time
4 with Sandra.
5 A. I didn't say that.
6 Q. Okay.
7 A. I didn't put it in that frame. My son
8 has an amazing heart. He is -- he has such a polite
9 heart, and he doesn't want -- there's things you
10 know and there's things you don't know. And he has
11 an amazing, warm, beautiful heart. And he doesn't
12 want to hurt anybody.
13 Q. Okay.
14 A. That's just his nature. So as mentioned,
15 I am not in this to remove Evan from his mother and
16 take him away from his mother. He deserves his
17 mother and he deserves his father.
18 Q. Okay. So then just so I understand you
19 correctly, you believe Evan wants to have a strong
20 relationship with his mother?
21 A. Yes. I believe he loves his mother. I
22 don't know much about their relationship, but I
23 believe he loves his mother. When he's with me, he
24 does not speak of her often.
25 Q. Has he ever said anything negatively

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1 about his mother?
2 MS. WILSON: Objection. Hearsay.
3 THE WITNESS: There are comments from
4 time to time that just -- I don't really take too
5 serious such as, you know, "My mom don't want me
6 playing hockey." And I do want to make it very
7 clear that I'm not training my son to play hockey.
8 I want him to be a financial adviser, a lawyer,
9 doctor or whatever he wants to do. But being
10 involved in sports teaches you life skills. And if
11 he takes a liking to hockey, then go for it. Play
12 badminton for all I care.
13 You know, there are just times that he's
14 a little frustrated with certain things that Sandra
15 tries to deny. Are there specifically examples that
16 I can give you right now? I just -- I can't give
17 you right now.
18 BY MR. ROY:
19 Q. Has Evan, to your knowledge, ever called
20 his mother like a bad name or anything like that?
21 A. No.
22 Q. Okay. Has he ever said -- has Evan
23 ever --
24 A. That I can recall.
25 Q. Has Evan ever said that he hates his

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1 mother or anything to that effect?
2 A. Yes.
3 Q. Tell me about that.
4 A. Evan still has to go back to his mother
5 through this process, so, you know, I'm not overly
6 comfortable, but I'll give you one or two things
7 because I don't want him to be in the middle of any
8 of this.
9 It concerns me when, you know, just the
10 other day Evan says to myself and my twin brother,
11 "I wish Ma-ma," who is my mother, "was my mommy."
12 Again, I don't pry into what are you talking about
13 because I don't want to make it obvious, and I don't
14 want to play into it.
15 I can tell you early on in the
16 relationship when Evan was younger he has grown and
17 has understood the unfortunate situation. It was
18 excruciating when I would return him back, the
19 yelling, the screaming, the -- it sounded like a kid
20 was getting tortured if you were to just take a tape
21 recorder and listen to just the pain that he had to
22 go back to his mother. Sitting in the car, I'm
23 driving him back he would notice where we were and
24 it was excruciating.
25 Q. Why do you think that was?

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1 MS. WILSON: Objection. Calls for
2 speculation.
3 THE WITNESS: Everything is consistent.
4 I'm hands on with my child, I'm there. I don't
5 leave him, you know, with other people and on a
6 couch to play an iPad, fend for yourself. I'm
7 active with him. I mean, when my ten days are over,
8 I am exhausted because it's all for him, but that's
9 what committed parents do for their children. They
10 exhaust themselves. They put themselves behind
11 their children's best interest. I live in a culture
12 in New York where parents dress in T-shirts and
13 jeans and they're taking this kid here, picking up
14 that kid, that's what parents do for their children.
15 BY MR. ROY:
16 Q. Now, you mentioned your mother, who's
17 Evan's grandmother, and Evan said something to the
18 effect of "I wish Ma-ma, you were my mother,"
19 something like that, is that correct? If I
20 misstated, please let me know.
21 A. Yes. Evan said, "I wish that Ma-ma was
22 my mommy." And this is not the first time he has
23 said something along the lines. He has said that to
24 my sister, "I wish Michelle was my mommy."
25 Q. Any other times?

1 A. This was, I don't know, I can't even
2 remember, three, four years ago when I was in a
3 relationship with a girl he said the same thing, "I
4 wish she was my mommy."
5 Q. Why do you think Evan is saying that?
6 MS. WILSON: Objection. Calls for
7 speculation.
8 THE WITNESS: Because there's obviously
9 something missing. There's not -- he's not being
10 fulfilled, same way Desmond wasn't fulfilled. This
11 kid has gone on a rampage. And me and him are
12 buddies, not now because we don't communicate
13 because we're not allowed to, but when we're
14 together, we're best of friends. My brother Peter
15 are best of friends with Desmond.
16 We love this kid. We love Kayla, but
17 unfortunately they are so empty inside, and that's
18 why I'm emotional here today. Because when Sandra
19 and I took the lead role a few years ago to say
20 "Sandra, we have to stop this. These kids need
21 better structure. Come to New York, I'll buy you a
22 house, I'll help you with your expenses. Your son
23 ran away from home." I got Desmond back to his
24 mother. Desmond loves me and respects me. I helped
25 that situation.

1 I said, "Sandra, let me put him through
2 community college. I will pay \$10,000 to put him
3 through Nassau Community College. He can work at
4 Twin Rinks for me in his off time. I will help not
5 only Evan, all of the kids.
6 "Let me help and play a major -- you and
7 I don't have to be in a relationship, we've already
8 established that. You go your way, get a part-time
9 job. I'll get you a house, pay your expenses. I'll
10 do all of these things. Life can't get any worse
11 for you. You're living in a foreclosed home with
12 your family and you don't have a stable job. Go get
13 a job in New York City.
14 "I know you love the city life. Go get
15 it. I'll buy you a house. You don't have to see
16 me, I don't have to see you. I'll do my thing and
17 you do your thing, I'll help out with the kids."
18 "No."
19 "Okay."
20 BY MR. ROY:
21 Q. Okay.
22 A. Unfortunately, Kayla she's unfortunately,
23 she's very, very disturbed young girl,
24 unfortunately. She has a lot of emotional
25 self-esteem problems. She really does and it's sad.

1 Very, very sad.
2 Desmond is a tall handsome kid. "Sandra,
3 let me bring him into New York City and do some
4 modeling. This kid has opportunity."
5 "No."
6 "Why not?"
7 "He's my child."
8 "I understand that. I'm not trying to
9 adopt him. I see this young boy that could use some
10 confidence in his life. I will drive him into New
11 York City and get him into these modeling agencies."
12 Q. I want to talk to you a little bit about
13 Sandra's family, specifically I'm referring to her
14 parents most importantly.
15 Can you -- what are your feelings
16 generally towards Sandra's family?
17 MS. WILSON: Objection. Relevance.
18 THE WITNESS: When you say "family," are
19 you referring to mother, father, sister,
20 brother-in-law?
21 BY MR. ROY:
22 Q. Yes.
23 A. Uncle?
24 Q. Yes.
25 A. A little background is that what you're

1 looking for with a sense of that?
2 Q. Yeah. Why don't we start with the
3 parents first. Why don't you give me a general
4 opinion.
5 A. As far as I know from the father, he was
6 in the horse racing industry in Chicago. He was
7 banned from drugging the horses, and they relocated
8 to Las Vegas. They've been together 35 years, but
9 it's not a happy 35 years. So Sandra has always
10 expressed they're together, they're married, they're
11 not divorced. It's not a happy marriage.
12 Sandra's father is a very, very hotheaded
13 individual. Holds on to a lot of anger because he
14 was banned in something he was passionate about.
15 Sandra's mother is extremely controlling with Sandra
16 and Sandra's sister. They don't work. They gamble.
17 They're excessive gamblers.
18 Sandra's sister is very hotheaded. Her
19 husband is a convicted felon. And between Sandra
20 and her sister, they have I think it's about five or
21 six total kids from different men.
22 Sandra is on and off with her sister.
23 They're friends, then they hate each other. They
24 don't speak to each other. Sandra's called her the
25 C-word on many occasions. Doesn't care if she has

1 that relationship. They're in and out.
2 The uncle, same thing, they're not hard
3 workers. They live off of state aid and they're not
4 real career-oriented type of background people.
5 Q. Okay. Now move on to a different
6 subject, and that would be that of an ideal custody
7 schedule. What I mean by that is if it was your
8 decision, if you're the judge, based on the best
9 interest of Evan, how much contact would he have
10 with you and how much contact would he have with
11 Sandra?
12 A. I mean, I think the motion that we filed
13 has a time share schedule that was proposed that
14 would make me the primary physical custodian in New
15 York with Sandra having vacations and extended
16 weekends and a significant amount in the summertimes
17 with Evan. With that in place would give,
18 obviously, Sandra and Evan an opportunity to
19 maintain a strong relationship. I would be
20 responsible and happy to help with travel expenses
21 with Sandra's travel to and from New York to
22 exercise her time share.
23 Q. And that schedule, I apologize, I don't
24 have it in front of me. You're not going to be held
25 to this or anything, but can you give me a general

1 idea.
2 A. It's like holidays. For example, when
3 Evan is out of school and he's able to break away
4 from New York to spend a week here during, I don't
5 know, Christmas, spring break, that type of -- those
6 type of opportunities. In the summer if there's
7 nine weeks, I think I proposed six weeks with
8 Sandra, three with me. Although I would like it to
9 be five and four if it's possible, but something
10 along those lines.
11 If there's a four-day weekend, I don't
12 know, like Thanksgiving or a Martin Luther King, if
13 there was a four-day weekend, three-day weekend, we
14 would figure that out where Evan is not spending six
15 months away from his mother. He would see her on a
16 fairly consistent level throughout the year.
17 Q. Okay.
18 A. I feel that the schedule is very fair and
19 very reasonable if Evan were able to be relocated to
20 New York.
21 Q. Now I want to talk to you about a
22 different topic, and that is of that of -- sometimes
23 in these cases obviously things get heated. One
24 parent will speak illy of the other, it's pretty
25 common.

1 Has there been times when Sandra has
2 spoken illy of you to other people?
3 MS. WILSON: Objection. Vague.
4 BY MR. ROY:
5 Q. By illy I mean disparagingly.
6 MS. WILSON: Objection. Relevance.
7 Objection. Vague. Calls for hearsay. Speculation.
8 Go ahead.
9 THE WITNESS: I'm sure. I'm sure. You
10 know, just talking in general, I'm sure that she has
11 talked -- I'm not sure, I know she has talked bad
12 about me and my family. But that's not my focus.
13 Call me what you want. Say what you want about me,
14 I know who I am. I'm not trying to prove anything
15 to anybody. I just want to be the best committed
16 father I possibly can for my child. It doesn't
17 bother me.
18 Obviously did Sandra and I have our
19 challenges in our relationship? Yes, we did. We
20 did. And obviously that's why we're no longer
21 together. We're a better fit away from each other,
22 not in a relationship. So yeah, I'm sure she's
23 talked bad about me.
24 BY MR. ROY:
25 Q. Okay. How about yourself, have you ever

1 said anything disparagingly to anyone else about
2 Sandra?
3 MS. WILSON: Objection. Relevance.
4 THE WITNESS: In the whole broad spectrum
5 of when I met Sandra, known her, dated her?
6 BY MR. ROY:
7 Q. How about in the past three or four years
8 since the date of divorce?
9 A. Have I talked bad about her to anybody?
10 Q. H'm-h'm.
11 A. I really don't speak of her much. Have I
12 made some comments with respect to -- you know, it's
13 not about just directed towards her, it obviously
14 would involve Evan in the picture of, well, for
15 example, why wouldn't Sandra agree to have Evan
16 attend a private school if I'm paying the bill from
17 3,000 miles away because it's the best schooling,
18 educational opportunity, why wouldn't Sandra agree
19 with that? I don't understand that, that makes no
20 sense.
21 That's just another classic example of
22 her holding her kids back from their potential. If
23 I have the ability to participate in giving the best
24 opportunity for our child, I don't understand why
25 she wouldn't agree to that.

1 Q. Okay.
2 A. But I will say, obviously, you know, she
3 has family around her. I have family around me.
4 This is -- people know. They're not oblivious to
5 what's going on, so people ask questions. But it's
6 not like I wake up in the morning and say, hey,
7 topic of my day is to talk about Sandra.
8 Q. Okay. So that I understand, you have
9 spoken to other people disparagingly about Sandra or
10 you have not?
11 MS. WILSON: Objection. Relevance.
12 Vague.
13 THE WITNESS: In what capacity because
14 that is very broad. I can't give you an example of,
15 you know, how I specifically would berate her or put
16 her down. It's not a focus of mine. We're not in a
17 relationship. I don't -- I don't -- you know, other
18 than her being Evan's mother and me having, you
19 know, to coparent and -- she's not a focus of mine,
20 so I focus on what is important in my life. My
21 family, my career, and my child. And I've put all
22 that behind me.
23 There was a time where we put each other
24 down and disagreed and had our differences, but
25 that's behind us. Does Sandra talk about me? I

1 don't know. I'm sure she does, but I don't know.
2 BY MR. ROY:
3 Q. But your testimony is that you do not
4 speak disparagingly about Sandra to others?
5 MS. WILSON: Objection. Vague.
6 THE WITNESS: I can't recall of comments
7 that I've directly just came out and said. If
8 people ask me certain questions about my situation
9 or our situation, have I had conversations, but it's
10 not just a direct comment. That's not my focus.
11 BY MR. ROY:
12 Q. When you've had these conversations with
13 other people, have those conversations occurred in
14 front of Evan?
15 A. Never ever. Never ever.
16 Q. Have you ever disparaged Sandra in any
17 way in front of Evan?
18 A. No. No, he does not deserve to be in the
19 middle. He does not deserve conflict. He does not
20 deserve to be involved in any of that.
21 Q. Okay. All right. I want to move on to
22 another topic.
23 When Sandra was pregnant with Evan, it's
24 my understanding that the two of you split up.
25 Is that a fair statement?

1 A. Yes.
2 MS. WILSON: Objection. Relevance.
3 McMonigle objection.
4 BY MR. ROY:
5 Q. Will you tell me a little bit about that.
6 MS. WILSON: Same objection.
7 THE WITNESS: Sandra and I were together
8 for, I think, close to a year, and we had a
9 challenging relationship. It was a tough
10 relationship. And to be honest with you, it was
11 predicated on the lifestyle that she wanted to
12 continue to live.
13 BY MR. ROY:
14 Q. Tell me about that.
15 A. I was playing professional hockey here in
16 town with the Las Vegas Wranglers. She felt it was
17 appropriate -- this is before Evan was in the mix,
18 obviously. She felt it was appropriate to sit in
19 Tao Nightclub with nothing on in a bathtub to make a
20 hundred dollars a night. And I begged her to get
21 out of that lifestyle because you don't need to do
22 that. I'm paying your mortgage. I'm paying all
23 your utilities. I'm paying all your bills, for the
24 most part, 90 percent of your bills.
25 I am the father to your children right

1 now. A father figure to your children right now. I
2 get up and get them to school. I spend time with
3 them after hockey practice to get them here, there,
4 and everywhere. I go to their school and help out.
5 You don't have to live this lifestyle. Get out of
6 it.
7 Eff you, you this, you that. Okay,
8 Sandra, you have children at home that need you. So
9 when you get home on a Friday night or Saturday
10 morning, actually, at 6 a.m. and you have two
11 children that are locked in a house, one being 11
12 and one being -- I don't know the age difference,
13 four or five. You have a young boy that's ready to
14 play and he's trapped in the house until three or
15 four in the afternoon because Sandra has to get her
16 sleep in because she was out all night, this is not
17 what's right for these children. It caused a lot of
18 discomfort for the kids, me and Sandra because I
19 didn't agree with what she was doing.
20 "Sandra, spend New Year's with me."
21 "No. I've been working for them for the
22 last five years. They pay me a thousand dollars to
23 be a part of this."
24 "Sandra, you know what? I'll pay you
25 \$2,000 to spend time with your boyfriend and your

1 kids." That was my comment back to her. She
2 proceeded and did the job because she needs that
3 lifestyle.

4 So the relationship was very, very -- it
5 was predicated on the lifestyle and the lack of
6 commitment and dedication that these children were
7 given. So that being said, I was in and out of the
8 relationship with her. We broke up several times,
9 and when it was time for us to really go our
10 separate ways, she said, "Honey, I'm three months
11 pregnant."

12 "Okay. Please do a DNA test to reveal
13 that it's my child. Because based on your history
14 and your threats to me that you're with this guy and
15 you're with that guy, I don't know if it's my
16 child."

17 "Well, it may not be your child anyway."

18 "Do a DNA test to establish that it's my
19 child, please."

20 "Eff you. He won't do it until he's 18
21 years old."

22 "You're not agreeing to do a test, it's
23 not my child. I don't know if it's my child."

24 That's where we broke up.

25 Q. Okay. So then you guys were both in Las

1 A. So she wanted to identify who the father
2 was, and that was her purpose. And right then and
3 there when I was introduced to my child, that's when
4 I said bye hockey career, this is my new life.

5 So unfortunately I missed out on the
6 birth of my own child because she was not willing to
7 do a DNA test to reveal that it was my child.

8 Q. Okay.

9 A. But at the moment I was introduced to my
10 child, I have not missed one time share with my
11 child as we sit here ever.

12 Q. And I'm just trying to get this in my
13 mind. So as far as to and from New York and Las
14 Vegas, just so I understand you correctly, correct
15 me if I'm wrong. My understanding is that she
16 became pregnant, there were some conversation
17 between you and Sandra regarding if it was for sure
18 your child, Mr. Ferraro. She apparently doesn't
19 want to do a DNA test. At that point in time you
20 returned to New York, but then you come back to Las
21 Vegas months later; is that correct?

22 A. August.

23 Q. In August?

24 A. I went home for probably, I don't know,
25 five weeks.

1 Vegas at that point in time?

2 A. No. I actually went to New York for two
3 months for the summer and then came back to Las
4 Vegas.

5 Q. And then when you came back from New
6 York, that's when you guys essentially were having
7 those conversations that you just spoke of?

8 A. Sorry?

9 Q. When you returned from New York to Las
10 Vegas, that's the time period in which you and
11 Sandra were having these types of conversations
12 about her being pregnant and her unwillingness to
13 take the DNA test?

14 A. No.

15 Q. That was before?

16 A. That was before. She would not reveal
17 that it was my child.

18 Q. Okay.

19 A. The only point in time when she wanted to
20 do a DNA test and reveal that was my child was six
21 months after Evan was born.

22 Q. Okay.

23 A. And it wasn't because she wanted to
24 reveal it was my child, she wanted child support.

25 Q. Okay.

1 Q. And then why did you return to Las Vegas?

2 A. Why did I?

3 Q. Yeah. Because it was my understanding
4 you and Sandra, you broke up and that's why you
5 returned to New York or were you guys already broken
6 up?

7 A. No --

8 MS. WILSON: Just interpose -- I just
9 want to have a continuing objection on the record to
10 this line of questioning pursuant to relevance and
11 McMonigle, but I don't want to interrupt your flow
12 of questioning every time.

13 MR. ROY: Thank you.

14 MS. WILSON: Can we agree that's a
15 continuing objection?

16 MR. ROY: Hundred percent.

17 MS. WILSON: Thank you. Go ahead.

18 THE WITNESS: I was playing pro hockey in
19 Las Vegas. When the season ends, players go to
20 their home residence or wherever they choose to live
21 in the off season.

22 BY MR. ROY:

23 Q. Okay. I see.

24 A. That's what I did, then I came back to
25 Las Vegas to play another year for the Las Vegas

1 Wranglers. So that's why I came back to Las Vegas.
2 Q. When did you and Sandra finally call it
3 quits?

4 MS. WILSON: Objection. Vague.

5 THE WITNESS: I don't know, May, June,
6 somewhere in there.

7 BY MR. ROY:

8 Q. Now, was that at the time that Sandra was
9 pregnant with Evan?

10 A. Yeah. Well, she was pregnant, I didn't
11 know it was with Evan.

12 Q. Go it. How far along was she in her
13 pregnancy?

14 A. Three months from what she told me.

15 Q. And at that point in time you guys called
16 it quits. And why did you guys -- tell me if I'm
17 misunderstanding you, but from listening to you,
18 it's my understanding you guys called it quits
19 because you didn't like the way that Sandra was
20 carrying on with her affairs and her -- the way she
21 conducted her lifestyle, essentially.

22 Would that be a fair statement?

23 A. It's a fair statement to say she wasn't
24 the greatest person in a relationship. She wasn't a
25 great mother, committed mother. I don't know too

1 many people that would stay at home with two kids
2 that aren't theirs because Desmond's not my child
3 and Kayla's not my child while she's sitting in a
4 bathtub at Tao and then coming home at six in the
5 morning bragging to me how many hot guys she was
6 hanging out with. I don't know too many men that
7 would put up with that.

8 I hung in there and hung in there as long
9 as I could, and that obviously built frustration
10 levels very high. And then, of course, the children
11 were involved. They were very hostile and bitter
12 because they were trapped in a house, no
13 extracurricular activities because she has to sleep
14 on the weekends and of course be in the nightlife
15 industry on the weekends. So this caused for
16 conflict and confusion everywhere.

17 So more or less I hung in there as long
18 as I possible could and I just -- I couldn't be with
19 it anymore. I couldn't deal with the situation, and
20 I'm not a quitter. But this was a time where I
21 just -- I had nothing left.

22 Q. And when was that time? Would that be in
23 July or August?

24 A. May, June.

25 Q. May or June?

1 A. May or June. I went home for, like,
2 July, a little bit of August and came back for the
3 next season and she was ready to establish a DNA
4 test and do a DNA test, that's when it happened. It
5 was in like March or something. I don't know,
6 February or March that she did the DNA test.

7 Q. Okay.

8 A. Evan was six months old.

9 Q. Okay.

10 MR. ROY: Let's do one more topic and
11 we'll call lunch?

12 MS. WILSON: Yeah.

13 BY MR. ROY:

14 Q. All right. So are you familiar with the
15 concept, they call it parental alienation? You
16 know, just between us I'll say that's defined as one
17 parent attempting to I guess you could say
18 manipulate the child into being more interested in
19 that parent as opposed to the child's other parent.

20 A. When I'm with my child, my focus is my
21 child. I don't put him in counseling like Sandra
22 does consistently. That's the only extracurricular
23 activity that Sandra has consistently had Evan in in
24 the last three years is counseling. I see no signs
25 of this counseling and anxiety. The school does

1 not, which is a terrific neutral mediator. They see
2 Evan on a very regular basis, and they see no signs
3 of anxiety and all the diagnosis that Sandra claims
4 she sees with Evan upon exchanges. Not to go
5 against Judith Tolman's services, I respect what she
6 does, but I will not bring my son to counseling
7 because he does not suffer from any of that.

8 So to narrow it down, how do you want me
9 to answer this, please?

10 Q. Do you feel that you have ever -- we can
11 start with Sandra.

12 Do you feel that Sandra has ever done
13 anything to alienate Evan from you? And let me know
14 if that's not a clear question.

15 A. It's not because it's not narrowed down,
16 and I don't know how to answer that.

17 Q. Thank you.

18 To your knowledge, has Sandra ever done
19 anything to interfere with Evan's love and affection
20 towards his father?

21 A. Sandra has made numerous attempts to
22 alienate and interfere with my time share. When she
23 goes to the lengths of reporting to Child Protective
24 Services in New York that I sexually molest my son
25 and I suck my child's penis, I would think that's a

1 pretty strong attempt to alienate me from my child.
2 And of course it was unfounded.

3 And I had to write a letter to New York
4 for a fair hearing, and that had to hang over my
5 head for a year during a custody issue that we were
6 dealing with here. And during that fair trial, the
7 judge looked at me at the other side of the table
8 and looked at me and it lasted probably ten seconds,
9 she said, "Mr. Ferraro, you may leave now. See you
10 later. Unfounded."

11 Q. Do you feel that you have ever done
12 anything to interfere with Evan's love and affection
13 for his mother Sandra or interfered with his
14 attraction to living with Sandra?

15 MS. WILSON: Objection. Compound.

16 BY MR. ROY:

17 Q. Let's just go with -- let me ask the
18 question again.

19 Do you think there's ever been a time --
20 excuse me. I apologize.

21 Has there ever been a time when you in
22 any way interfered with Evan's relationship with
23 Sandra?

24 A. No. Again, my time with my son is
25 focused and dedicated towards him, towards Evan.

1 Stipulation agreement clearly shows her time share
2 schedule, my time share schedule. Have there been
3 times where -- when Sandra and I reconciled and I
4 put my, you know, best foot forward and said we have
5 to come together and do what's best for the kids.

6 And she visited New York, the children
7 visited New York in 2013 I believe it was. I
8 invited them to enjoy a Christmas holiday, enjoy the
9 summer, and I have always wanted to maintain some
10 sort of friendship or relationship with Sandra for
11 the best interest of the children.

12 So I have always been open to being her
13 friend, being friends with the children.
14 Relationships don't always work, but it doesn't mean
15 that you have to hate each other for it.

16 Q. So that I understand you, you're telling
17 me that you have -- you feel like you have or you
18 have not?

19 A. I don't feel I have not interfered or
20 stood in the way of Evan.

21 Q. You feel that you have not, right?

22 A. Have not.

23 Q. Okay. Interfered with the relationship
24 between Evan and Sandra?

25 A. Correct.

1 Q. All right. Now, there is -- there's
2 something in the paperwork, I remember reading about
3 a sign or something that Evan -- at your house that
4 said "Evan's house."

5 A. Yeah.

6 Q. Tell me about that.

7 MS. WILSON: Objection. Relevance.

8 THE WITNESS: My mother -- my mother
9 decided to get a sign that says Evan's house. It's
10 as simple as that.

11 BY MR. ROY:

12 Q. When did she get that sign?

13 A. Two years ago.

14 Q. Okay.

15 A. I'm sure it was blown out of context
16 that -- you can look at it as, I guess, and I think
17 I know where you're going with this that we're
18 trying to manipulate Evan that New York is his house
19 and Vegas isn't his house. It was simple as that,
20 it was an innocent thing that my mom got a thing
21 that says Evan's house, and it stops there.

22 Q. Where did the sign -- did she put it up,
23 did she give it to Evan, where was the sign at?

24 A. It was just on the front door so when
25 Evan came to New York, he feels connected, he feels

1 like he has a solid, stable environment to come to
2 when he's with his dad.

3 MR. ROY: Okay. Do you want to break now
4 for lunch?

5 MS. WILSON: Okay.

6 THE WITNESS: It's up to you.

7 (Off the record.)

8 BY MR. ROY:

9 Q. While we're here, let's talk a little bit
10 about financials.

11 Are you working? Are you employed at the
12 moment?

13 A. I have two sources of income right now.
14 The first is Vanguard Sports.

15 Q. Okay.

16 A. Which is an online division of our family
17 sporting goods business, and what that is is a
18 personal loan to me.

19 Q. What do you mean by that, a personal
20 loan?

21 A. The family dynamic is, you know, we all
22 share -- I have loaned money to the family business
23 in the past when bills needed to be paid for the
24 family business and this is the way to pay me back
25 over time. So that's one source of income

1 currently.
2 Q. And from that source of income from the
3 Vanguard Sports venture, what's your typical monthly
4 income from that?
5 A. Twenty-five hundred.
6 Q. Okay. And then is it your testimony that
7 the \$2500 is repaying a prior loan?
8 A. Correct.
9 Q. That you granted to Vanguard Sports?
10 A. Well, to the family business. That's
11 just a division they -- it's retail sporting goods
12 business.
13 Q. Okay.
14 A. This is a division of online of the same
15 business.
16 Q. How long have you been receiving the
17 \$2500 for?
18 A. Two months.
19 Q. Okay. Prior to that you weren't?
20 A. No.
21 Q. Okay. And how much money did you pay
22 into, I guess, the family business? What loans to
23 the family business?
24 A. This was a very long time ago. I can't
25 give you an exact number, but it was significant.

1 It was -- I want to say anywhere -- I don't want to
2 guess.
3 Q. Give me just a general estimate. I won't
4 hold you to it.
5 A. You won't hold me to it?
6 Q. Not the exact number.
7 MS. WILSON: Objection. If he doesn't
8 know, then --
9 THE WITNESS: I'm going way back towards
10 when I was obviously playing at a high level and my
11 salary was significant. Anywhere from 75,000 to
12 150,000.
13 BY MR. ROY:
14 Q. Okay. And then that money, how was it
15 paid to the family?
16 A. How was my money paid to them?
17 Q. H'm-h'm.
18 A. Just bills to the business.
19 Q. So you were paying off the business of
20 bills? That's a poor question.
21 The 75,000, the 150,000, how was that
22 money transferred from you to the family?
23 MS. WILSON: Objection. Misstates prior
24 testimony.
25 THE WITNESS: I can't recall if I gave

1 them my credit card or wrote out a check. This
2 was -- I'm dating back quite some time now. I want
3 to say for sure over ten years ago, maybe 15 years
4 ago.
5 BY MR. ROY:
6 Q. Okay.
7 A. So I don't ask my family questions. You
8 know, can you help? Here you go. And that's just
9 the trust and the bond that we have. You know,
10 just -- I don't keep score, they don't keep score.
11 Q. Okay. This \$2500 that's going to -- that
12 you're receiving now --
13 A. That could go up, that could go down from
14 month to month. It depends on the performance of
15 the business. So I'm obviously not going to push
16 for it to go down, I'm going to push for it to go
17 up, but I don't know. That would -- for an average,
18 I would keep it at that because that's what was told
19 that would be coming in consistently and probably
20 not much more. So I would just leave it at that.
21 Q. So for the foreseeable future, you
22 anticipate receiving --
23 A. Correct.
24 Q. -- somewhere approximately \$2500?
25 A. Correct.

1 Q. From Vanguard Sports?
2 A. Correct.
3 Q. Now, with Vanguard Sports, who runs the
4 operations of --
5 A. My brother Michael.
6 Q. Okay. Is anyone else involved?
7 A. I don't know their -- I don't know their
8 business and their interest share. I don't know. I
9 don't ask questions.
10 Q. Okay.
11 A. It's the family business, it's been in
12 business for close to 50 years.
13 Q. Okay.
14 A. They have got involved into the online
15 business world and have different entities within
16 Plaza Surf & Sports as well. They have physical
17 locations and then they have warehousing where they
18 have online business. I don't know their business
19 very well.
20 I shouldn't say I don't know their
21 business very well because it's a family business.
22 I don't get involved in their business. That's
23 their business. I'm a hockey player.
24 Q. Do you know who owns the business?
25 A. I don't know the ownership. I would

1 again assume, guess, if you want to say it, my
2 brother Michael and my father.
3 Q. Do you have any ownership interest in it
4 that you know of?
5 A. No, none whatsoever.
6 Q. Now, you also mentioned a second source
7 of income.
8 A. Yeah, my second source of income is this.
9 Montauk Service Center, M-o-n-t-a-u-k, Montauk
10 service Center. This is a commercial real estate
11 investment that I have 25 percent interest in along
12 with my brother, Peter, who has 25 percent and my
13 dad has 50.
14 Q. And tell me about the investment, what
15 did you guys purchase, when did you purchase it, et
16 cetera.
17 A. I don't know. Twenty years ago my --
18 Peter and I bought out my dad's partner. It used to
19 be an old abandoned gas station, and now it is a --
20 we own the land and the building. It's a 7-Eleven.
21 We don't own the 7-Eleven franchise, we lease it out
22 to 7-Eleven.
23 Q. So the investment in its entirety
24 consists of the structure, the building, the land
25 the building sits on?

1 A. Correct.
2 Q. And then the lease, the income from the
3 lease payments made by 7-Eleven?
4 A. Correct.
5 Q. Okay.
6 A. Twenty-five hundred.
7 Q. Twenty-five hundred is the monthly total
8 payment that is paid by 7-Eleven or you personally
9 receiving?
10 A. That I'm personally receiving at this
11 point.
12 Q. I get it.
13 A. I've been receiving those payments for
14 three months now.
15 Q. Why are you just now receiving the \$2500
16 month payments?
17 A. Because there was an environmental
18 cleanup that was -- that needed to take place that
19 was -- don't hold me to numbers because I don't know
20 the business. My dad is 50 percent share. He just
21 said, "I need a check for this, I need a check for
22 that." Go Dad, go. That's just the trust and
23 family bond that we have. It was an environmental
24 cleanup from the start of the project that was I
25 want to say \$750,000 that we all had to contribute

1 to.
2 Q. When did you guys contribute the 750,000,
3 approximately?
4 A. I don't know. It was throughout the
5 years.
6 Q. Okay.
7 A. Fifteen, 20 years. Then there was, you
8 know, construction costs, refinancing of the
9 building. I don't know all these details. My dad
10 knows all this.
11 Q. Okay. But I guess more -- specifically
12 I'm just trying to figure out why the \$2500 started
13 paying out a couple months ago.
14 A. I'll tell you why because I never asked
15 for my dad to pay us even though -- but now I'm
16 asking him to -- both my brother and I are asking to
17 get these payments now because we are -- as I'm
18 assuming you know that Twin Rinks, LLC, went into
19 bankruptcy. So this is a time where -- that's the
20 way our family works, you're in need, here you go.
21 We're in need now, here we go.
22 Q. Is that -- is there any money owed for
23 the mortgage of that building or for the land?
24 A. (Witness shakes head.)
25 Q. No?

1 A. Not that I'm aware of.
2 Q. So it's all paid off?
3 A. It's all paid off -- no. Sorry. Are you
4 asking if the building is all paid off? I don't
5 think so. I think there's a mortgage on it, but I
6 don't know the details.
7 Q. All right. Do you have any other type of
8 employment? First of all, are you involved in the
9 7-Eleven operations at all?
10 A. I wish. No.
11 Q. Are you employed?
12 A. It's the most successful 7-Eleven in the
13 country. I wish I had it, but I don't. It's a
14 joke.
15 Q. I get it.
16 Are you -- is this your only source of
17 income both --
18 A. At this particular time, yes, it is.
19 Q. Okay. When you say this particular time,
20 does that mean you anticipate a change?
21 A. Well, I don't know if you're aware, but
22 Twin Rinks, LLC, that we've been -- sorry, I'm used
23 to categorizing my brother with me.
24 Filed for bankruptcy a few months ago,
25 several months ago. September they filed for

1 bankruptcy and is under new ownership. So I do not
2 receive paychecks any longer from Twin Rinks.
3 Q. Now, what type of -- do you know if it
4 was what they call a Chapter 11 bankruptcy?
5 A. Yes, it was a Chapter 11 bankruptcy.
6 Q. And who did own Twin Rinks, was that you
7 and your brother Peter?
8 A. Did what?
9 Q. Who owned Twin Rinks?
10 A. I had -- my brother and I were minority
11 shareholders. We had -- our percentages were six
12 and a half percent each, and then the other -- the
13 majority ownership was Ron and Joel Freedman.
14 Q. Now -- but now you're telling me there's
15 new -- is there new ownership in place or new
16 management in place?
17 A. New ownership.
18 Q. Okay.
19 A. They filed for Chapter 11, went to an
20 auction process. Now currently the New York
21 Islanders' NHL team, to be specific, Charles Wang.
22 Q. Do you receive any --
23 A. No.
24 Q. -- proceeds from that bankruptcy?
25 A. They lost money big time. It's a \$54

1 million facility that was sold for eight.
2 Q. Okay. So this has happened now. So Twin
3 Rinks no longer exists. What is your plan going
4 forward now that Twin Rinks -- now that you don't
5 have an interest in it?
6 A. Well, we -- my brother and I still
7 maintain Ferraro Brothers Hockey.
8 Q. Tell me about that.
9 A. Ferraro Brothers Hockey is a hockey
10 development program that specializes in camps,
11 hockey camps, hockey clinics, programming,
12 education. And at this particular time because of
13 the bankruptcy -- Ferraro Brothers Hockey was a
14 program that was at Twin Rinks, an entity within
15 Twin Rinks. Now Twin Rinks is no longer our home,
16 so we are restructuring Ferraro Brothers hockey at
17 this particular time.
18 Q. Typically with Ferraro Brothers -- excuse
19 me, Ferraro Brothers Hockey, what is -- how involved
20 are you typically with --
21 A. Fifty percent shareholder with my
22 brother.
23 Q. Okay. And then on a physical level as
24 far as how much you're actually there participating,
25 et cetera, tell me about that. How often are you

1 involved in these camps and teaching and the rest of
2 it?
3 A. I'm heavily involved. I do the
4 programming, the administration, on the ice, off the
5 ice.
6 Q. How much time does that require?
7 A. It's a 12-year -- it's a 12-month year
8 program. You do in season, spring programs, summer
9 programs. So it's a year-round program.
10 Q. I see. Okay. So let's start with the in
11 season part of the program, how -- tell me about --
12 A. Holiday clinics, like if the kids are off
13 from holidays, we'll put on holiday clinics, camps.
14 It will be times where organizations, travel
15 organizations will hire Ferraro Brothers Hockey to
16 bring their organization to the next level with
17 skilled development, coaching. So we're not actual
18 coaches behind the bench, we're just a company that
19 improves the quality of their development.
20 Q. Okay.
21 A. That's in season. In the spring there
22 will be spring development clinics that we'll put
23 on. Summer will be -- the difference between a
24 clinic and a camp, a camp is an all day type of
25 thing. You drop your kid off in the morning and you

1 pick them up 3, 4:00 in the afternoon, it's a full
2 day thing. Clinics are one, two hours.
3 Q. When you're working, then, for the -- for
4 this company, Ferraro Brothers Hockey --
5 A. Yeah.
6 Q. -- how much time would you say you're
7 dedicating on a daily basis to the Ferraro Brothers
8 Hockey?
9 A. I would say on an average three or four
10 hours on the ice.
11 Q. Okay. Are you spending any time working
12 on the business not on the ice?
13 A. Yeah, programming, online, developing
14 programs.
15 Q. How much time would you say you're
16 spending not on the ice working on the business in a
17 day?
18 A. Honestly, it's pretty simple because I
19 have a template that works very well. It's just a
20 matter of if you own a hockey rink, I call you and
21 ask for some ice, what are your rates. I put the
22 programming in place. Some Web site development,
23 some promotional work. I don't know, a few hours
24 out of the day.
25 Q. Okay.

1 A. It's definitely not a strict 9 to 5 job
2 that entails overtime.
3 Q. Okay. Now, what type of -- are you paid
4 a salary or do you receive an income from Ferraro
5 Brothers Hockey?
6 A. Are you speaking of when everything was
7 at Twin Rinks?
8 Q. Right.
9 A. Ferraro Brothers Hockey registrations and
10 payments funneled through Twin Rinks, so we did not
11 see any money for Ferraro Brothers Hockey.
12 Registrations and payments prior to not having Twin
13 Rinks it would be -- any money would be -- yeah,
14 would go back into the business pretty much.
15 Q. So you're saying the proceeds from the
16 Ferraro Brothers Hockey goes into --
17 A. Well, that's the way we structured. Our
18 partnership group structured it that way because the
19 registration -- because we were just on a Twin Rinks
20 salary.
21 Q. How much were you guys receiving from
22 Twin Rinks?
23 A. As a salary?
24 Q. Sure.
25 A. 125,000 a year plus medical and a car

1 allowance and an expense account.
2 Q. Okay. And was that up until the date of
3 filing of the bankruptcy?
4 A. Yes.
5 Q. Okay. And your brother also received a
6 125,000 a year --
7 A. Right.
8 Q. -- from Twin Rinks? Okay.
9 And then that's a salary that Twin Rinks
10 paid you. Was there also any type of -- what's the
11 word?
12 A. Additional aside?
13 MS. WILSON: Distributions.
14 BY MR. ROY:
15 Q. Yeah, distributions from the company that
16 you received from -- excuse me.
17 Were there additional distributions to
18 you or to your brother from Twin Rinks that were in
19 addition to the \$125,000 annual salary?
20 A. No.
21 Q. Okay. Once Ferraro Brothers Hockey
22 resumes, how much -- do you have any idea of how
23 much income you think you may be able to generate?
24 A. It's very difficult to answer that
25 question because, first of all, the reason why

1 Ferraro Brothers Hockey is inactive at this time is
2 because you need six to eight months to plan ahead
3 of time.
4 Q. Okay.
5 A. And the bankruptcy came to a shock to us,
6 so you're already in season right now. So to jump
7 in right now, it's --
8 Q. Okay. It takes some time?
9 A. Well, rinks already have their
10 programming in place. So the only -- so we are
11 restructuring the whole Ferraro Brothers Hockey
12 business model at this time to hopefully do some
13 things in the spring and summer.
14 Q. What steps have you guys taken in that
15 direction towards reestablishing Ferraro Brothers
16 Hockey?
17 A. Just reaching out to contacts that we
18 have made throughout the hockey community. We
19 have -- with the new ownership group at Twin Rinks,
20 we may go back to Twin Rinks. We may pick another
21 venue, too, but a lot -- it's kind of in a holding
22 pattern until this process unfolds here with that.
23 Q. Okay.
24 A. I could tell you that I'm not overly
25 concerned because the program that we have has been

1 in business for quite some time and there's a major
2 need for us. We've never been at a Ferraro Brothers
3 Hockey. We've always been operating successfully.
4 So I'm not overly concerned with us in the near
5 future.
6 MR. ROY: Okay. All right. Shall we
7 stop now since it's 12?
8 THE WITNESS: Sure.
9 (Lunch recess taken.)
10 (Sandra Nance joined proceedings after lunch break.)
11 BY MR. ROY:
12 Q. Okay. So we left, we were discussing
13 some financials. I want to continue on with that,
14 and I want to ask you about any retirement accounts
15 you may have, Chris.
16 MS. WILSON: Objection. Relevance.
17 Go ahead.
18 THE WITNESS: To my knowledge, there's
19 a -- are you talking about like 401(k)?
20 BY MR. ROY:
21 Q. 401(k), IRAs, any type of --
22 A. I have a 401 -- are you talking just
23 hockey-related retirement accounts through the
24 National Hockey League?
25 Q. That could be a source, it could be

1 through the NHL, or alternatively, it could be a
2 private retirement that you set up or someone has
3 set up for you. Just retirements in general.
4 **A. The only retirement I have is a 401(k)**
5 **through the National Hockey -- excuse me,**
6 **Professional Hockey Players Association, PHPA.**
7 **Q. Okay.**
8 **A. And then I have a pension through the**
9 **National Hockey League. Don't ask me the amount**
10 **because I don't know them offhand, please.**
11 **Q. Okay. With respect to that pension, are**
12 **the pension benefits being distributed now?**
13 **A. No.**
14 **Q. Okay. Do you know what date you're**
15 **eligible to receive those benefits? It's okay if**
16 **you don't.**
17 **A. I think I'm eligible now if I wanted to,**
18 **but I don't know.**
19 **Q. Okay. With regard to this 401(k) through**
20 **the PHPA, when was that money -- when was the money**
21 **inside the 401(k) deposited into the 401(k)?**
22 **A. Let's see, I want to say --**
23 **MS. WILSON: Objection. Relevance.**
24 **THE WITNESS: '99, 2000.**
25 **///**

1 **BY MR. ROY:**
2 **Q. Okay. Have you received any**
3 **distributions from the 401(k) since 2000?**
4 **A. No.**
5 **Q. Do you know the approximate value of that**
6 **401(k)?**
7 **A. I don't know. I can give you a guess,**
8 **but I don't know if I'm going to be right.**
9 **Q. That's all right.**
10 **A. You want a guess?**
11 **Q. H'm-h'm.**
12 **MS. WILSON: Objection. He shouldn't be**
13 **guessing.**
14 **THE WITNESS: Don't guess?**
15 **MS. WILSON: Objection, basis of the**
16 **knowledge.**
17 **THE WITNESS: You want me to answer or**
18 **not?**
19 **MS. WILSON: At this point it's up to**
20 **Mr. Roy if he wants you to guess as to how much**
21 **money is in your 401(k). I object to the basis of**
22 **knowledge.**
23 **Go ahead.**
24 **THE WITNESS: I want to say 40,000.**
25 **///**

1 **BY MR. ROY:**
2 **Q. Okay. All right. Now I want to talk to**
3 **you about your financial -- any assets you may have.**
4 **It's my understanding that you're living**
5 **with your parents now; is that right?**
6 **A. I live with my mother and my twin**
7 **brother.**
8 **Q. Okay.**
9 **A. Yes.**
10 **Q. And is there a mortgage paid on that**
11 **house or is it paid off?**
12 **A. It's all paid off.**
13 **Q. Okay. With respect to cars, how many**
14 **cars or automobiles, I should say, do you own?**
15 **A. I don't -- I do not own any. I'm leasing**
16 **a car.**
17 **Q. Okay. Leasing one car. All right.**
18 **And from all sources of income, what**
19 **would you say your gross annual income is -- what**
20 **was it for 2014?**
21 **A. 140,000.**
22 **Q. Okay. And if I break that 140,000 apart,**
23 **what would I attribute the money to, what sources,**
24 **and how much from each?**
25 **A. Salary, 125. Medical for about ten**

1 **grand.**
2 **Q. Okay.**
3 **A. Car allowance 500 a month.**
4 **Q. Anything else?**
5 **A. No.**
6 **Q. Okay. All right. I want to move on, and**
7 **let's talk about -- I want to get a clear picture of**
8 **where Evan has been year by year since the date of**
9 **divorce. Okay. I have a general idea in my head,**
10 **but I need some more specifics.**
11 **So could you tell me, for instance, in**
12 **2013, how much contact you and how much contact**
13 **Sandra had with Evan?**
14 **So better question would be, how much**
15 **time Evan spent living at your house versus how much**
16 **time Evan spent living at Sandra's house in 2013.**
17 **A. I would say -- are you looking for**
18 **percentages, ratio, what?**
19 **Q. Percentages is good.**
20 **A. I would say it was probably 50/50.**
21 **Q. Okay. And what would you say the**
22 **percentage was in 2014?**
23 **A. Maybe a little less than 50/50.**
24 **Q. Okay. So which parent would have had**
25 **more time and which one would have had less, and**

1 what would the approximate percentages be?
2 **A. I think based on the stipulation, it**
3 **grants Sandra a little more time --**
4 **Q. Okay.**
5 **A. -- than my time share.**
6 **Q. Okay. Now, remind me -- that**
7 **stipulation -- I apologize, I do not recall exactly**
8 **what the dates were that you were to have Evan in**
9 **New York. I think it was like ten and then**
10 **five here, was that the stipulation?**
11 **A. No, ten days a month.**
12 **Q. Ten days a month. Okay.**
13 **A. Every third Friday.**
14 **Q. Okay. So go over -- tell me what that**
15 **stipulation stated with regard to how much contact**
16 **you had with Evan.**
17 **MS. WILSON: Objection. Stipulation**
18 **speaks for itself.**
19 **THE WITNESS: Just a general idea, I**
20 **received throughout the school year ten days a**
21 **month. Every third Friday. There's a holiday**
22 **schedule that's in place that explains alternating**
23 **holidays, odd even years between myself and Sandra.**
24 **BY MR. ROY:**
25 **Q. H'm-h'm.**

1 **A. June, July, and August, I have 14 days.**
2 **Q. Total?**
3 **A. Sorry. Fourteen days in June, 14 in**
4 **July, 14 days in August.**
5 **Q. Okay. So for August, you have a total of**
6 **42 days?**
7 **A. In August?**
8 **Q. Excuse me. In the summer. So you have**
9 **14 in each month every month -- or excuse me, every**
10 **year?**
11 **A. Correct. Based on the stipulation.**
12 **Q. Okay. And then when you have those**
13 **14 days per month in those months, you don't have --**
14 **that includes the ten days, I assume, that you have**
15 **per month? So you have four additional days in**
16 **those months?**
17 **A. Correct.**
18 **Q. Okay.**
19 **A. It's not 10 and then 14.**
20 **Q. Say that again.**
21 **A. It's not 10 and then 14.**
22 **Q. It's just 14 rather than 10.**
23 **A. It's four more days than the school year**
24 **months.**
25 **Q. Okay. Now, do you feel that the two of**

1 you consistently follow this schedule or did you
2 guys deviate from the schedule?
3 **A. We deviate.**
4 **Q. Tell me about that.**
5 **A. There were times where Sandra had some**
6 **work-related issues that she asked if I would take**
7 **Evan and I chose to. There were issues in the past**
8 **where she had some issues concerning Desmond, and I**
9 **took some extra time to have Evan with -- Desmond**
10 **with Evan during my time share in New York on, I**
11 **think, two or three occasions which allotted me more**
12 **than ten days throughout those months.**
13 **And particularly I want to say it was**
14 **2013 when Sandra and I were communicating and**
15 **working collectively. There were times in and out**
16 **where I had extra time.**
17 **I'll give you an example. Even if I was**
18 **here in Las Vegas, it might not have necessarily**
19 **been in New York. In 2013, if my date is correct,**
20 **for New Year's Sandra had Evan for New Year's, and I**
21 **know she had a work-related issue. And I said,**
22 **"Well, if you're not -- if Evan's just going to be**
23 **home, I'm not doing anything here, I'll take him.**
24 **By the way, if Desmond wants to join, have him join**
25 **too."**

1 **So myself and Evan and Desmond spent New**
2 **Year's together for -- they stayed the night in the**
3 **hotel with me and spent the whole next day with me.**
4 **And I think the day after that as well. So there's**
5 **been instances like that that have occurred along**
6 **with Kayla as well. It doesn't necessarily mean**
7 **when I'm in New York I'm getting extra time, I would**
8 **get some extra time here as well.**
9 **Last weekend was an example. Sandra had**
10 **to go out of town for a work-related issue and asked**
11 **if I would take Evan a day earlier, and I accepted.**
12 **So instead of me picking him up on Friday, I picked**
13 **him up on Thursday. And I think there's another**
14 **instance in December where we already exchange an**
15 **e-mail where I'd be getting Evan a little earlier**
16 **the night before.**
17 **Q. And now when you said that Sandra --**
18 **there's sometimes when Sandra has work-related**
19 **issues and that she request that you watch Evan, is**
20 **that -- when you made that statement, you were**
21 **referring to the New Year's Eve incident or a**
22 **different incident?**
23 **A. Yeah. On that particular occasion, I --**
24 **I think that was the time she was working at the**
25 **Cosmo, if I recollect correctly. Last weekend she**

1 had a fest, I think, in Phoenix, Arizona, but
2 there's also been times where it's just been, you
3 know, Evan is wanting to spend an extra day or two
4 here with me. Of course when we were communicating
5 and getting along, she allowed it and not only with
6 Evan, it was Desmond and Kayla as well.
7 Q. Okay. Now, have there been any times
8 that Sandra has had Evan in her care in spite of the
9 2014 stipulation, has she had any extra days?
10 A. No. As far as me granting extra days to
11 her?
12 Q. Yeah.
13 A. Or asking her if she would take --
14 Q. Either way.
15 A. No.
16 Q. Okay. And you would say -- and then with
17 regard to your having extra days with Evan, did
18 those all occur in Las Vegas or did some of those
19 also occur in New York?
20 A. Some of them occurred in New York as
21 well.
22 Q. Okay. If you had to approximate over the
23 year of 2014, how many extra days would you estimate
24 you spent with Evan?
25 A. Extra?

1 Q. Meaning a full day in addition to those
2 in the stipulation.
3 A. Again, it's a guess. I would have to go
4 back to my calendars, 10 to 12.
5 Q. And that's for 2014 or for all together?
6 A. No, not all together. It could have
7 been, like, 2013, 2014, it could have been that.
8 Q. Over that period of time, 2013, 2014?
9 A. No, not over a two-year period.
10 Q. Each of those years?
11 A. I think the two thousand -- my dates
12 might be a little screwed up.
13 Q. That's okay.
14 A. 2013 may have been 10 to 12 extra days
15 because, again, our relationship was -- or
16 friendship was much better.
17 Q. H'm-h'm.
18 A. In fact, in December of 2013, Sandra and
19 all the kids came to New York for the Christmas
20 holiday and stayed with us and my family. And then
21 that summer, July, they stayed in New York for, I
22 think, a period of seven or eight days as well. I
23 don't know the exact dates.
24 Q. Understandably.
25 So it sounds like, just so I'm

1 understanding correctly, you had some extra time
2 with Evan in 2013 and 2014?
3 A. Yes.
4 Q. And then some of that time Evan -- excuse
5 me, Sandra was with Evan when you had that extra
6 time?
7 A. Yes. And it -- sometimes it was even
8 during my time share with Evan.
9 Q. Okay.
10 A. But also be aware that when we were
11 communicating and getting along and cooperating
12 together, the stipulation agreement wasn't followed
13 to exact times and dates. It was altered through us
14 communicating and, of course, the parent coordinator
15 didn't have any objections.
16 Q. Okay. Now, at some time in 2013 you two
17 reconciled, is that right or not, to some degree?
18 A. I don't know if it was 2013 or 2014. My
19 dates are --
20 Q. But in that two-year period sometime you
21 guys reconciled?
22 A. Yes.
23 Q. And how long did you remain reconciled?
24 A. I think it was a good -- I would say it
25 was a good ten months.

1 Q. Okay. And do you remember roughly when
2 that period of reconciliation ended?
3 A. Yeah, I would say it was the beginning of
4 Evan's kindergarten school year of 2014.
5 Q. Okay. Approximately -- what month would
6 that have been in 2014, approximately?
7 A. I would say September 2014.
8 Q. Okay. So through September of 2014, you
9 guys have reconciled. Where were you two living at
10 the time? Were you guys living together at the
11 time?
12 A. No. When I say reconcile, we weren't
13 dating again. We weren't back --
14 Q. You were friendly?
15 A. We were friendly.
16 Q. Okay.
17 A. I had asked her if she would consider
18 moving to New York and relocating her and the
19 children there so I could be a more active role in
20 all the children's lives and help Sandra with her
21 housing and utilities and give her a fresh new
22 start. At that time she was having some difficult
23 times with Desmond and having a extreme difficult
24 time with her sister. She was looking for a change,
25 change of environment, and I asked her if she would

1 consider moving to New York, and she did. She
2 considered it.

3 In my eyes, she was looking at commercial
4 real estate to bring her Sandy Crab business to out
5 in Montauk. She was exploring options in New York.
6 And then I think in July or August of 2014, she
7 quickly abruptly decided that wasn't the route she
8 was going to go.

9 Q. Okay. Do you know why she decided that
10 wasn't the route she was going to go?

11 A. Still to today I can't figure it out. I
12 don't know why. It was switched, turned on or off
13 or whatever, and I'm still to today have -- I tried
14 to ask and get some feedback on why the quick
15 turnaround, and I'm just still baffled by today.

16 Q. In 2015 -- excuse me. From about August
17 or September 2014 when you guys I guess kind of --
18 maybe you can say fallen out or at least the
19 relationship changed, what happened to the custody
20 schedule with Evan, did it remain?

21 A. Remain.

22 Q. And it remained the status quo to what it
23 had been in 2013, 2014?

24 A. Correct.

25 Q. And was the status quo that you guys were

1 Q. All the kids. But was there, like, any
2 drastic change to the stipulation or were you guys
3 following it 90 percent, so to speak, but the other
4 10 percent there being some modifications?

5 MS. WILSON: Objection. Asked and
6 answered.

7 Go ahead.

8 THE WITNESS: Are you asking if the
9 parent coordinator made changes to the stipulation
10 agreement in writing or did we collectively just
11 make decisions based on what we felt was appropriate
12 at that time?

13 BY MR. ROY:

14 Q. Yep, the latter.

15 A. The second part of that?

16 Q. Yeah, the arrangement that actually took
17 place between you and Sandra despite anything that
18 was written in an order or despite what Margaret
19 Pickard said, just what you guys actually did.

20 MS. WILSON: Objection. Vague.

21 THE WITNESS: You know, we just made
22 decisions based on, you know, Sandra's schedule. I
23 had a fairly consistent schedule with -- in New
24 York. There was a point in time where, again,
25 Desmond was being challenged here and had some

1 following the stipulation for the most part with
2 minor deviation or were there drastic changes?

3 MS. WILSON: Objection. Misstates the
4 prior testimony.

5 THE WITNESS: Are you asking prior to?

6 BY MR. ROY:

7 Q. So let's say first of all -- well, I
8 apologize. "Prior to," what are you referring to?

9 A. Are you asking me did we follow the
10 stipulation agreement the way it is drafted when we
11 were getting along or are you asking after the
12 falling out did we follow the stipulation agreement
13 when Evan entered kindergarten?

14 Q. Let's do both. So initially --

15 A. Well, we certainly did not follow a
16 stipulation agreement, as I said, before with times
17 and dates and schedules.

18 Q. When you're referring to that point in
19 time when you guys weren't following it, which I
20 guess -- and during that point in time if you guys
21 were not following it, you had mentioned that there
22 had been some days, obviously Sandra had gone to New
23 York. She had taken Evan, you had seen Evan on
24 those days, et cetera.

25 A. All the kids.

1 issues and Sandra asked me if I would just get him
2 out of here. I said sure, I'll take care of him.
3 Come out, fly to New York and he'll stay with us and
4 we'll take, you know, we'll take care of him, and it
5 was great.

6 So, you know, that's certainly not
7 following the stipulation. That's an example of not
8 following the stipulation agreement because in a
9 sense, that's an interference with my time share to
10 have Desmond with Evan, but the days were also a
11 little longer, too, that I was granted because
12 Desmond wanted to stay some extra days, Evan wanted
13 to stay some extra days. So we would make decisions
14 like that.

15 BY MR. ROY:

16 Q. Okay.

17 A. And of course all of them came to New
18 York for Christmas, and we had a great Christmas
19 holiday all together. Went to the Rockettes show,
20 we went to a New York Ranger game, we went to
21 Central Park to go ice skating. We did a lot of fun
22 activities.

23 Q. And that was Christmas of 2014? Was that
24 last Christmas you're referring to?

25 A. No.

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1 Q. Two Christmases ago?

2 A. Yes.

3 Q. Okay.

4 A. And then, again, they came -- there was

5 another time where Evan came for his time share and

6 Desmond also came in, like, February, and we went to

7 my cousin's house Upstate New York and, you know,

8 spent, you know, some extra days up on the lake.

9 They have a place up on the lake. We were

10 snowmobiling, all was good.

11 And then there was another point in July

12 Sandra, Desmond, and Kayla along with Evan, of

13 course, spent time in the summer. You know, we went

14 to Connecticut for a weekend. I was coaching some

15 young hockey teams and they came for the weekend.

16 So that was kind of the -- how that went. So we

17 didn't follow the stipulation agreement.

18 Q. Now, following August, slash, September

19 of 2014, I'm assuming Sandra probably didn't go out

20 to New York after -- any time after August/September

21 of 2014; is that right?

22 A. Right.

23 Q. Okay. So during that period of time

24 through today, I think you stated that you guys

25 still have not been following the schedule.

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1 A. No, we are now.

2 Q. You are. Okay.

3 A. You know, once the relationship --

4 friendship went in a different direction, then

5 Sandra was very adamant about keeping the

6 stipulation as it was and not deviating from it

7 whatsoever. But prior to that, she was very open to

8 being very flexible.

9 Q. So just so I understand you correctly, so

10 preceding August/September 2014, you guys had

11 essentially communicated and made some modifications

12 of the stipulation. Then following August, slash,

13 September of 2014, then you guys abided by the

14 schedule?

15 A. Yes.

16 Q. Okay.

17 A. I wouldn't say we modified, however you

18 want to say it. I wouldn't say we modified the

19 stipulation agreement. We just collectively didn't

20 pay attention to the strict exact dates that were

21 written. And, again, the parent coordinator didn't

22 see a problem as long as we communicated that with

23 one another and both agreed to it.

24 Q. Okay. So proceeding September -- excuse

25 me, August/September 2014, you guys did not strictly

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1 follow the schedule. But then following

2 August/September 2014, you guys did strictly follow

3 the schedule.

4 Is that a fair statement?

5 MS. WILSON: Objection. Asked and

6 answered.

7 Go ahead.

8 THE WITNESS: Yes. I was -- yes. That

9 was enforced by Sandra demanding that she will not

10 deviate from the plan. If there was a day or two

11 that Evan wanted to spend some extra time, it was

12 demanded by Sandra that she will not deviate from

13 the stipulation agreement whatsoever.

14 BY MR. ROY:

15 Q. Okay. I want to talk to you briefly

16 about Sandra's father.

17 What has your relationship been with

18 Sandra's father over the past few years?

19 MS. WILSON: Objection. Relevance.

20 THE WITNESS: Over the past few years?

21 BY MR. ROY:

22 Q. Yes, if any. Or let's say over the past

23 four years.

24 MS. WILSON: Objection. Relevance and

25 McMonigle objection.

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1 THE WITNESS: We have had very little

2 communication, very little. The last time I think I

3 communicated with him was when Sandra was in New

4 York in July, and the switch came on and she said,

5 "I want out of here today, me and my kids. I'm out

6 of here. We're traveling back to Vegas. Get me on

7 the next plane out."

8 I made a phone call to Sandra's mother

9 and father to ask if they had heard from Sandra and

10 what -- because I was confused of why a sudden

11 change of circumstances, and we had, I don't know, a

12 conversation for about a half hour, 40 minutes.

13 You know, when Evan was baptized this

14 past year, I saw Dan, "Hi, how are you?" And just

15 no communication or conversation, just cordial hi,

16 that's it. That's the extent of our relationship.

17 BY MR. ROY:

18 Q. And then -- okay. Is there -- how about

19 your relationship with Sandra's mother, can you

20 describe that for me?

21 MS. WILSON: Objection. Relevance.

22 THE WITNESS: The last time I spoke to

23 her, she was on the call with Dan when I was asking

24 why the sudden change of circumstance with Sandra.

25 I do know that they were grateful for me helping and

1 assisting with Desmond. I know that they were --
2 felt that it was in Sandra and the kids' best
3 interest to come to New York if that was something
4 she decided to do.

5 The same thing, you know, I saw her at
6 the baptism and very little to no communication with
7 Sandra's parents.

8 **BY MR. ROY:**

9 Q. Okay. Would you say -- has there ever
10 been -- like, have you ever had any confrontation
11 with anybody in Sandra's family?

12 **MS. WILSON:** Objection. Relevance.
13 Objection. Vague.

14 **THE WITNESS:** Have I ever?

15 **BY MR. ROY:**

16 Q. H'm-h'm.

17 A. Can you be specific? Is that a broad,
18 like, from the moment I met Sandra moving forward or
19 in the last six months or a year?

20 Q. Let's say from the first time you met
21 Sandra, has there ever been a time when you have had
22 a confrontation with any of her family members?

23 **MS. WILSON:** Objection. Relevance and
24 McMonigle objection.

25 Go ahead.

1 **THE WITNESS:** On a few occasions where
2 Sandra and I disagreed on -- this was way back.
3 We're talking quite a few years back where we did
4 not agree in our relationship. We had some issues
5 in our relationship. Sandra would contact her
6 parents to either come to the house and basically
7 participate in the conflict that was going on. This
8 is before Evan was even here on this earth.

9 So yes, but that's common for Sandra's
10 parents to be involved in both Sandra and Denise's,
11 her sister, relationship. They're heavily involved
12 in the conflict that takes place. So yeah, there
13 was a few occasions where there was some e-mail
14 exchanges that were obviously back and forth that
15 weren't overly polite to one another, and it was
16 just a bad time for everyone. It wasn't a good
17 spot.

18 **BY MR. ROY:**

19 Q. And now -- when you're referring to that
20 period of time, was that all before Evan's birth or
21 after Evan's birth?

22 A. It was before Evan's birth.

23 Q. Has there ever been any conflict between
24 you and Sandra's family following Evan's birth?

25 **MS. WILSON:** Objection. Relevance.

1 Objection. McMonigle.

2 **THE WITNESS:** Not that I recall. There
3 was -- I don't know, shortly after Sandra and I were
4 married, there was a time where we stayed at
5 Sandra's parents' home for a few days until we went
6 back to New York. I wouldn't say there was a
7 problem, we were just in contact with one another.
8 Nothing stands out.

9 **BY MR. ROY:**

10 Q. Have either of Sandra's parents ever said
11 anything derogatory towards you, to you in your
12 presence?

13 **MS. WILSON:** Objection. Relevance.
14 Hearsay.

15 **THE WITNESS:** Ever?

16 **BY MR. ROY:**

17 Q. H'm-h'm.

18 A. As I mentioned before, there was some
19 very, I guess, in-depth brutal e-mail exchanges,
20 words, e-mails, verbal. That was a bad phase that
21 was during our relationship, yes, prior to Evan
22 being born.

23 Q. During these exchanges, was -- did you
24 feel that the derogatory statements were coming
25 primarily from Sandra's parents to you or were they

1 coming primarily from you to Sandra's parents or
2 would you say that the derogatory language was
3 equally -- could be equally divided between the two
4 of you?

5 **MS. WILSON:** Objection. Relevance.
6 Objection. Vague.

7 **THE WITNESS:** As far as who initiated, I
8 would say that I was retaliating towards things that
9 were said to me and threatened to me. An example
10 was, "You're going to pay Sandra," I don't know,
11 "\$6,000. She's six months pregnant, you're going to
12 terminate this child. She doesn't want to have this
13 child. It might not be yours anyway. It's probably
14 not yours."

15 My comment back was, "I'm not committing
16 murder. Sandra has the right to decide whether she
17 wants to have a child. I know she's had an abortion
18 in the past, she has that right as a female, but
19 you're not going to get \$6,000 from me to commit
20 murder on a living, breathing human being."

21 **BY MR. ROY:**

22 Q. Have either of Sandra's parents ever used
23 any profanity or used -- yeah, towards you or
24 directed at you in your presence?

25 **MS. WILSON:** Objection. Relevance.

1 Hearsay.
2 **THE WITNESS:** Of course, yes.
3 **BY MR. ROY:**
4 Q. Can you tell me about that?
5 **MS. WILSON:** Objection. Relevance.
6 Hearsay.
7 **THE WITNESS:** I can't exactly remember,
8 you know, if was an F word, S word, this word or
9 that word, but it definitely wasn't -- we weren't
10 kind to one another, and it wasn't a proud time. I
11 can tell you that.
12 **BY MR. ROY:**
13 Q. Have you ever used any derogatory
14 language directly to Sandra's parents, to either of
15 them?
16 **MS. WILSON:** Objection. Relevance.
17 Hearsay.
18 **THE WITNESS:** Yes, I have in the same
19 context of them using it towards me in a retaliatory
20 way.
21 **BY MR. ROY:**
22 Q. Could you tell -- what types of things
23 have you said?
24 **MS. WILSON:** Objection. Relevance.
25 Hearsay.

1 **THE WITNESS:** I mean, this was 2006,
2 2007, I believe. We're going back quite a few
3 years. So I can't give you exact.
4 **BY MR. ROY:**
5 Q. Do you believe if you had to guess, would
6 you guess you've either -- would you say -- would
7 you guess you've called either of Sandra's parents
8 a -- you used profanity with them, like, you called
9 them a nasty name, something like that? Do you
10 believe you've ever done something like that?
11 **MS. WILSON:** Objection. Relevance.
12 Hearsay. Calls for speculation.
13 **THE WITNESS:** I expect that I have, yes,
14 in a retaliatory way. I didn't just wake up and
15 start screaming and yelling names to start my day.
16 **BY MR. ROY:**
17 Q. If you had to guess, would you say that
18 that's happened on just one occasion or on multiple
19 occasions?
20 **A. More than one occasion.**
21 **MS. WILSON:** Objection. Relevance.
22 Hearsay. Requests speculation.
23 Go ahead.
24 **BY MR. ROY:**
25 Q. More than one occasion?

1 **A. Can you please ask the question again.**
2 Q. If you had to guess as to how many times
3 you have directed foul language at Sandra's parents,
4 would you guess that it just occurred once or do you
5 guess that it occurred more than once?
6 **MS. WILSON:** Same objection.
7 **THE WITNESS:** I would guess that it was
8 on more than one occasion.
9 **BY MR. ROY:**
10 Q. Okay. All right. I want to move on now,
11 and I want to refer to Mr. Paglini's report.
12 **MS. WILSON:** Objection. Relevance. And
13 specifically with regard to McMonigle versus
14 Castle -- or McMonigle and Castle.
15 **BY MR. ROY:**
16 Q. Do you remember being evaluated by
17 Mr. John Paglini?
18 **A. Yes.**
19 Q. Okay.
20 **MS. WILSON:** Eric, can we agree that
21 through your entire line of questioning regarding
22 Paglini's report that we'll have a standing
23 objection with respect to relevance and specifically
24 the case law under McMonigle and Castle?
25 **MR. ROY:** You got it, yes.

1 **BY MR. ROY:**
2 Q. Have you read through -- have you ever
3 read through Dr. Paglini's 2013 report?
4 **A. Not in a very long time.**
5 Q. Okay. Do you recall Dr. Paglini's
6 suggestion -- and I'm going to read specifically
7 from his conclusion. I just want you to tell me if
8 you recall where Dr. Paglini schedules -- or creates
9 a schedule for you guys and he says, "This schedule
10 is suggested due to the fact that Evan is extremely
11 young and it is difficult to tolerate long periods
12 of time away from his primary caretaker."
13 Would you agree or disagree with that
14 statement?
15 **MS. WILSON:** Objection. Vague. You
16 first asked if you recall and --
17 **MR. ROY:** You're right.
18 **MS. WILSON:** -- then you asked --
19 **MR. ROY:** Let me rephrase.
20 **BY MR. ROY:**
21 Q. Do you recall Dr. Paglini creating a
22 proposed schedule, do you recall that?
23 **A. A proposed schedule?**
24 Q. Or specifically stating that -- I'll read
25 it just to see. "This evaluator believes that it is

1 difficult for Mr. Chris Ferraro to come to town
2 twice a month, rent a car and also pay for hotel.
3 Between now and the time Evan enters school, this
4 evaluator will propose the following schedule:
5 "Mr. Ferraro should have the option
6 between now and the time he goes back to New York
7 for the next six months to see his son twice
8 monthly. This is based upon Evan's age of four to
9 six months. Mr. Ferraro should be allowed to take
10 his son back to New York for only one seven-day
11 period one time per month."
12 Do you recall this recommendation being
13 made by Dr. Paglini?
14 A. At that particular time?
15 Q. Right.
16 A. One day -- seven days for a month during
17 that time?
18 Q. Yes.
19 MS. WILSON: Can you repeat your specific
20 question for Chris?
21 BY MR. ROY:
22 Q. Do you recall Dr. Paglini suggesting that
23 you be allowed to take your son back to New York for
24 one seven-day period one time per month?
25 A. For how long?

1 Q. Seven days.
2 A. No, no, how long a period? Was that for
3 the next six months, was that until -- I don't --
4 Q. That would be between now and the time
5 Evan enters school.
6 A. Okay.
7 MS. WILSON: What is the question that
8 you're asking him about that?
9 BY MR. ROY:
10 Q. So the time -- what I'm asking you is, is
11 it your understanding that Dr. Paglini suggested
12 that given your son's age, he spend approximately
13 seven days per month with you up until the time he
14 was to be -- Evan was to begin school?
15 MS. WILSON: Objection. The report
16 speaks for itself.
17 THE WITNESS: I don't know how to answer
18 the question because it's -- I don't think it's
19 really a question. I think you're just reporting
20 his report that was quite a few years ago. So --
21 BY MR. ROY:
22 Q. Would you believe that I was lying or
23 telling the truth that those are, in fact, the words
24 that I'm reading from in this report?
25 MS. WILSON: Objection. Your report

1 speaks for itself.
2 THE WITNESS: I'm not suggesting that
3 you're lying.
4 BY MR. ROY:
5 Q. Okay. I guess let me rephrase.
6 Will you accept the fact that Dr. Paglini
7 made that suggestion or do you believe that
8 suggestion was not made by Dr. Paglini?
9 A. I think the report speaks for itself.
10 Q. Okay. With regard to his suggestion, and
11 now speaking of Dr. Paglini. And I'm going to quote
12 a particular sentence from his recommendation. I
13 want you to tell me whether you agree with
14 Dr. Paglini's recommendation as it pertains to this
15 sentence.
16 "This schedule is suggested due to the
17 fact that Evan is extremely young and it is
18 difficult to tolerate long periods of time away from
19 a primary caretaker. Although it may be argued that
20 Mr. Ferraro has shared custody, by history,
21 Ms. Nance has been the primary caretaker."
22 Do you believe that that was the proper
23 recommendation at that time? If you were
24 Dr. Paglini, would you have made that same
25 recommendation?

1 A. I have no basis to put myself in the same
2 category from Dr. Paglini.
3 Q. And I'm not asking you to. I understand
4 you're not a Ph.D. in psychology, and neither am I,
5 but what I'm asking you is given your understanding
6 of the world and your experiences thus far, would
7 you agree that it makes sense to make the
8 recommendation that Dr. Paglini made in that quote?
9 A. I don't want to say I agree or disagree.
10 I will say that I think each case is different. I
11 think a child deserves their mother and their
12 father.
13 Q. Okay. Would you agree with a specific
14 part of that sentence that says, "it is difficult to
15 tolerate long periods of time away from a primary
16 caretaker," would you agree with that as it relates
17 to your son Evan?
18 MS. WILSON: Objection. Vague.
19 THE WITNESS: Now, this is suggesting
20 that Sandra is the primary custodian, is that how
21 you read that or you understand that?
22 BY MR. ROY:
23 Q. Well, you can -- and that's what I'm
24 asking you if there's anything -- this says a few
25 different things. It says Evan is extremely young,

1 and it also says that it is difficult for Evan to
2 tolerate long periods of time away from a primary
3 caretaker. So you got a few different things that
4 you can dispute here. You can say I don't think
5 Evan was extremely young at four to six. You can
6 say, you know, I don't think Sandra was the primary
7 caretaker. Can you say I don't think it would be
8 difficult for Evan to tolerate long periods of time
9 away from Sandra.

10 So given all of those things, those three
11 things, do you agree with any of the three or some
12 of the three or all of the three?

13 **MS. WILSON:** Objection. Vague.
14 Compound.

15 **THE WITNESS:** I recall when I would
16 return Evan to Sandra during that time, he had a
17 very, very, very difficult time going back to
18 Sandra. A very difficult time. So I think with
19 respect to Dr. Paglini's report and with respect to
20 his expertise, I think that every case is different.
21 I think that's a generalization for just general
22 purposes.

23 In my case, in my situation is four to
24 six years young for a child? Yes. I think we can
25 all agree to that. But during that period of time,

1 it was excruciating to see Evan's pain and
2 discomfort when he would -- was going back to
3 Sandra.

4 **BY MR. ROY:**

5 Q. Okay. And with regard to the last
6 phrase, Dr. Paglini refers to Sandra as the primary
7 caretaker up to that point in time, would you agree
8 that she was the primary caretaker or would you
9 disagree?

10 **MS. WILSON:** Objection. Vague.

11 **THE WITNESS:** As mentioned earlier, once
12 I was introduced to my child at six months old, I
13 never missed a time share. So I put my time and
14 energy and effort and resources to be there for my
15 child every single month, every month. I've never
16 missed one time share ever.

17 **BY MR. ROY:**

18 Q. Okay. And I get that. Are you saying
19 that up to that per this report at this time,
20 Ms. Nance was not the primary caretaker?

21 **A. I don't know what defines the primary
22 caretaker. All I know is that our time was
23 significant on both sides, I would guess.**

24 Q. And when you say it was significant, do
25 you mean to say that you shared roughly equal time

1 with the child? And I'm referring to you and
2 Ms. Nance.

3 **MS. WILSON:** Objection. Vague.

4 **THE WITNESS:** I can't recall the
5 percentages, but I do recall that I had substantial
6 time with my child.

7 **BY MR. ROY:**

8 Q. When you say substantial time, can you
9 tell me about that specifically, are we talking
10 weeks at a time, days at a time?

11 **A. Weeks and days.**

12 Q. Okay. Was that in New York or in Las
13 Vegas?

14 **MS. WILSON:** Objection. Vague, this
15 question and the last.

16 **THE WITNESS:** I want to say both New York
17 and Las Vegas.

18 **BY MR. ROY:**

19 Q. Okay. And you said that when you had
20 this substantial contact sometime -- for some of
21 those periods of time, it was for multiple days on
22 end?

23 **A. Yes.**

24 Q. Okay.

25 **A. From what I recall, yes.**

1 Q. Okay. I want to move on to a new topic.
2 I know you played hockey, obviously, for a long
3 period of time. It's a very physical sport, I
4 understand that. I want to talk to you a little bit
5 about any injuries you may have or have not
6 sustained as a hockey player.

7 Would you say that you did sustain any
8 serious injuries in your hockey career?

9 **MS. WILSON:** Objection. Relevance.

10 **THE WITNESS:** Yes, of course I've
11 sustained some serious injuries.

12 **BY MR. ROY:**

13 Q. And what would you say were some of the
14 more serious injuries that you sustained?

15 **MS. WILSON:** Objection. Relevance.

16 **THE WITNESS:** Broken leg, concussion,
17 separated shoulder, broken hand.

18 **BY MR. ROY:**

19 Q. Okay. And with regard to concussion, was
20 it one concussion, have you had multiple
21 concussions?

22 **MS. WILSON:** Objection. Relevance.

23 **THE WITNESS:** I've had a few concussions
24 that were recorded, and I'm sure there was many
25 others that weren't recorded.

1 **BY MR. ROY:**
2 Q. Were any of these -- were you ever
3 hospitalized in any of these concussions?
4 A. Yes.
5 Q. How many?
6 A. One.
7 Q. Can you tell me about that?
8 A. Yeah. This was more of an assault. It
9 was a stoppage of play. I was playing with the Las
10 Vegas Wranglers up in Victoria, British Columbia. I
11 was one of the star players for the Las Vegas
12 Wranglers. It was out of the scope of the game.
13 Their fighter, tough guy enforcer, however you want
14 to phrase it, hopped onto the ice and sucker punched
15 me without me looking, knocked me out unconscious.
16 I hit my head on the ice. I woke up 15 minutes
17 later on a medical table getting stitches in the
18 back of my head and came out of a daze and I
19 sustained, I think, a grade 4 concussion.
20 Q. Then you said you went to the hospital,
21 how long were you hospitalized for?
22 A. I had -- I think I was in the hospital --
23 I wasn't even -- I didn't stay overnight in the
24 hospital. I was treated for my symptoms and, you
25 know, came back to Vegas and was treated for CAT

1 scans and then I was put in therapy, balance
2 therapy. I developed Bell's palsy on the left side
3 of my face due to the trauma. Had inner ear
4 problems, and I want to say that lasted -- yeah.
5 Q. Did you -- what time -- did you have any
6 mental repercussions that you noticed as a result of
7 that concussion or other concussions?
8 MS. WILSON: Objection. Vague.
9 THE WITNESS: Did I experience symptoms
10 from that?
11 **BY MR. ROY:**
12 Q. Yeah, like --
13 A. Sure.
14 Q. Okay. Tell me about that.
15 A. Bright lights. These are very standard
16 symptoms that any athlete that sustains concussion,
17 nausea, some vomiting, bright lights, loud noises,
18 blurriness, issues with memory. At times you
19 develop highs and lows with emotions whether it's
20 depression or loneliness or sadness. Yeah, sure.
21 Q. Okay. And do those symptoms carry on to
22 today or have any of them subsided?
23 A. Loud noises and lots of moving stuff
24 irritates me. Bright lights, you know, these are
25 symptoms that I have just adopted into my life, but

1 I'm not medicated for it. I'm on no medication. I
2 do no treatment for it. It's not -- it doesn't
3 impact my life or change the quality of my life.
4 Q. Do you feel like -- well, actually,
5 first, have you been diagnosed with any type of
6 condition, posttraumatic stress, anything of that
7 nature?
8 A. No.
9 Q. Okay.
10 A. I did some follow-up scans and no
11 dementia, no Alzheimer's, no risk of it. Just
12 precautionary where I'm at.
13 Q. Did any -- I understand that you did some
14 follow ups, have any of the doctors that have ever
15 treated you determined there was any diagnosis per
16 that concussion as a result of that concussion?
17 A. Be specific, please. In what category?
18 Q. Like, have any of them said -- has there
19 been any formal diagnosis by any doctor of any type
20 of mental impairment?
21 A. No.
22 Q. Okay. What doctors have you seen to
23 treat any mental health issues that you may have?
24 I'm not insinuating you have any more mental health
25 problems than anybody else, but any treatment

1 providers you've been to period, counselors,
2 whatever it might be, can you give me a list of who
3 those people are?
4 MS. WILSON: Objection. Vague. Assumes
5 facts not in evidence.
6 THE WITNESS: If I felt as though I was
7 dealing and suffering from mental issues, I would be
8 sure to do the necessary treatments and steps and
9 diagnosis to fix that problem. So as far as that is
10 concerned, I have never been treated by -- I don't
11 even know what that type of doctor is for mental.
12 **BY MR. ROY:**
13 Q. Have you been evaluated?
14 A. I've had a few evaluations for concussion
15 symptom-related issues from head trauma injuries
16 from playing hockey. Yes, I have been evaluated.
17 Q. And have you been evaluated in the past
18 five years?
19 A. Yes.
20 Q. Okay. And who has evaluated you for the
21 past five years?
22 A. Dr. Barry Jordan.
23 Q. And was Dr. Barry Jordan out of New York?
24 A. He's in New York. He's in Westchester.
25 He's at Burke Institute of Health.

1 Q. Okay. And what did he evaluate you for
2 or why did he evaluate you? Did you come to him or
3 was it --
4 A. I was -- my first doctor was here,
5 Dr. Goodman, when I first sustained the assault
6 concussion. And then when I relocated to New York,
7 I obviously needed a place that was local instead of
8 flying back to Vegas for any type of follow-up
9 treatments. So Dr. Barry Jordan was referred.
10 Q. Have you been evaluated by anyone else in
11 addition to Dr. Barry Jordan in the past five years?
12 A. With respect to concussion symptoms,
13 related symptoms?
14 Q. Any type of evaluation that would go to
15 your cognitive ability. So that could be any type
16 of mental health practitioner, any type of
17 counselor, any type of doctor of mental health,
18 really. So Paglini would be included in that list.
19 A. Okay. But that was more than five years
20 ago, I believe.
21 Q. Oh, okay.
22 A. So it's not necessarily concussion
23 related?
24 Q. Correct.
25 A. Okay. Locally a Dr. Roitman,

1 Dr. Mortillaro.
2 Q. Any others?
3 A. No, not that I can recall.
4 Q. Okay. What brought you to see
5 Dr. Roitman? Am I pronouncing that right?
6 A. Roitman.
7 Q. Roitman. What brought you to see that
8 doctor?
9 A. I was interested in his evaluation of
10 getting an evaluation from him, my mental status.
11 Q. Why was it that you were interested in
12 potentially receiving an evaluation?
13 A. I was interested in another opinion.
14 Q. When you say another opinion, that's in
15 reference to who that generated the first opinion?
16 A. Dr. Paglini.
17 Q. Okay. When you met with doctor -- so you
18 met with Dr. Roitman?
19 A. Yeah.
20 Q. Did he conduct an evaluation?
21 A. Yes.
22 Q. Okay. How many times did he meet with
23 you?
24 A. From my recollection, it was one time.
25 Q. Okay. Do you recall for how long the

1 appointment was, was it for an hour, two hours?
2 A. Maybe two.
3 Q. Did you give him any documents or court
4 proceeding papers or any prior diagnoses -- or
5 diagnoses -- prior to or during that period of time
6 so he could make the evaluation?
7 A. I can't recall if I walked in there with
8 medical documents, medical records. I don't -- I
9 can't recall if I had. I can't recall.
10 Q. Okay. And then when approximately --
11 when did you meet with Dr. Roitman, approximately?
12 A. I don't know. A year and a half ago, two
13 years ago.
14 Q. Okay. Did Dr. Roitman prepare an
15 evaluation?
16 A. Yes.
17 Q. Okay. That's a yes?
18 A. Yes.
19 Q. Have you reviewed that evaluation?
20 A. Not in a very long time. I think it was,
21 if I can recall, like I said, a year and a half ago,
22 maybe two years ago. I can't recall.
23 Q. And are you -- do you know if your -- do
24 you know if you've turned that over to Ms. Wilson or
25 if Ms. Wilson has possession of that evaluation?

1 A. Referring to my attorney Shannon Wilson?
2 Q. Yes.
3 A. Yes.
4 Q. You have turned that over to her?
5 A. Yes.
6 MS. WILSON: You have a copy of it.
7 MR. ROY: I do?
8 MS. WILSON: H'm-h'm.
9 MR. ROY: Thank you very much.
10 BY MR. ROY:
11 Q. In addition to Dr. Roitman, you said
12 you've seen Dr. Mortillaro?
13 A. Mortillaro.
14 Q. Why did you see Dr. Mortillaro?
15 A. I wanted his opinion as well.
16 Q. Okay.
17 A. His evaluation.
18 Q. Okay. And did you see Dr. Mortillaro
19 before or after you met with Dr. Roitman?
20 A. Sorry?
21 Q. Did you meet with Dr. Mortillaro before
22 or at a time later than your meeting with
23 Dr. Roitman?
24 A. After.
25 Q. Okay. And why did you see

1 Dr. Mortillaro?
2 A. Why did I see Dr. Mortillaro?
3 Q. H'm-h'm.
4 A. Same reason why I saw Dr. Roitman, to get
5 his evaluation and his assessment.
6 Q. Did Dr. Mortillaro prepare an assessment
7 or an evaluation?
8 A. Yes.
9 Q. Okay. Have you turned that over to your
10 lawyer?
11 A. Yes.
12 Q. Okay. And I'm sorry, you said that
13 evaluation occurred after the Dr. Roitman
14 evaluation?
15 A. Yes.
16 Q. Okay. And with regard to your meeting
17 with Dr. Mortillaro, how much time did you spend
18 speaking to Dr. Mortillaro?
19 A. I don't know, an hour.
20 Q. Okay. In total? It was just one
21 meeting, right?
22 A. I don't know. Hour, hour and 15 minutes.
23 I don't know.
24 Q. Did Dr. Roitman refer you to see
25 Dr. Mortillaro?

1 A. I don't recall.
2 Q. Okay. Do you recall how you came up with
3 Dr. Mortillaro's name?
4 A. I don't recall.
5 Q. Okay. Do you recall how you came up with
6 Dr. Roitman's name?
7 A. If my memory serves me correctly, I think
8 I was asking -- I asked Shannon if she knew any
9 doctors. I actually called Dr. Paglini's office
10 from the start of this process to see if he would be
11 willing to meet or -- and he did not return the call
12 so I looked elsewhere.
13 Q. Okay. And Dr. Roitman was in New York or
14 Nevada when you met with him?
15 A. Las Vegas.
16 Q. Okay. And when you said that Shannon
17 referred you to him, you're referring to your
18 attorney?
19 A. Yes.
20 Q. Okay. Ms. Wilson.
21 Now, why did you want a second opinion?
22 A. Same reason why if -- because I didn't --
23 I personally -- not to put down Dr. Paglini's line
24 of work, I didn't agree fully with his evaluation
25 and assessment on me. Sandra and I were going

1 through a very difficult custody case. I was very,
2 very nervous and scared because this was the first
3 time I was ever through this process.
4 I think the written test was something
5 that drew Dr. Paglini to his conclusions of some of
6 the concerns he has in there towards his findings.
7 So I wasn't at my best when I answered these
8 questions in the written form because I was very
9 nervous.
10 Q. Okay.
11 A. So I answered the questions as I was
12 perfect, and that's clearly not who I am. So I was
13 interested in retesting when I was in a more clear
14 frame of mind and not in a custody situation with
15 my -- I guess at the time a four year old.
16 Q. Okay. Were there any specific
17 conclusions that Dr. Paglini asserted that you
18 specifically disagreed with?
19 MS. WILSON: Objection. Relevance.
20 THE WITNESS: I haven't read his report
21 in a very, very long time. The one thing that
22 stands out is narcissism or whatever. But, again, I
23 for myself wanted to retest because I was under a
24 lot of pressure at that time. I was nervous of my
25 custody with Evan and I was just nervous. I was

1 scared. I wasn't at my best. I wasn't thinking
2 clearly. I didn't answer the written questions the
3 way I should have, and I was scared. I answered the
4 questions as far perfect as I could because out of
5 being scared and nervous.
6 BY MR. ROY:
7 Q. Okay. I'm going to read some of the
8 statements that Dr. Paglini made, and I want you to
9 tell me if you agree or disagree with those
10 assertions. Okay?
11 MS. WILSON: I'm going to place again on
12 the record the objection to relevance of
13 Dr. Paglini's report. And also pursuant to
14 McMonigle and Castle.
15 Will you agree again, Eric, that we'll
16 make a standing objection through this line of
17 questioning?
18 MR. ROY: Yes. And that was what,
19 McMonigle and what was the other one?
20 MS. WILSON: Castle.
21 MR. ROY: Okay. So, yeah, I'm going to
22 stipulate it's a standing objection, not to the
23 sustainability of the objection however.
24 MS. WILSON: Standing objection. Not
25 sustaining objection. That would be quite a trip.

1 **BY MR. ROY:**

2 Q. And I'm reading from the report, and I
3 want you to tell me if you agree or disagree with
4 Dr. Paglini's assertion.

5 "Regarding issues of concern, as stated,
6 the first is Mr. Ferraro's approach to psychological
7 testing, and more importantly his attempting to
8 project this phenomenal image."

9 Would you agree or disagree with
10 Dr. Paglini's statement that you're attempting to
11 project a phenomenal image?

12 A. Is that through the written form?

13 Q. Yes.

14 A. As mentioned before, I was very scared.
15 So yes, in line with the written test, I did answer
16 those questions out of character because of the
17 current during that time situation that I was in.

18 Q. Okay. So you agree with that statement,
19 yes?

20 A. Yes.

21 Q. Okay. Dr. Paglini goes on to state.
22 "Mr. Ferraro's psychological testing indicates
23 obsessive compulsive and narcissism. This
24 narcissism is seen throughout the interviews."

25 Would you agree or disagree with that

1 testimony. Asked and answered.

2 Go ahead.

3 **BY MR. ROY:**

4 Q. Is that a fairly accurate statement?

5 A. I don't know what personality traits that
6 I -- aside from something on this level that I am
7 because I've never been evaluated outside of
8 something of this scope. I think the timing of this
9 type of a test was not a good timing for myself. So
10 I -- that's my feedback on that.

11 Q. Okay. So what -- what I think you're
12 saying is that this finding of narcissism is perhaps
13 appropriate given that specific point in time, but
14 you don't think it's your general character?

15 **MS. WILSON:** Objection. Misstates
16 testimony. Asked and answered.

17 **THE WITNESS:** I'm not saying that. What
18 I'm saying is, I think the timing of this
19 evaluation, test, was a very difficult time for me
20 to take this type of a test.

21 **BY MR. ROY:**

22 Q. Okay.

23 A. My curiosity brought me to Dr. Roitman
24 and Mortillaro when I was in a more clear frame of
25 mind rather than at this particular time. This was

1 finding?

2 **MS. WILSON:** Objection. Compound.

3 **THE WITNESS:** I don't recall how the
4 interviews went. I was questioned, I answered
5 questions. I don't recall putting myself on a
6 pedestal. If I answered the questions in the
7 interview to portray myself, I'm sure I had the same
8 thought process as the written evaluation to maybe
9 portray myself because of the current during that
10 time situation I was faced with.

11 **BY MR. ROY:**

12 Q. Okay.

13 A. That was a time period where we moved
14 from New York back to Las Vegas, custody. This was
15 my first time going through this ugly process, and I
16 was very nervous.

17 Q. So I want to sum this up, and I want you
18 to tell me if I'm summing it up incorrectly or
19 correctly. But I think what you're telling me is
20 that you portrayed a sense of narcissism at the time
21 of this testing because you were in the midst of a
22 custody dispute, but generally you do not believe
23 that narcissism is a character trait that you
24 possess?

25 **MS. WILSON:** Objection. Misstates prior

1 a very tough transition. Very tough time not only
2 in me as a father, but me as a husband being
3 divorced. It was a very -- other children involved,
4 Desmond and Kayla, families involved. It was a very
5 difficult tough time to take a test on this level.
6 Emotions were everywhere.

7 So that was an -- the timing wasn't great
8 for this type of a test to occur because I was
9 not -- I think we were all in a very tough place at
10 that time.

11 Q. Okay. Dr. Paglini states an effort to
12 illustrate your sense of narcissism, or his
13 conclusion as to your sense of narcissism, that
14 Mr. Ferraro builds up his family as being wonderful,
15 loving, and perfect.

16 Would you agree that you build up your
17 family as being wonderful, loving, and perfect or
18 disagree?

19 **MS. WILSON:** Objection. Compound.

20 **THE WITNESS:** I speak very highly of my
21 family. Just like every family, they have flaws,
22 but they are my family. They are wonderful,
23 amazing, supportive, loving people. So I speak very
24 highly of my -- hardworking, blue collar.

25 ///

1 **BY MR. ROY:**

2 Q. Now, Dr. Paglini goes on in the next
3 sentence to say that he, referring to yourself, and
4 his family, referring to your family, denigrate
5 Ms. Nance and her family.

6 Would you agree with Dr. Paglini's
7 conclusion in that regard?

8 **MS. WILSON:** Objection. Vague.

9 **THE WITNESS:** Now, does he make it clear
10 that was during the interview or a written part of
11 his evaluation?

12 **BY MR. ROY:**

13 Q. You mean the written part that you guys
14 submitted so he could create his evaluation, is that
15 what you're referring to?

16 A. When you asked the question that I, what,
17 degrade?

18 Q. Right. So Dr. Paglini makes a finding.
19 He states -- "he" being Dr. Paglini. He states,
20 quote/unquote, "He and his family denigrate
21 Ms. Nance and her family."

22 Do you believe Dr. Paglini reached an
23 accurate conclusion or reached an inaccurate
24 conclusion?

25 **MS. WILSON:** Same objection.

1 **THE WITNESS:** It's very clear that saying
2 that during the interview Chris degrades Sandra and
3 her family. It's very clear. Can we agree on that,
4 that he doesn't say during the interview?

5 **BY MR. ROY:**

6 Q. Correct.

7 A. And I'll tell you why. Because there was
8 a time before Sandra was pregnant that from your
9 questioning before that Sandra, myself, her family
10 exchanged -- Sandra would even e-mail my father
11 what's going on with Chris and involve both sides of
12 our families. So I had a stack of e-mails that I
13 gave to Dr. Paglini, and my assumption is that he
14 found those findings through the e-mails because I
15 said I have nothing to hide, here you go.

16 This is the conflict that we've been
17 experiencing. So that -- because he does not
18 clearly say "During the interview, Chris is bashing
19 Sandra and her family." So during a very turmoil
20 time in our relationship, Sandra and I relationship,
21 that was long, long ago that I would like to --
22 which is old news that I would like to move on from.

23 Q. Okay.

24 A. And not resurface in my life ever again
25 and move on to bigger, greater things in my life.

1 Q. But I need to know if you agree with that
2 statement or dis -- or agree with that conclusion
3 that he made a correct conclusion or do you believe
4 he made an incorrect conclusion when he found that
5 you and your family denigrate Ms. Nance and her
6 family?

7 **MS. WILSON:** Objection. The statement
8 itself is vague.

9 **THE WITNESS:** I will agree that both
10 families denigrate -- is that the word you're using?

11 **BY MR. ROY:**

12 Q. H'm-h'm.

13 A. Did denigrate one another.

14 Q. Okay.

15 A. I will not deny that. We both had our
16 moments where we went back and forth.

17 Q. Okay.

18 A. It wasn't one-sided where we were
19 attacked, it was a two-way street. Again, not a
20 proud moment in anyone's life.

21 Q. Dr. Paglini went on to state that in his
22 discussions with yourself, he says the negatives
23 that the Nance family had were constantly reenforced
24 by yourself.

25 Do you believe that you constantly

1 reenforced the negatives or do you believe that
2 Dr. Paglini misinterpreted your communication?

3 **MS. WILSON:** Objection. Vague.

4 **THE WITNESS:** I can't recall me
5 reenforcing. I can't recall, it was a long time
6 ago.

7 **BY MR. ROY:**

8 Q. Are you familiar with a Ms. Maso?

9 A. Yes.

10 Q. Who is that?

11 A. She was --

12 **MS. WILSON:** Object to relevance.
13 Go ahead.

14 **THE WITNESS:** She was a female from New
15 York that I dated for a period of, I don't know, six
16 to eight months, six months.

17 **BY MR. ROY:**

18 Q. Did you ever speak poorly of Sandra to
19 Ms. Maso?

20 **MS. WILSON:** Objection. Relevance.

21 **THE WITNESS:** We had -- she was my
22 girlfriend at the time. Sandra and I broke up. I'm
23 sure we had multiple conversations.

24 **BY MR. ROY:**

25 Q. And I'm reading from Dr. Paglini's report

1 where he sates, "Ms. Maso reported that she and her
2 family heard constantly about how horrible Ms. Nance
3 is," comma.

4 Would you say that Ms. Maso would be
5 reporting accurately when she makes that statement
6 or inaccurately?

7 **A. I think she drew her own conclusion from**
8 **the conversations that we had, that Ms. Maso and her**
9 **family -- or Ms. Nance and her family were --**
10 **however it's written. I think she drew her own**
11 **conclusions from that.**

12 **Q. Okay. Dr. Paglini states, "Hence,**
13 **Mr. Ferraro tends to be very grandiose in regards to**
14 **his family, which I am sure are very loving, and**
15 **denigrates and demeans other people."**

16 Would you -- do you believe that
17 Dr. Paglini reached an accurate conclusion when he
18 makes that statement or an inaccurate conclusion?

19 **A. Who is other people?**

20 **Q. I don't know.**

21 **A. Neither do I. So that is just impossible**
22 **to answer, and I apologize I can't answer that**
23 **because I don't remember or recall talking about**
24 **anybody outside of the Ferraro and Nance family.**

25 **Q. So then you believe, if I'm understanding**

1 correctly, that Dr. Paglini was reaching an
2 inaccurate conclusion when he makes that statement?

3 **A. I would have to say yes because I**
4 **don't --**

5 **Q. Okay. Dr. Paglini states, "Although this**
6 **evaluator understands Mr. Ferraro having concerns**
7 **about Ms. Nance's three children with three men,**
8 **there are also significant concerns with**
9 **Mr. Ferraro's relationships. Excluding this**
10 **marriage and since that time, Mr. Ferraro's had**
11 **difficulties in intimate relationships." He goes on**
12 **to state, "The pathology that he claims that**
13 **Ms. Nance has is also his own pathology." Referring**
14 **to you.**

15 Would you agree with Dr. Paglini's
16 statement that the pathology you claim of Ms. Nance
17 is also your own pathology or would you disagree?

18 **MS. WILSON: Objection. Vague.**

19 **THE WITNESS: So when he's referring to**
20 **intimate relationships -- I'm trying to understand**
21 **what was just read. I don't know what he's meaning**
22 **where I have intimate relationships.**

23 **BY MR. ROY:**

24 **Q. So my -- let put it this way. If someone**
25 **was to tell you that the problems that Ms. Nance**

1 has, from a psychological perspective, because she
2 had three children with three different men and that
3 she has her problems, would you say that you also
4 have problems with your intimate relationships and
5 your judgment and entering into relationships?

6 **MS. WILSON: Objection. Vague.**

7 **Compound. Assumes facts. Relevance.**

8 **Go ahead.**

9 **THE WITNESS: So if I'm understanding**
10 **that correctly, I have problems with relationships,**
11 **that's why I'm not in a relationship?**

12 **BY MR. ROY:**

13 **Q. No, I don't think that's what he's**
14 **saying.**

15 **A. That's the way I'm understanding. Sandra**
16 **has struggled through relationships and has three**
17 **kids from three different men, that I'm not in a**
18 **solid relationship either, that's how I'm figuring**
19 **that out.**

20 **But I will explain to you that 13 years**
21 **ago, I was with a woman for nine years, married to**
22 **her. Three months later she was diagnosed with**
23 **stage 4 stomach cancer and passed away. So she was**
24 **my wife that I would still be with today and**
25 **probably have four or five kids with that woman. So**

1 **I met her at college. So that was my soulmate wife.**

2 **So I didn't date a lot because of my**
3 **career I was moving around. It was very difficult**
4 **to have a relationship and be in a relationship. So**
5 **I have -- it's not like I've been living in Las**
6 **Vegas like Ms. Nance for the last 15, 20 years,**
7 **stable environment where I go out and date and meet**
8 **people. I was always on the road going from city to**
9 **city playing professional hockey.**

10 **So my lifestyle and my career did not**
11 **allow me to have stability to get into a**
12 **relationship and live that way. So those are my**
13 **thoughts and true facts behind that. I lost my wife**
14 **to stomach cancer that I was with for ten years.**

15 **Q. Okay. I want to move on a little bit**
16 **where Dr. Paglini states, "Hence, the fact that**
17 **he" -- referring to Mr. Ferraro -- "entered into a**
18 **relationship with a new woman, moved Ms. Maso to Las**
19 **Vegas with her twin daughters knowing that Ms. Nance**
20 **is pregnant with what could be his child, is**
21 **considered extremely poor judgment."**

22 Would you agree or disagree with
23 Dr. Paglini's findings that that behavior should be
24 considered extremely poor judgment?

25 **A. I guess that's his assumption to say that**

1 it was my child. Asked Sandra on numerous occasions
2 to do a DNA test to clarify that's my child, and it
3 was never done. And based on her history having at
4 that time two children from two different men plus
5 an abortion from a different man, the child, in my
6 opinion, could have been anyone's.

7 She lived and worked in the nightlife
8 industry and was around men all the time while I was
9 at home or on the road. And she also threatened me
10 that it could not be your child anyway. So based on
11 verbal comments to me and the way our relationship
12 was and the lifestyle that she lived and the
13 lifestyle that she was accustomed to and her
14 history, that's a false comment to say that it was
15 my -- could have been my child.

16 As soon as it was -- she was pregnant, I
17 asked to do a DNA test. She told me to eff off. "I
18 won't have this child do a DNA test until he's 18."

19 Q. Are you saying so I understand you
20 correctly, and tell me if I'm not, are you saying
21 that Dr. Paglini was incorrect when he decided that
22 your actions constituted extremely poor judgment
23 with refer to the time when you left with Ms. Nance
24 and came back with Ms. Maso?

25 A. I will say this, and I said this to you

1 earlier, as soon as I put my hand on my child and I
2 was introduced to my child, I have not missed one
3 time share. If I knew that my child was living
4 inside of Sandra, I would have been there for the
5 birth. It didn't mean we had to be in a
6 relationship because we didn't -- we weren't right
7 for one another. I have not turned my back on my
8 responsibility from my child.

9 So if Dr. Paglini feels that way, that it
10 was poor judgment because now it's established that
11 it's my child, I guess he has that ability to make
12 that comment and have his opinion. But as soon as
13 my child was in my hands, I quit my hockey career.
14 I could still be playing today, and my son is my
15 priority in my life. I live 3,000 miles away. I
16 have not missed one time share.

17 Q. Now, Dr. Paglini goes on to state,
18 "Mr. Ferraro's poor judgment in relationships
19 continued when he dated Ms. Christy Dwyer."

20 A. Dwyer.

21 Q. Dwyer?

22 A. Yes.

23 Q. Would you agree or disagree with that
24 statement?

25 A. I was in a relationship with her for a

1 year. What --

2 Q. Dr. Paglini finds that you exhibited poor
3 judgment in relationships when you continued by
4 dating Ms. Christy Dwyer.

5 A. How can he make that assumption or make
6 that comment? What if I was married to her right
7 now and she was my wife and we had two children, how
8 can he make a comment of that nature that early on?
9 I think I was dating her for maybe two months during
10 that time.

11 Q. So you disagree with that finding?

12 A. I don't know how he can make an
13 assumption about someone he does not even know, has
14 never met. I don't know this is why I felt it was
15 necessary to speak to Dr. Roitman and
16 Dr. Mortillaro. I'm not putting down his work, but
17 how do you make a comment like that to someone you
18 never met, knew, and it was a short time. Does he
19 feel as though Sandra and I should have carried our
20 relationship, that might be his opinion. Does he
21 look down upon me and Sandra for not -- I don't
22 know. I'm not Dr. Paglini.

23 Q. Was that Ms. Dwyer -- I hope I'm
24 pronouncing that right.

25 A. Yeah.

1 Q. Were there ever any concerns that you had
2 with regard to her being in your son Evan's life?

3 A. I have to be honest, she was --

4 MS. WILSON: Hold on. Objection.
5 Relevance.

6 Go ahead.

7 THE WITNESS: Clarify concerns, such as
8 what?

9 BY MR. ROY:

10 Q. Such as she could somehow in some way do
11 something that would negatively impact your child's
12 best interest.

13 A. Any woman that ever came into my life was
14 a threat to my child, they would be gone.

15 Q. That being said, are you telling me that
16 Ms. Dwyer was not a threat to your child?

17 A. I did not say that. We were not in the
18 relationship long enough to establish that.

19 Q. But you were in a relationship with her
20 for a year?

21 A. Not when this was --

22 Q. Right. I'm not referring to the report.
23 I'm just saying in general.

24 Do you have reason to be concerned about
25 Ms. Dwyer being in your son's life?

1 A. In what way? How?
2 Q. Any way.
3 A. I don't know what that means.
4 MS. WILSON: Objection. Relevance, and
5 particularly with respect to McMonigle.
6 THE WITNESS: If I think I know what
7 you're getting at, what -- are you saying she's not
8 a fit individual? Like, if you could be specific so
9 I can answer the question so you have more clarity,
10 I'd be happy to do that. But I would appreciate
11 just a little more zeroed in focus on --
12 BY MR. ROY:
13 Q. Was there anything about Ms. Dwyer that
14 made you think that she could be potentially a
15 negative influence on your son?
16 A. I know where you're going on this one.
17 Q. Where I am going?
18 A. I know where you're going. Her
19 background and the history and the information that
20 was revealed.
21 Q. Tell me about that.
22 A. That's where you're going.
23 Q. And what is that background information?
24 MS. WILSON: Objection. Relevance.
25 Again, same McMonigle objection.

1 THE WITNESS: There was speculation that
2 she was a call girl.
3 BY MR. ROY:
4 Q. Okay.
5 A. And this was information I found out I
6 want to say four months after I was dating her.
7 Q. And how did you find that information
8 out?
9 A. Through a close friend that she was
10 living with. Not living with, that she would stay
11 with from time to time in Las Vegas.
12 Q. What specifically did you find out?
13 A. That she was, in fact, a call girl.
14 Q. And when you say a call girl, what do you
15 mean by that?
16 A. I don't know what call girls do. I don't
17 know, it was just brought to my attention, and I
18 don't know their job description. I don't know
19 their workload. I don't know their salaries. I
20 don't know what it entails.
21 Q. What would your guess be as to the
22 general activities involved?
23 A. My guess -- my common sense would tell me
24 that they entertain high rollers or people with
25 money, and they -- let's see, what does a call girl

1 do, entertain men. And from there, I don't know
2 what their job description after that is. I'm sure
3 it can go anywhere. Sexual, I don't know.
4 Q. Besides your finding out that Ms. Dwyer
5 was a call girl, was there anything else about
6 Ms. Dwyer that gave you any concern?
7 MS. WILSON: Same objections.
8 THE WITNESS: Not that I can recall with
9 respect to her being a threat or harmful to Evan and
10 his well-being. She -- to be honest, she was
11 amazing with Evan. She played with Evan all the
12 time. Evan actually still talks about her from time
13 to time today. She spent a lot of quality time with
14 him and was very, very good to him. Very good.
15 BY MR. ROY:
16 Q. Were Ms. -- did Ms. Dwyer ever
17 participate in pornography?
18 A. I don't know this information.
19 MS. WILSON: Same objections.
20 THE WITNESS: I don't know this
21 information.
22 BY MR. ROY:
23 Q. You don't know?
24 A. I don't know if she performed in
25 pornography, I do not know that.

1 Q. Do you know if she ever appeared in any
2 type of photographs or videos in the nude?
3 MS. WILSON: Same objections.
4 THE WITNESS: Yeah, she was a Playboy
5 Playmate.
6 BY MR. ROY:
7 Q. Okay. Do you know if she -- if her nude
8 pictures ever appeared anywhere else other than
9 Playboy?
10 MS. WILSON: Same objections.
11 THE WITNESS: No, I don't. She was a
12 model and took -- I think she was a bikini model for
13 Tropicana. She was a Playboy Playmate. Other than
14 that, I don't know. I don't know.
15 BY MR. ROY:
16 Q. Dr. Paglini states, "Hence, Mr. Ferraro
17 would benefit from truly getting to know his next
18 romantic partner before he introduces this romantic
19 partner to his child. His inability to judge this
20 person accurately and expose his son early to his
21 romantic interest could be considered a potential
22 risk factor."
23 Would you agree with that part of the
24 statement where Dr. Paglini states that you could
25 benefit from truly getting to know your next

1 romantic partner before introducing a partner to
2 your child?
3 A. Well, I will tell you that I did date
4 Christy prior to this time and it was before Sandra.
5 I dated her for a short time. Then there was a time
6 when I was -- a year or two after that when I was
7 playing in San Antonio. She's from Austin, Texas
8 where I tried to connect with her. So after the
9 four or five months that I found out this
10 information, it came to me as a complete surprise of
11 what I found out. So I did have a previous
12 relationship with her and communication with her.
13 Q. So do you agree or disagree with that
14 statement?
15 A. Can you repeat it?
16 Q. "Mr. Ferraro would benefit from truly
17 getting to know his next romantic partner before he
18 introduces his romantic partner to his child."
19 A. I think that's a challenge we all face in
20 relationships, you find out things about people, you
21 know, early or late. You could be with someone for
22 25 years and get divorced. So I don't -- it's not
23 like Evan knew what her background was or what she
24 was involved in nor would I reveal that information.
25 Was it the best representation for me and you to

1 know? No.
2 Q. So you would agree --
3 A. But it doesn't mean she's an evil, bad
4 person.
5 Q. So do you --
6 A. If people make decisions on the way they
7 want to live or the path that they choose to travel,
8 doesn't mean you're a bad mother, father, or bad
9 person.
10 Q. Are you telling me you agree or you
11 disagree with his conclusion?
12 A. Can you repeat the conclusion once more,
13 please?
14 Q. "Mr. Ferraro would benefit from truly
15 getting to know his next romantic partner before he
16 introduces this romantic partner to his child."
17 A. She wasn't a romantic partner. She was
18 someone I had a relationship with for a year. So it
19 wasn't a one-night stand.
20 Q. So you disagree with that statement?
21 A. I do because it's not a -- it wasn't just
22 a romantic partner.
23 MS. REPORTER: Is it all right if we take
24 a break?
25 MR. ROY: Yes, that's fine.

1 (A recess was taken.)
2 BY MR. ROY:
3 Q. All right. Mr. Ferraro, I'm going to
4 continue with regard to Dr. Paglini's report.
5 In Dr. Paglini's report, he makes a
6 finding that you and Mr. Ferraro had made numerous
7 coparenting errors.
8 Would you agree with that finding or
9 disagree with that finding?
10 MS. WILSON: I just want to again make
11 the record as we're discussing the Paglini report
12 that I have a continuing objection to its relevance,
13 and specifically with regard to the case law
14 McMonigle and Castle.
15 Do you need him to repeat the question?
16 THE WITNESS: No, I got it.
17 MS. WILSON: Okay.
18 THE WITNESS: I would like to know
19 specifics of the coparenting and his meaning behind
20 specific examples such as what coparenting issue is
21 he referring to or issues, is there a specific
22 example of that as pointed out?
23 BY MR. ROY:
24 Q. Okay. I will get to examples, but first
25 I want to just know whether you believe you have

1 made numerous coparenting errors or do you believe
2 you have not made numerous coparenting errors?
3 MS. WILSON: Objection. Vague as to
4 time.
5 THE WITNESS: As mentioned earlier, I
6 think that I have come a long way with my
7 coparenting skills. I don't know what Dr. Paglini
8 uses as an error compared to a parent coordinator.
9 So examples would be helpful. Maybe an example
10 would bring me to give you an explanation of why I
11 decided to react a certain way.
12 BY MR. ROY:
13 Q. Okay. Was there ever a time when you
14 communicated with Ms. Nance by text telling her that
15 Evan had choked on a small toy and that you were
16 going to take Evan to see a doctor, but then you did
17 not text her anything else for numerous hours. And
18 you then took your son with your brother to a
19 variety of places, including an ice skating rink.
20 Did that happen?
21 MS. WILSON: Same objection.
22 THE WITNESS: I vaguely remember the
23 incident, and I think my purpose of not informing
24 Sandra was it was not an emergency. Evan -- I'm
25 trying to bring my memory back to the incident. He

1 had a piece of candy, I believe, a small piece of
2 candy and he swallowed it and said, "Daddy, I'm
3 choking."
4 I can't really remember the incident, but
5 obviously if you're able to talk, you're not
6 choking. And it wasn't an emergency situation and
7 Sandra did not need to be informed. It was on my
8 time share.
9 And obviously if it was something that
10 was an emergency or a life threatening situation,
11 Sandra would be the first to be notified. Could I
12 have taken the time to, I guess, text her and let
13 her know everything was all right now looking back,
14 probably that would have been the best course of
15 behavior and action. But I was with my son and I
16 just let it go on the wayside and we were playing at
17 the hockey rink and doing other activities. But she
18 would have been the first to know, of course.
19 **BY MR. ROY:**
20 Q. Did you take your son to a doctor that
21 day?
22 A. I don't think I did. From what I can
23 recall, I think Evan played a little joke on me and
24 said, "Daddy, I choked on some candy." I can't
25 recall the incident, but I don't recall taking him

1 to a doctor.
2 Q. Do you recall telling or informing Sandra
3 that you were going to take your son to a doctor?
4 A. I can't recall.
5 Q. Do you recall going to the ice skating
6 rink that same day?
7 A. These events that you're explaining line
8 up, so I vaguely remember. I don't -- I vaguely
9 remember.
10 **MS. WILSON:** Same objection to the extent
11 this is not exactly Paglini's report, but now we're
12 discussing facts and circumstances regarding these
13 parties that occurred prior to the November 2012
14 parenting order.
15 **MS. WILSON:** Same objection as lodged
16 pursuant to McMonigle.
17 **BY MR. ROY:**
18 Q. Do you recall an incident at the ice
19 skating rink where Sandra's older boy Desmond was
20 present and he would have been filming both yourself
21 and your brother and Evan on the ice skating rink?
22 **MS. WILSON:** Same objection.
23 **THE WITNESS:** Do I recall this incident?
24 **BY MR. ROY:**
25 Q. H'm-h'm.

1 A. Yes, I do.
2 Q. Do you recall if you told Desmond that
3 the boys, including Desmond, can't speak because
4 they are educated in Las Vegas and the school system
5 is poor.
6 Do you recall making that statement?
7 **MS. WILSON:** Same objection.
8 **THE WITNESS:** I remember -- I don't
9 recall any type of verbal communication. What I do
10 recall is Sandra's mother, Rebecca Nance, dropping
11 Desmond off and his two friends. And Desmond walked
12 up to myself, my brother Peter, and Evan with a
13 phone in my face videotaping us.
14 And I remember thinking I think this is
15 pretty immature that Sandra's mother would drop off
16 her oldest son and involve her oldest son in
17 conflict, invading and intruding on my time share
18 with my child. Those are things that stand out the
19 most saying this is embarrassing how Sandra would
20 put her mother up to having Desmond who, at that
21 time, I would believe would be 12 years old and two
22 other kids of his age approach us to try to provoke
23 us into doing something that he can get on
24 videotape. I remember thinking that's pretty
25 immature and an invasion and intrusion on my time

1 share with my child. That's what I do recall. I
2 don't remember any verbal exchange between myself
3 and Desmond.
4 **BY MR. ROY:**
5 Q. Do you believe that you were mature or
6 immature in your response to the boys filming you?
7 **MS. WILSON:** Same objection.
8 **THE WITNESS:** To my response? What
9 response?
10 **BY MR. ROY:**
11 Q. Whatever response you may or may not have
12 had.
13 **MS. WILSON:** Same objection. Assumes
14 facts.
15 **THE WITNESS:** Well, if I didn't make a
16 response, I don't think it would call for me being
17 immature if I didn't make a response. I don't
18 recall any type of verbal communication.
19 **BY MR. ROY:**
20 Q. Okay.
21 A. I do remember, in fact, how shocked and
22 disappointed and upset that you would have a
23 grandmother bring your grandson to go out of your
24 way to try to provoke myself and my brother, intrude
25 on my time share with my child, invade my time with

1 my child.
2 Q. I'm going to read Dr. Paglini's
3 statements regarding this incident. I want you to
4 tell me if you think he made a correct statement or
5 an incorrect statement.
6 Dr. Paglini writes, "The above reflected
7 immaturity on the Ferraro brothers' part. Although
8 this evaluator has appreciation that it was
9 uncomfortable being taped, they could have merely
10 walked out and handled the situation more admirably.
11 However, they made denigrating comments in the
12 process. Ms. Ferraro" -- excuse me, "Mr. Ferraro
13 admits he was immature in his response and blames
14 this on the toxic relationship. What is evident is
15 that Mr. Ferraro has a history of immature responses
16 throughout this relationship."
17 Would you agree or disagree with that
18 statement?
19 MS. WILSON: Same objections plus assumes
20 facts. Hearsay.
21 Go ahead.
22 THE WITNESS: I think it's very difficult
23 for Dr. Paglini to make that type of assessment on a
24 situation that he was not present at. But I guess
25 from time to time you stoop to the level that you're

1 in and you're in the situation and you stoop to that
2 level. And if I did react that way, obviously I'm
3 not proud of it. I guess I would be embarrassed
4 about it and I should be an adult about it.
5 But at the same time, I don't think it's
6 appropriate for me to be challenged and provoked by
7 Desmond and his posse during my time share with my
8 four-year-old son and put in -- the most important
9 part of it is put a four-year-old young boy in a
10 situation like that to possibly try to create
11 conflict and confrontation. And I think that was
12 their objective was me to smack the phone out of his
13 hand or create something along those lines of proof
14 and evidence that I'm an angry violent individual.
15 That was their objective, but I didn't fall into
16 their trap.
17 But, again, it's Evan, a four-year-old
18 boy, standing there seeing this is the most
19 disappointing thing. But, again, that's again
20 another form of retaliatory defensive mechanism by
21 being I didn't start that, that was brought to me
22 through an adult, a 60-year-old adult, Rebecca
23 Nance, and orchestrated by, at that time, a 35,
24 36-year-old mother of three children.
25 ///

1 BY MR. ROY:
2 Q. As this continues, the next sentence
3 after it says, "So Mr. Ferraro has a history of
4 immature responses throughout this relationship.
5 This above is reflective of his character and not
6 the situation. Hence, Mr. Ferraro continues to see
7 Las Vegas as this negative place with poor school
8 systems, yet his son does not need to hear this and
9 it just provides a further wedge in this situation.
10 As time goes on if Evan continues to hear how bad
11 Las Vegas is, Evan will internalize his father's
12 comments as true. Their comments were immature and
13 narcissistically inclined."
14 Would you agree with Dr. Paglini's
15 conclusion there or would you disagree with it?
16 A. I think it's very silly. My son wants to
17 rank school systems, he can go on a computer and
18 Google what state ranks the best and what's the
19 worst and he can come up with his own conclusion
20 that Nevada school systems are 50 in the country. I
21 don't march around saying Nevada school systems are
22 the worst in the country. These are facts. These
23 are facts that anyone can find.
24 Q. But do you make those types of statements
25 in front of your son Evan?

1 A. Why would I do that? Why would I further
2 complicate a situation?
3 Q. Are you saying that you have not?
4 A. I -- what goes on here, my son has no
5 idea what goes on. I would not put my son in more
6 conflict situation. This is why I refused to put
7 him in therapy because all you're doing is adding to
8 his anxiety and all you're doing is adding to
9 conflict. So if I keep my son away from and I
10 protect him from any of this and all of this.
11 Q. Have you ever made comments to Evan or in
12 Evan's presence about how Las Vegas is?
13 A. Very broad. I don't know how to respond.
14 The weather is great, the restaurants are amazing.
15 Q. Have you ever said anything negatively
16 about Las Vegas either directly to your boy or in
17 front of your boy?
18 A. I don't recall. Such as what?
19 Q. Such as anything. Anything negative.
20 A. Nothing stands out about anything
21 negative in Las Vegas.
22 Q. Okay. We talked a little bit ago about
23 the concussion and some of your complaints following
24 the concussion. I think you said you had some
25 memory issues, bright lights would bug you.

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| <p style="text-align: right;">Page 214</p> <p>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</p> | <p style="text-align: right;">Page 216</p> <p>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?</p> |
| <p style="text-align: right;">Page 215</p> <p>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</p> | <p style="text-align: right;">Page 217</p> <p>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> |

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| <p style="text-align: right;">Page 218</p> <p>1 Q: Mr. Pannacciulli, 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 Pannacciulli. 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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| <p style="text-align: right;">Page 222</p> <p>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?</p> | <p style="text-align: right;">Page 224</p> <p>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</p> |
| <p style="text-align: right;">Page 223</p> <p>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?</p> | <p style="text-align: right;">Page 225</p> <p>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> |

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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

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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.

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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.

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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.

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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

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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?

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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

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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

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|---|---|
| <p style="text-align: right;">Page 234</p> <p>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</p> | <p style="text-align: right;">Page 236</p> <p>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</p> |
| <p style="text-align: right;">Page 235</p> <p>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</p> | <p style="text-align: right;">Page 237</p> <p>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</p> |

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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.

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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?**

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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

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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**

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| <p style="text-align: right;">Page 242</p> <p>1 and Sandra exchange Evan?</p> <p>2 A: I've been typically there since</p> <p>3 approximately May of 2015.</p> <p>4 Q: Were you there for... So Evan was</p> <p>5 just with Chris in June, correct?</p> <p>6 A: Correct.</p> <p>7 Q: Did Chris and Sandra meet at the</p> <p>8 airport?</p> <p>9 A: Yes.</p> <p>10 Q: Did you see Sandra at that time?</p> <p>11 A: I didn't see her, I saw her vehicle.</p> <p>12 Q: What was Evan's demeanor when he</p> <p>13 left her vehicle and came to Chris?</p> <p>14 A: In all my exchanges that I have</p> <p>15 seen, Evan come to dad, he can't get out of the car</p> <p>16 fast enough. He is jumping out of the car, in fact</p> <p>17 dropping stuff, running up to his dad and jumping</p> <p>18 into his arms, filled with joy.</p> <p>19 Q: What is Evan's demeanor when he is</p> <p>20 returning to Sandra?</p> <p>21 A: The opposite of that.</p> <p>22 Unfortunately, his demeanor totally changes. He</p> <p>23 seems very sad, depressed, head down and lacks</p> <p>24 confidence.</p> <p>25 Q: What's his demeanor throughout the</p> | <p style="text-align: right;">Page 244</p> <p>1 A: Correct.</p> <p>2 Q: You guys have spent all your time</p> <p>3 together while being raised, is that correct?</p> <p>4 A: Yes.</p> <p>5 Q: To this day, you still spend almost</p> <p>6 all your time together?</p> <p>7 A: A majority of our time, yes.</p> <p>8 Q: By majority, would you say 90% of</p> <p>9 the time?</p> <p>10 A: I would say that is a fair</p> <p>11 assessment, 90% of the time.</p> <p>12 Q: Would you say possibly even more?</p> <p>13 A: Yes.</p> <p>14 Q: Maybe the only times you guys are</p> <p>15 apart is if perhaps, as you said earlier, maybe Chris</p> <p>16 goes to get some groceries or because obviously you</p> <p>17 are not sleeping in the same bedroom, is that right?</p> <p>18 A: Correct.</p> <p>19 Q: You are familiar with the timeshare</p> <p>20 in this case, is that correct?</p> <p>21 A: Yes.</p> <p>22 Q: You know that timeshare to be</p> <p>23 essentially on a month-to-month basis, your brother</p> <p>24 gets about 10 days a month.</p> <p>25 A: Yes.</p> |
| <p style="text-align: right;">Page 243</p> <p>1 timeshare when he is with Chris?</p> <p>2 A: He is happy for the whole entire</p> <p>3 time. He is filled with activities. He is filled</p> <p>4 with all the things that Evan wants to do and he's</p> <p>5 just a happy boy.</p> <p>6 Q: When Evan is with Chris, are there</p> <p>7 sometimes things he is required to do that perhaps he</p> <p>8 doesn't want to?</p> <p>9 A: Can you give me an example?</p> <p>10 Q: Like for instance homework.</p> <p>11 A: Yes.</p> <p>12 Q: Does he do it anyway?</p> <p>13 A: He is required to do it. Yes, he</p> <p>14 does.</p> <p>15 Q: Does he get despondent when he has</p> <p>16 to do it?</p> <p>17 A: Never.</p> <p>18 Q: Pass the witness.</p> <p>19 MR. NAIMI: A moment of the court's</p> <p>20 indulgence.</p> <p>21 JUDGE GENTILE: Sure.</p> <p>22 DIRECT EXAMINATION</p> <p>23 BY: Jason Naimi</p> <p>24 Q: I hate to state the obvious but you</p> <p>25 and Chris are twins, is that correct?</p> | <p style="text-align: right;">Page 245</p> <p>1 Q: Outside of those 10 days, Evan is</p> <p>2 with his mother, Sandra, is that correct?</p> <p>3 A: Yes.</p> <p>4 Q: You testified earlier that Evan is</p> <p>5 charismatic?</p> <p>6 A: Yes.</p> <p>7 Q: That he's got a big heart?</p> <p>8 A: Yes.</p> <p>9 Q: That he is a leader?</p> <p>10 A: Yes.</p> <p>11 Q: He is a special kid?</p> <p>12 A: Yes.</p> <p>13 Q: That he is well-behaved?</p> <p>14 A: Yes.</p> <p>15 Q: He is an excellent listener?</p> <p>16 A: Yes.</p> <p>17 Q: Would you say that Evan does really</p> <p>18 well in school?</p> <p>19 A: Yes.</p> <p>20 Q: Do you know what grades Evan gets?</p> <p>21 A: I don't.</p> <p>22 Q: If I represent to you that he got</p> <p>23 all A's this past year, does that sound familiar to</p> <p>24 you?</p> <p>25 A: That would sound accurate.</p> |

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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?

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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?

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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

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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.

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1 Q: You guys talk about stuff?
2 A: Yes.
3 Q: Does he share with you his NHL
4 lawsuit?
5 A: Chris is very private in some of his
6 information, so he doesn't share everything with me.
7 Q: But you spend about 90% of the time
8 together?
9 A: Yes.
10 Q: You have no idea as to whether or
11 not he has got any lawsuits going on?
12 A: I don't have that answer. I know
13 that he has had maybe some discussions, but that's
14 all I know.
15 Q: Some discussions. Do you ever
16 observe or have you ever observed Evan when he first
17 sees his mom happy returning from New York?
18 A: Yes.
19 Q: When was the last time you have made
20 that observation? Be more specific. After Evan left
21 your brother, have you observed how he is over at
22 Sandra's house?
23 A: No.
24 Q: And have you observed Evan at
25 Sandra's house when he is leaving her to come to see

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1 Chris?
2 A: No.
3 Q: Nothing further.
4 JUDGE GENTILE: Okay.
5 Q: Nothing further.
6 JUDGE GENTILE: Follow up, Ms. Wilson?
7 MS. WILSON: We would excuse the
8 witness, your Honor.
9 JUDGE GENTILE: Okay, great. You may
10 step down, thank you very much. It's 4:34 Do you have
11 another witness you want to call in a short timeframe
12 or do you want to break today?
13 MS. WILSON: No, we don't. In fact, we
14 rest our case in chief with the exception that Mr.
15 Naimi and I have agreed that similar to the way he is
16 treating Mr.-- well, I guess it is a little bit
17 different. But he has agreed that I am going to--
18 JUDGE GENTILE: You are not going to
19 call her in your case...
20 MS. WILSON: Exactly, and it's still
21 beyond the scope.
22 JUDGE GENTILE: Yeah, I agree. Okay, so
23 now we have 25 minutes left for the... Do you want to
24 just end today and then... let me do some
25 calculating.

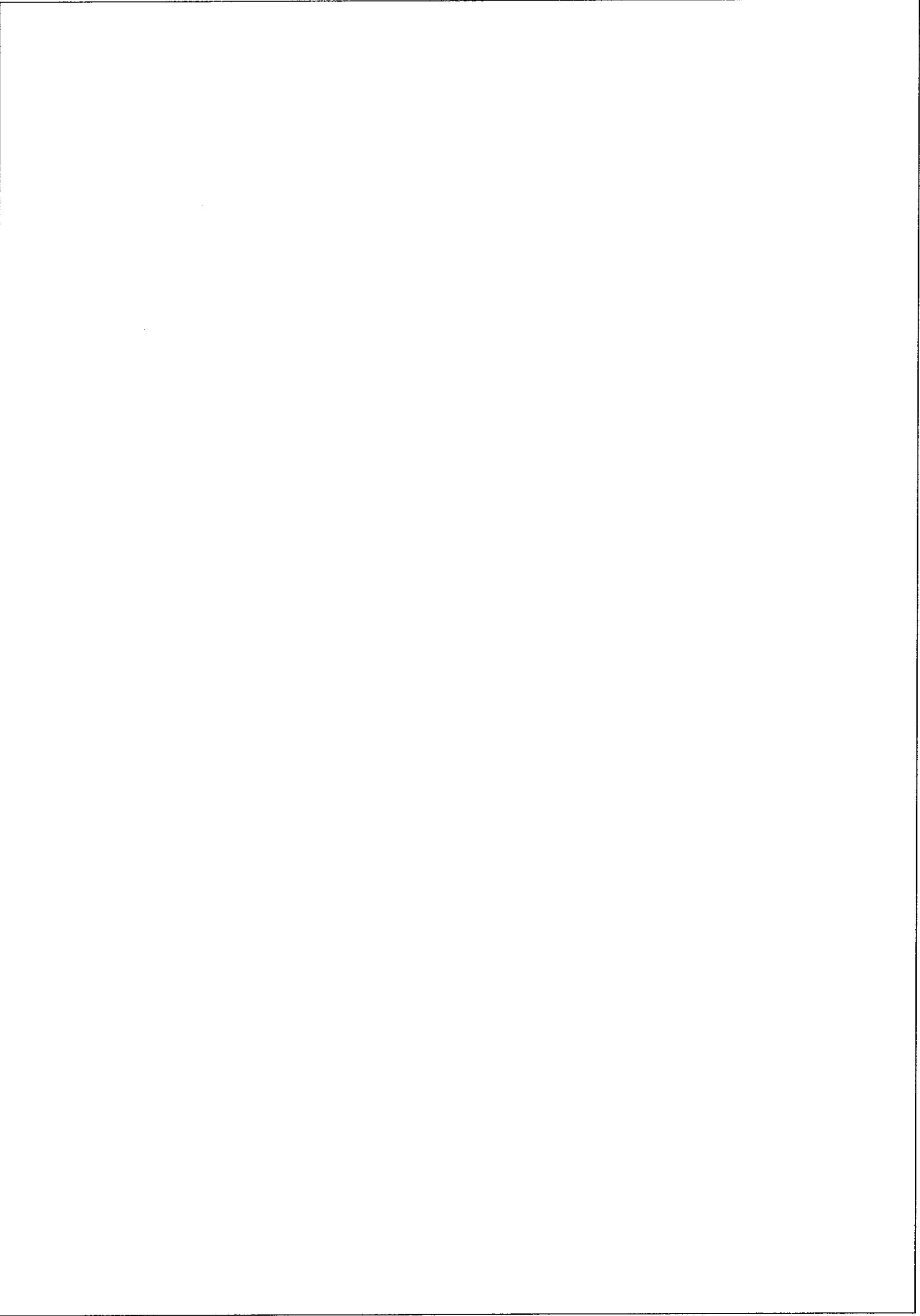
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1 MR. NAIMI: I think it makes the most
2 sense your Honor due to the fact that we don't want
3 to break in the middle of the testimony and then we
4 are not going to recall where we're at yesterday.
5 JUDGE GENTILE: I agree with you, it's
6 better to just start fresh.
7 MR. NAIMI: To be clear, we are on at
8 1:30 tomorrow afternoon and then again on Wednesday
9 at 1:30.
10 JUDGE GENTILE: Correct. It looks like
11 you will get through everything. It appears that way
12 anyway.
13 MS. WILSON: We did need and we did all
14 that exhibit work beforehand, so we did our job and
15 we--
16 MR. NAIMI: In fact, we have two three
17 trial conferences because we were not done after the
18 first one. It just escaped both our minds and I'll
19 take responsibility for that one, your Honor, to
20 introduce the stipulated exhibits before we even had
21 notice of it, I'm sorry.
22 JUDGE GENTILE: It's okay, that's why
23 when we took the break and I had them ask you--
24 MR. NAIMI: Actually, it was in the
25 middle of this morning when we had one where we

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1 realized, "Oh, that is a stipulated exhibit. We
2 should have..."
3 JUDGE GENTILE: It's okay. I usually ask
4 at the beginning myself but for some reason, I didn't
5 ask this morning either. All right. So we will go
6 off the record and we will see you back here tomorrow
7 at 1:30.
8 (Deposition adjourned)
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|--|---------------------|
| <div>1</div> <div>CERTIFICATE OF RECORDER</div> <div>2 STATE OF NEVADA)</div> <div>3 COUNTY OF CLARK)</div> <div>4 NAME OF CASE: SANDRA LYNN NANCE vs CHRISTOPHER MICHAEL FERRARO</div> <div>5I, Peter Hellman, a duly commissioned</div> <div>6 Notary Public, Clark County, State of Nevada, do hereby</div> <div>7 certify: That I transcribed or supervised transcription</div> <div>8 of deposition of the witness, TRIAL TESTIMONY .</div> <div>9 from Recorded Audio-and-Visual Record and said deposition</div> <div>10 is a complete, true and accurate transcription,</div> <div>11</div> <div>12I further certify that I am not a relative or</div> <div>13 employee of an attorney or counsel of any of the</div> <div>14 parties, nor a relative or employee of an attorney or</div> <div>15 counsel involved in said action, nor a person</div> <div>16 financially interested in the action.</div> <div>17IN WITNESS WHEREOF, I have hereunto set my</div> <div>18 hand in my office in the County of Clark, State of</div> <div>19 Nevada, this 06/27/2016.</div> <div>20</div> <div>21</div> <div>22Peter J. Hellman Notary (12-9031-1)</div> <div>23</div> <div>24</div> <div>25</div> | <div>Page 254</div> |
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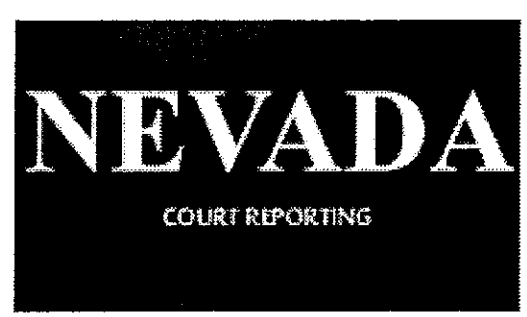
DISTRICT COURT
CLARK COUNTY, NEVADA

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| 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

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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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TRIAL TESTIMONY
Taken on June 28, 2016

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

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| <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> |

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

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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.

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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?

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1 A: Yes.
2 Q: Specifically Mondays, Tuesdays and--
3 A: Monday, Thursday, Saturday.
4 Q: Monday, Thursday, Saturday that's
5 correct, thank you. And you, when Evan is in his
6 mother's care, you regularly Skype with Evan, is that
7 correct?
8 A: FaceTime, now.
9 Q: FaceTime, okay. You do so every Monday,
10 Thursday and Saturday?
11 A: Depending on scheduling. It may be
12 FaceTime; it may be a phone call.
13 Q: Do you believe Sandra does a good job of
14 facilitating Evans FaceTime with you?
15 A: I think she does a fair job.
16 Q: Do you, when you get to FaceTime with
17 Evan, approximately how long is each FaceTime session
18 with him?
19 A: It varies
20 Q: Thirty minutes?
21 A: It varies.
22 Q: Would say there are plenty that are at
23 30 minutes?
24 A: It varies, my last two FaceTime
25 discussions were

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1 3 minutes.
2 Q: Okay.
3 A: And then last night it was 30 minutes.
4 Q: Alright, have you ever had an
5 opportunity to
6 FaceTime with Evan for say an hour?
7 A: Yes.
8 Q: Have you ever had an opportunity to
9 FaceTime with
10 him for say an hour and a half?
11 A: I don't really have a stop watch next to
12 me, but
13 we talk.
14 Q: The plan also addresses counseling does
15 it not? If I could direct your attention to page 10
16 of the plan? Section 2.8 on that page the title is
17 counseling, is that correct?
18 A: Correct.
19 Q: And that the parties will begin
20 counseling for Evan, that the parties would begin
21 Evan, counseling with Evan with a counselor, is that
22 what it says? That parties will begin counseling for
23 Evan with a counselor?
24 A: Correct.
25 Q: And then it also says that both parties

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1 are to participate in counseling?
2 A: Correct.
3 Q: Yesterday you testified that you--
4 MR. MOODY: Objection, that's only a
5 portion of the sentence.
6 MR. NAIMI: You, you can redirect.
7 MR MOODY: I can also state my
8 objection.
9 JUDGE GENTILE: You can raise it on
10 your redirect.
11 MR. NAIMI: Yes.
12 Q: You testified yesterday that you do not
13 take Evan to his counseling sessions when you're in
14 Las Vegas, is that correct?
15 A: Correct.
16 Q: Have you ever met with Ms. Tolman?
17 A: Yes.
18 Q: Have you ever shared any concerns you
19 have with Evan to her?
20 A: No.
21 Q: You've never had any substantive
22 conversations about concerns you have with, about
23 Evan with her?
24 A: Not that I recall.
25 Q: Yesterday, you testified that you've

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1 taken Evan out of state, out of the State of New York
2 for a hockey tournament in Connecticut for example?
3 A: Yes.
4 Q: Did you provide Sandra with a travel
5 itinerary?
6 A: Yes.
7 Q: When did you do so?
8 A: I believe I provided her the schedule
9 the day after we arrived?
10 Q: After, after you left for Connecticut?
11 A: After we arrived.
12 Q: In Connecticut?
13 A: In Connecticut, which was my mistake.
14 Q: Not prior to, okay.
15 A: Correct.
16 Q: Have there been times when you've not
17 provided her with an itinerary whatsoever?
18 A: Yes. Very rarely.
19 Q: Yesterday you testified that your home
20 is in New York?
21 A: Yes.
22 Q: Because you were born there?
23 A: Yes.
24 Q: Because you were raised there?
25 A: Yes.

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1 Q: Because your connections are there?
2 A: Yes.
3 Q: Because your family is there?
4 A: Yes.
5 Q: To you New York means home?
6 A: Yes.
7 Q: The reasons you wish to relocate Evan to
8 New York are you believe it's better for your
9 business?
10 A: Not in that order.
11 Q: Fair enough but this is one of the
12 reasons you identified yesterday, is that correct?
13 A: Well Evan would benefit from that, yes.
14 Q: Your ability to work?
15 A: Correct.
16 Q: You would have a flexible schedule?
17 A: Yes.
18 Q: Because New York is your home?
19 A: Yes.
20 Q: In fact, you stated that a couple of
21 times yesterday, is that correct?
22 A: I don't recall, maybe. I'm sure I did.
23 Q: New York is your community?
24 A: Yes.
25 Q: New York is where you were raised?

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1 These were all reasons why you wish to relocate Evan
2 to New York?
3 A: Yes.
4 Q: Because you have resources in New York?
5 A: Yes.
6 Q: And that you would pay for Evan's travel
7 costs?
8 A: Yes.
9 Q: In your motion, you identified a
10 proposed schedule for Evan's mother in the event the
11 court were to grant your permission to relocate him
12 to New York, is that correct?
13 A: Yes.
14 Q: That was Exhibit A to your motion, is
15 that correct?
16 A: I don't remember what exhibit it is, but
17 if I could see it, I can identify it.
18 MR. NAIMI: May I, Your Honor.
19 JUDGE GENTILE: Yes.
20 MR. MOODY: I think it was an exhibit,
21 I think it was Exhibit A, I guess.
22 JUDGE GENTILE: I think it might have
23 been in the defendant's.
24 MR. NAIMI: Yes, that's right.
25 MR. MOODY: Defendants Exhibit A.

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1 MR. NAIMI: I'm going to pull it up,
2 for you to look at it.
3 PARALEGAL: What exactly are you
4 looking for?
5 MR. NAIMI: Huh?
6 JUDGE GENTILE: What exactly are you
7 looking for?
8 MR. NAIMI: The court's indulgence,
9 Your Honor.
10 May I approach, Your Honor?
11 JUDGE GENTILE: You may.
12 Q: Is this a copy of the proposed
13 visitation schedule you had presented to the court?
14 A: Yes.
15 Q: And that looks like Exhibit A of your
16 motion, is that correct?
17 A: Yes.
18 Q: This proposed schedule addresses summer
19 break, is that correct?
20 A: Yes.
21 Q: You propose Evan would visit his mother
22 every summer for six weeks.
23 A: Yes.
24 Q: Those six weeks would be divided into
25 two, three week visits each.

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1 A: Yes.
2 Q: One at the beginning of the summer
3 break?
4 A: Yes.
5 Q: And then one at the end of the summer
6 break?
7 A: Yes.
8 Q: You would have Evan for three weeks in
9 between?
10 A: Yes.
11 Q: That equates to Evan visiting his mother
12 approximately 42 days each summer, yes?
13 A: If that's the math, yes.
14 Q: Yes. In odd years you proposed Evan
15 would visit with his mother the second half of
16 winter break, is that correct?
17 A: Yes.
18 Q: From the 26th of December until the day
19 before school resumes?
20 A: Correct.
21 Q: That's about six days?
22 A: Yes.
23 Q: In odd years, you proposed that Evan
24 would visit his mother for April break?
25 A: Are we still on winter break or April?

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1 Q: April break.
2 A: Oh. Yes.
3 Q: From the Friday after school recesses to
4 the day before school resumes?
5 A: Yes.
6 Q: And that would be approximately 9 days?
7 A: Yes.
8 Q: And I have here you also proposed Evan
9 would visit his mother for Columbus Day weekend?
10 A: Yes.
11 Q: That would be from Thursday after school
12 recesses to the Tuesday after Columbus Day?
13 A: Yes.
14 Q: That's approximately five days? Yes?
15 A: Yes.
16 Q: The Columbus Day weekend would be
17 permitted provided Evan's school permits that
18 absence, those absences the Friday and the Tuesday
19 right?
20 A: Yes.
21 Q: And provided there were no substantial
22 interference with Evan's extracurricular activities?
23 A: Yes.
24 Q: So that weekend may not be guaranteed?
25 It's possible Evan couldn't visit his mother on that

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1 weekend?
2 A: If it did not effectively interfere with
3 schooling or extracurricular activities.
4 Q: In odd years you proposed Evan would
5 visit his mother for Thanksgiving?
6 A: Yes.
7 Q: From Wednesday after school recesses to
8 Sunday after Thanksgiving?
9 A: Yes.
10 Q: And that would be approximately four
11 days?
12 A: Yes.
13 Q: Under your proposed schedule Evan would
14 visit his mother approximately 66 days every odd
15 year?
16 A: Yes.
17 Q: Assuming, that's assuming of course he
18 gets Columbus Day weekend?
19 A: Correct.
20 Q: If not it would be 61 days?
21 A: Correct.
22 Q: In even years you proposed a schedule
23 for, well okay-- let's back up. In even years the
24 summer schedule would stay the same correct?
25 A: Correct.

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1 Q: So that would still be 32 days.
2 A: Correct.
3 Q: In even years you proposed he would
4 visit with his mother for the entire winter break?
5 A: Correct.
6 Q: From when school recesses to the day
7 before it resumes?
8 A: Correct.
9 Q: And that would be about nine days?
10 A: Yes.
11 Q: And in even years you proposed Evan
12 would visit his mother for February break?
13 A: Yes.
14 Q: And that would be from Friday after
15 school recesses to the day before it resumes?
16 A: But I also proposed with winter break
17 and April break that on my time share with Sandra,
18 is I would facilitate her to come and be there for
19 Evan if he has any events or any extracurricular
20 activities or school events. I would help
21 facilitate--
22 Q: And so to be clear, that visitation in
23 February would be about nine days, right?
24 A: I believe so, yes.
25 Q: Yeah, in even years you also proposed

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1 Evan would visit his mother for Memorial Day
2 weekend?
3 A: Yes.
4 Q: Again, that would be from Thursday to
5 Tuesday?
6 A: Correct.
7 Q: About five days?
8 A: Correct.
9 Q: And of course, that also is provided the
10 school permits those absences and provided he has no
11 extracurricular activities, correct?
12 A: Correct.
13 Q: In even years you proposed he would also
14 have Columbus Day, again with his mother.
15 A: Correct.
16 Q: And of course that's the same thing,
17 from Thursday to Tuesday?
18 A: Correct.
19 Q: Another five days?
20 A: Correct.
21 Q: Provided again, there's no-- that the
22 school permits these absences and there are no
23 extracurricular activities interfering?
24 A: Correct.
25 Q: Under your proposed schedule Evan would

| Page 38 | Page 40 |
|---|---|
| <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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| <p style="text-align: right;">Page 42</p> <p>1 A: Correct.</p> <p>2 Q: And you're aware that he's been</p> <p>3 diagnosed with generalized anxiety disorder?</p> <p>4 A: Correct.</p> <p>5 Q: And you're aware that he's been</p> <p>6 diagnosed with oppositional/defiance disorder?</p> <p>7 A: Correct.</p> <p>8 Q: Do you believe ADHD can be cured?</p> <p>9 A: Yes.</p> <p>10 Q: Do you believe that generalized anxiety</p> <p>11 disorder can be cured?</p> <p>12 A: I'm not a medical expert but I believe</p> <p>13 all of it can be cured.</p> <p>14 Q: So including generalized anxiety</p> <p>15 disorder and opposition/defiance disorder?</p> <p>16 A: I'm not an expert so I--</p> <p>17 Q: Your belief. Do you believe it can be</p> <p>18 cured?</p> <p>19 A: I'm not a medical expert so I don't know</p> <p>20 if I am qualified to answer these questions.</p> <p>21 Q: Fair enough. Evan is a solid student?</p> <p>22 A: Yes he is.</p> <p>23 Q: He gets straight A's?</p> <p>24 A: Yes he does.</p> <p>25 Q: So far, he's done very well in school?</p> | <p style="text-align: right;">Page 44</p> <p>1 he's bright.</p> <p>2 A: Yes I did.</p> <p>3 Q: He's talented.</p> <p>4 A: Yes.</p> <p>5 Q: He's special.</p> <p>6 A: Yes.</p> <p>7 Q: He's gifted.</p> <p>8 A: Yes.</p> <p>9 Q: He's popular.</p> <p>10 A: Yes.</p> <p>11 Q: He's athletic.</p> <p>12 A: Yes.</p> <p>13 Q: He's a leader.</p> <p>14 A: Yes.</p> <p>15 Q: He's doing well.</p> <p>16 A: Yes.</p> <p>17 Q: You would acknowledge that Evan has got</p> <p>18 a strong relationship with you, correct?</p> <p>19 A: Yes.</p> <p>20 Q: You would also acknowledge that he's got</p> <p>21 a strong relationship with his mother?</p> <p>22 A: Yes.</p> <p>23 Q: That both of you have done a marvelous</p> <p>24 job raising this bright, talented, special, gifted,</p> <p>25 popular, athletic-- this leader, is that correct?</p> |
| <p style="text-align: right;">Page 43</p> <p>1 A: Correct.</p> <p>2 Q: In fact, yesterday you submitted math</p> <p>3 timed tests report.</p> <p>4 A: Yes.</p> <p>5 Q: Those tests were only since June of 2015</p> <p>6 on, correct?</p> <p>7 A: What do you mean on?</p> <p>8 Q: Those tests that you submitted to the</p> <p>9 court, they're from June of 2015 to current.</p> <p>10 A: Yes.</p> <p>11 Q: You submitted a reading log.</p> <p>12 A: Yes.</p> <p>13 Q: Those were also from June of 2015 to</p> <p>14 current?</p> <p>15 A: That was the summer of June and July and</p> <p>16 August of 2015.</p> <p>17 Q: It was not prior to June of 2015, is</p> <p>18 that correct?</p> <p>19 A: Correct.</p> <p>20 Q: The same with the writing. You</p> <p>21 submitted some writing samples, those were only as</p> <p>22 of June of 2015?</p> <p>23 A: June, July, August. After he completed</p> <p>24 kindergarten.</p> <p>25 Q: You stated yesterday, you think Evan is,</p> | <p style="text-align: right;">Page 45</p> <p>1 A: Yes.</p> <p>2 Q: I believe you testified to this</p> <p>3 yesterday and I apologize if I didn't get the</p> <p>4 testimony clear. Evan is your only child?</p> <p>5 A: Yes, he is.</p> <p>6 Q: He does have a brother, yes?</p> <p>7 A: Yes.</p> <p>8 Q: His brother's name is Desmond?</p> <p>9 A: Yes.</p> <p>10 Q: Desmond resides in Las Vegas?</p> <p>11 A: Yes.</p> <p>12 Q: Evan has a sister?</p> <p>13 A: Yes.</p> <p>14 Q: His sister's name is Kayla?</p> <p>15 A: Yes.</p> <p>16 Q: Kayla resides in Las Vegas?</p> <p>17 A: Yes.</p> <p>18 MR. NAIMI: We talked-- Your Honor, if</p> <p>19 I may approach?</p> <p>20 JUDGE GENTILE: Yes.</p> <p>21 [BENCH CONFERENCE]</p> <p>22 Q: If you wouldn't mind turning to the</p> <p>23 first page of the binder. You testified yesterday,</p> <p>24 that you had your visitation with Evan in June 2014,</p> <p>25 from the 12th of that month t the 26th, is that</p> |

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| <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 G1 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> |

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| <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 DFT 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 PLREB 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, PLREB 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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| <p style="text-align: right;">Page 54</p> <p>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.</p> | <p style="text-align: right;">Page 56</p> <p>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.</p> |
| <p style="text-align: right;">Page 55</p> <p>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</p> | <p style="text-align: right;">Page 57</p> <p>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> |

| Page 58 | Page 60 |
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| <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>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> |
| Page 59 | Page 61 |
| <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>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> |

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| <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> |

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| <p style="text-align: right;">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 L3.</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 style="text-align: right;">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 L1, 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 style="text-align: right;">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 style="text-align: right;">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 Chihuahuas, and</p> <p>24 everything that we travel with.</p> <p>25 Q: Is that one way, \$300?</p> |

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1 A: Yes.
2 Q: Do you pay cash for first class
3 flights?
4 A: No.
5 Q: All right. Thinking about the
6 parenting plan now, the parenting plan defines the
7 days when you and Sandra each receive your Skype or
8 FaceTime visits with Evan, correct?
9 A: Correct.
10 Q: Are there variations as to the days
11 that you receive your FaceTime visits with Evan?
12 A: Yes.
13 Q: Are there variations to the day
14 that Sandra receives her FaceTime visits with Evan?
15 A: Yes.
16 Q: Does duration of your FaceTime
17 visits with Evan vary?
18 A: Yes.
19 Q: Does the duration of Sandra's
20 FaceTime visits with Evan vary?
21 A: Yes.
22 Q: Again, the parenting plan stated
23 that there would be counseling. The parties will
24 begin counseling for Evan with a counselor provided
25 through Hope Counseling or an alternative provider

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1 agreed by the parties in writing. Both parents would
2 participate in counseling as recommended by the
3 child's therapist. When did Evan start counseling
4 pursuant to that provision?
5 A: From my understanding, soon after.
6 Q: Has Evan remained in counseling
7 consistently from the time that he started soon after
8 the adaption of the parenting plan to the present
9 date?
10 A: No.
11 Q: When did he stop counseling?
12 A: There was a period of Sandra and I
13 reconciling our differences in 2013 and '14 for about
14 11 months, and Sandra removed him from therapy on
15 majority of that time.
16 Q: So presumptively, he resumed
17 counseling?
18 MR. NAIMI: Objection. Leading.
19 A: After.
20 JUDGE GENTILE: Sustained.
21 Q: Hold on just a moment, Mr. Ferraro.
22 When did Evan resume counseling?
23 A: If my memory serves me, September
24 of 2014.
25 Q: I'm sorry. Did you say a date when

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1 you think he stopped the counseling?
2 A: To the best of my knowledge, I
3 would say it was around October 2013.
4 Q: Were you consulted when Evan
5 resumed counseling in 2014?
6 A: I don't recall.
7 MR. NAIMI: Objection. Vague.
8 JUDGE GENTILE: Could you repeat the
9 question?
10 Q: I'll rephrase the question. Did
11 Sandra ask you if she could put Evan back in
12 counseling?
13 A: No.
14 Q: When did you learn that Evan was
15 back in counseling?
16 A: When I met with Ms. Judith Tolman
17 to discuss Evan's timeshare for that year.
18 Q: How did you come to engage in that
19 discussion with her?
20 A: I consulted with her to see if
21 there was an opportunity for Evan to continue his
22 timeshare in kindergarten in New York throughout that
23 kindergarten year.
24 Q: So when you talked to her on that
25 occasion, is that when you learned that Evan was back

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1 in counseling?
2 A: Yes. Yes.
3 Q: Does Sandra notify you when she's
4 travelling with Evan?
5 A: No.
6 Q: How do you learn about when Evan is
7 travelling with Sandra?
8 A: There've been numerous times when
9 Sandra has taken Evan to California to work at fests
10 and through FaceTime, I would FaceTime Evan and he'd
11 be in California at a fest without my knowledge.
12 Q: Does Evan have family in New York?
13 A: Yes.
14 Q: Does Evan have connections in New
15 York?
16 A: Yes.
17 Q: Does Evan have a home in New York?
18 A: A stable home for the last eight
19 years -- seven years, excuse me, yes.
20 Q: Mr. Naimi went over the proposed
21 visitation schedule that you have. Do you still have
22 a copy of that in front of you?
23 A: Yes.
24 Q: --the proposed visitation schedule?
25 With respect to Memorial Day and the Columbus Day

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

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| <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.</p> <p>3 MR. NAIMI: You would acknowledge that 4 Evan has a strong relationship with his mother?</p> <p>5 Q: No. It's not the trans -- we will 6 point out that that's not the transcript.</p> <p>7 JUDGE GENTILE: Well, he's talking 8 about his list of questions.</p> <p>9 Q: His outline of his questions.</p> <p>10 JUDGE GENTILE: Did you just follow a 11 list?</p> <p>12 MR. NAIMI: I did.</p> <p>13 JUDGE GENTILE: Yeah.</p> <p>14 Q: But there was --</p> <p>15 JUDGE GENTILE: I know. I think there 16 was another one as well.</p> <p>17 MR. NAIMI: I did not ask anything 18 about parental traits, your Honor.</p> <p>19 JUDGE GENTILE: You really didn't.</p> <p>20 Q: Okay.</p> <p>21 JUDGE GENTILE: Okay.</p> <p>22 Q: We will move on.</p> <p>23 JUDGE GENTILE: All right.</p> <p>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 --</p> <p>3 A: Okay. So it's broken up. The 4 regular season is September through --</p> <p>5 JUDGE GENTILE: This is if your son 6 were to be in a league or something like that, 7 correct?</p> <p>8 A: Yes. He would be on a team and he 9 would be competing in a league like a travel program.</p> <p>10 JUDGE GENTILE: Okay. September 11 through when?</p> <p>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.</p> <p>18 JUDGE GENTILE: Okay. So let me ask 19 you this question.</p> <p>20 A: Yes.</p> <p>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.</p> <p>2 MR. NAIMI: Thank you your Honor.</p> <p>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?</p> <p>7 A: Yes.</p> <p>8 Q: Have you received additional days 9 in 2014-2015 timeframe beyond what Mr. Naimi went 10 over with you?</p> <p>11 A: My memory serves me, yes. 12 Definitely.</p> <p>13 Q: You recall what these days those 14 were as we sit here right now?</p> <p>15 A: I don't. 2013-2014, yes.</p> <p>16 Q: You're not sure about 2014-2015?</p> <p>17 A: I'm not sure.</p> <p>18 Q: Okay. Thank you.</p> <p>19 JUDGE GENTILE: I have a question.</p> <p>20 MR. NAIMI: Go ahead your Honor.</p> <p>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.</p> <p>8 A: Yes.</p> <p>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?</p> <p>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.</p> <p>20 JUDGE GENTILE: The May to June you're 21 talking about?</p> <p>22 A: Yes. May to --</p> <p>23 JUDGE GENTILE: The tournament season?</p> <p>24 A: Yeah. May through June is a time 25 where some parents hang up the skates and play</p> |

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| <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.</p> <p>6 JUDGE GENTILE: Okay, another question. 7 A: Yes.</p> <p>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?</p> <p>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?</p> <p>4 A: That's incorrect.</p> <p>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?</p> <p>8 A: Correct.</p> <p>9 Q: That was you had a high restaurant 10 bill because of your travels to Las Vegas, correct?</p> <p>11 A: Correct.</p> <p>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?</p> <p>17 A: Some.</p> <p>18 Q: So in essence, you're spending a 19 couple of thousand, maybe \$2300, \$2500 a month on 20 food and beverage?</p> <p>21 A: Are you --</p> <p>22 Q: Combining the 1500 over here.</p> <p>23 A: That's not just in Vegas.</p> <p>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 --</p> <p>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.</p> <p>11 JUDGE GENTILE: Okay. 12 A: Does that make sense?</p> <p>13 JUDGE GENTILE: Yeah, it does, it 14 helps, okay. Any other -</p> <p>15 DIRECT EXAMINATION 16 By: Jason Naimi</p> <p>17 Q: Just some brief questions your 18 Honor. If you would go to exhibit L1, your financial 19 disclosure form --</p> <p>20 A: Okay.</p> <p>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?</p> <p>25 A: That's incorrect.</p> | <p style="text-align: right;">Page 85</p> <p>1 yes?</p> <p>2 A: I spend much time in Orlando but --</p> <p>3 Q: You go to Orlando every year?</p> <p>4 A: Yes.</p> <p>5 Q: You've been to Orlando this past 6 year?</p> <p>7 A: No.</p> <p>8 Q: In 2015, you were in Orlando?</p> <p>9 A: Yes.</p> <p>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?</p> <p>13 A: The 2800 really reflects my hotel 14 stay.</p> <p>15 Q: It says food and lodging in Las 16 Vegas, does it not?</p> <p>17 A: Yes.</p> <p>18 Q: Okay.</p> <p>19 A: It says that, but I'm saying that 20 the 2800 is primarily dedicated towards --</p> <p>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.</p> <p>24 JUDGE GENTILE: You're going to strike 25 even --</p> |

| Page 86 | Page 88 |
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| <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>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> |
| Page 87 | Page 89 |
| <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>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 style="text-align: right;">Page 90</p> <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 style="text-align: right;">Page 92</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> |
| <p style="text-align: right;">Page 91</p> <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 style="text-align: right;">Page 93</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> |

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| <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> |

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| <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> |

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| <p style="text-align: right;">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 style="text-align: right;">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 style="text-align: right;">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 style="text-align: right;">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> |

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| <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> |

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| <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> |

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| <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 116</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> |

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| <p style="text-align: right;">Page 118</p> <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 style="text-align: right;">Page 120</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 NHO. 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> |
| <p style="text-align: right;">Page 119</p> <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 style="text-align: right;">Page 121</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> |

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| <p style="text-align: right;">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 style="text-align: right;">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 style="text-align: right;">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 style="text-align: right;">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> |

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| <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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| <p style="text-align: right;">Page 134</p> <p>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</p> | <p style="text-align: right;">Page 136</p> <p>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.</p> |
| <p style="text-align: right;">Page 135</p> <p>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?</p> | <p style="text-align: right;">Page 137</p> <p>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> |

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| <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.</p> <p>3 Q: How often are you at Evan's school 4 volunteering?</p> <p>5 A: Once a week except on his 6 timeshare.</p> <p>7 Q: And when is the last time you saw 8 Principal Hungerford when you were volunteering at 9 school?</p> <p>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.</p> <p>16 Q: Are you able to estimate what you 17 mean by a while?</p> <p>18 A: Months, yeah.</p> <p>19 Q: And you testified that you do not 20 volunteer at school on Chris' visitation days, 21 correct?</p> <p>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.</p> <p>3 Q: What grades did Evan earn for the 4 2015/2016 school year?</p> <p>5 A: Straight A's.</p> <p>6 Q: Does Evan participate in sports?</p> <p>7 A: Yes, he does.</p> <p>8 Q: What sports?</p> <p>9 A: On my timeshare or on both?</p> <p>10 Q: On yours.</p> <p>11 A: On mine baseball, right now is the 12 sport he's in.</p> <p>13 Q: Okay. Any other sports that he 14 participates in?</p> <p>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.</p> <p>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?</p> <p>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?</p> <p>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.</p> <p>6 Q: Is Chris at school during your 7 custodial time?</p> <p>8 A: Yes.</p> <p>9 Q: Do you ever meet with Evan's 10 teacher?</p> <p>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.</p> <p>16 Q: In your opinion, does Evan like his 17 school?</p> <p>18 A: He loves his school.</p> <p>19 Q: And how do you know that?</p> <p>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.</p> <p>2 Q: Does Evan go to church?</p> <p>3 A: Yes, he does.</p> <p>4 Q: What religion is he?</p> <p>5 A: Roman Catholic.</p> <p>6 Q: Are you registered parishioners at 7 a church?</p> <p>8 A: Yes.</p> <p>9 Q: What Parish?</p> <p>10 A: Saint Joseph, Husband of Mary.</p> <p>11 Q: Does Evan participate in any 12 religious education classes?</p> <p>13 A: He does.</p> <p>14 Q: And what is his current goal?</p> <p>15 A: Goal?</p> <p>16 Q: What is he in religious education 17 classes for currently?</p> <p>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.</p> <p>21 Q: Does Evan have a pediatrician?</p> <p>22 A: He does.</p> <p>23 Q: Where is Evan's pediatrician 24 located?</p> <p>25 A: Off Tenaya. It's like near Tenaya</p> |

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| <p style="text-align: right;">Page 142</p> <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 style="text-align: right;">Page 144</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> |
| <p style="text-align: right;">Page 143</p> <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 style="text-align: right;">Page 145</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> |

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1 A: Yes, and his family too.
2 Q: How?
3 A: I have constant contact with
4 Desmond's grandmother, his father's mother. She
5 sends birthday cards and things like that over the
6 years. We always maintained a relationship. Things
7 like that. Just positive, "did you call them? Did
8 you say thank you?" Type of thing. "Did you talk
9 to your dad? Give him a call?" Those kinds of
10 things.
11 Q: How would you describe your co-
12 parenting relationship with Kayla's dad?
13 A: Excellent.
14 Q: And do you foster and encourage
15 Kayla's relationship with her dad?
16 A: Yes.
17 Q: How?
18 A: The same ways. I never, ever,
19 ever, ever say anything bad to my children about
20 their fathers, no matter what's happened. The kids
21 are never involved with that side. We communicate.
22 Just the other night Kayla's dad picked her up on his
23 timeshare and we sat out front for 25 minutes talking
24 while Kayla was gathering her things. And I'm
25 friends with his current girlfriend that he has. She

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1 has my number. She'll call me at Christmas and say
2 "What size does Kayla wear now? What does she want
3 for Christmas?" I communicate on a regular basis
4 with his mother, and I have-- those are the ways, I
5 guess, that I foster those relationships.
6 Q: And where does Kayla's father live?
7 A: Kayla's, here in Nevada.
8 Q: And where does Desmond's father
9 live?
10 A: In Chicago.
11 Q: All right. Has Chris engaged in an
12 active domestic violence against you?
13 MS. WILSON: Objection.
14 JUDGE GENTILE: Set the time frame
15 because we have an order in limiting.
16 MS. COOLEY: Your Honor, this is covered
17 under the castle exception. The doctrine of res
18 judicata should not be used to preclude parties from
19 introducing evidence of domestic violence that was
20 unknown to the court when the prior custody
21 determination was made. The District Court has an
22 obligation to make a sound decision on the paramount
23 concerning custody cases the child's best interests.
24 Res judicata principle should not prevent the court
25 from ensuring that the child's best interests are

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1 served. As a leges--
2 JUDGE GENTILE: I know what the case
3 law says.
4 MS. COOLEY: Alight.
5 JUDGE GENTILE: We've already dealt
6 with this a couple of times in here. Lay some
7 foundation, what are you talking about? What time
8 frame, because we've addressed that issue as well and
9 I've given counsel some directive on how to address
10 those things that happened prior to, because a lot of
11 this was raised prior to their last--
12 MS. COOLEY: Correct, and this was
13 prior o the November 2012 custodial order. However,
14 Your Honor, the legislature has said that courts
15 should consider instances of domestic violence
16 because it negatively impacts the best interests of
17 the child. We are not using these instances of
18 domestic violence for purposes of change custody. We
19 are using them for you to look at the best interests
20 of Evan when making a determination as to dad's
21 relocation. They are the moving party in this case,
22 Your Honor. We are not. We are just asking you to
23 consider the domestic violence issues and to
24 acknowledge that they do negatively impact the child,
25 and it is an issue in this case.

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1 JUDGE GENTILE: The Court already
2 considered them and entered, or the parties actually
3 entered, an order of joint physical custody.
4 MS. COOLEY: But Your Honor, they were
5 not considered by the court.
6 JUDGE GENTILE: They were. In fact,
7 they were raised with parenting coordinator and the
8 court both, as I understand it, in pleadings I saw
9 them. And in the parenting coordinator's reports, I
10 believe it was addressed. So yes, it was, unless
11 it's something different or new that was not raised
12 way back then, then I should not hear it with regard
13 to this issue. Do you understand? So in other
14 words, we talked about this.
15 MR. MOODY: Actually, Your Honor, your
16 order off the motion in limine that was followed
17 prior to us even coming in on the case, excuse me,
18 Your Honor, I apologize. It specifically states that
19 it would have been-- the burden was placed on the
20 defendant to be prepared to direct their [1:02:29
21 inaudible].
22 JUDGE GENTILE: Look, the burden was
23 there. I didn't have to search the entire record
24 during the trial. I'm not placing the burden on them
25 to say, "Oh, you know, you have to prove this in

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| <p style="text-align: right;">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 style="text-align: right;">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 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 style="text-align: right;">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 style="text-align: right;">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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|----------|---|----------|---|
| 1 | A: Yes. | 1 | fear for my life. |
| 2 | Q: Any other close friends in Nevada? | 2 | Q: And why do you fear for your life, |
| 3 | A: Yes, Maria. | 3 | Sandra? |
| 4 | Q: How-- | 4 | A: Because of the ongoing threats, |
| 5 | A: Ten years. | 5 | harassments, and problems that are going on with |
| 6 | Q: All right. How about Evan, does he | 6 | Chris. |
| 7 | have any other close friends in Nevada? | 7 | Q: These are threats, harassments that |
| 8 | A: He does. | 8 | Chris has done to you? |
| 9 | Q: And who are they? | 9 | A: Him and his family. |
| 10 | A: Braxton, Jace, Mason, classmates at | 10 | Q: Where was Evan born? |
| 11 | school, he would call Braxton his best friend and he | 11 | A: Nevada. |
| 12 | sees him daily. So he always says I have two best | 12 | Q: When has Evan been raised? |
| 13 | friends but Pierce is my cousin so he is my better | 13 | A: Nevada. |
| 14 | best friend, or whatever, however he words it as a | 14 | Q: Where is Evan's community? |
| 15 | first grader. | 15 | A: Nevada. |
| 16 | Q: And do your close friends know | 16 | Q: Where is Evan's school? |
| 17 | Chris' name? | 17 | A: Nevada. |
| 18 | A: Absolutely, yes. | 18 | Q: Where is Evan's church? |
| 19 | Q: Do you close friends know that | 19 | A: Nevada. |
| 20 | Chris is Evan's dad? | 20 | Q: Where are Evan's Friends? |
| 21 | A: Yes. | 21 | A: Nevada. |
| 22 | Q: Describe your neighborhood, | 22 | Q: Where is Evan's home? |
| 23 | briefly. | 23 | A: Nevada. |
| 24 | A: Neighborhood-- I have three parks | 24 | MS. COOLEY: I'll pass the witness. |
| 25 | right by us. One is a water park. there's two in the | 25 | JUDGE GENTILE: Okay. It's 4:55. We'll |
| Page 155 | | Page 157 | |
| 1 | immediate area. We are up the Vistas in Summerlin. | 1 | recess for the day and be back here at 1:30 tomorrow |
| 2 | What else about the neighborhood? | 2 | starting up with Ms. Wilson or Mr. Moody, whichever |
| 3 | Q: Do you go to the parks? | 3 | one of you is going to... |
| 4 | A: Like almost every day. We're there | 4 | MR. MOODY: It will be Ms. Wilson. |
| 5 | several times a week, yes. | 5 | JUDGE GENTILE: Okay. |
| 6 | Q: Describe your residence. | 6 | MR. MOODY: Judge, would it be okay to |
| 7 | A: It's a five-bedroom home. One, | 7 | get an idea of who is going to be called tomorrow and |
| 8 | two, three, four baths, two-story, everyone has their | 8 | whether you anticipate will get to closing arguments? |
| 9 | own room. We did a game room with a pinball machine | 9 | JUDGE GENTILE: Yeah. |
| 10 | that we inherited from my grandmother and that the | 10 | MR. NAIMI: I would think we will not |
| 11 | kids play in. We have our family room, a kitchen, an | 11 | get to closing arguments. I would imagine-- Your |
| 12 | office, a backyard. | 12 | Honor, can decide either-- sorry, Your Honor. Your |
| 13 | Q: Who lives in your residence? | 13 | Honor can make the decision. Perhaps you can either |
| 14 | A: Myself, my three children, and my | 14 | give us a brief moment somewhere down the line, just |
| 15 | parents. | 15 | to make some closing arguments or you could say just |
| 16 | Q: And does everyone have their own | 16 | [1:11:06 inaudible]. |
| 17 | room? | 17 | JUDGE GENTILE: Do briefs or whatever, |
| 18 | A: Yes. | 18 | right. Okay. |
| 19 | Q: And why do you live with your | 19 | MR. NAIMI: I would anticipate in lieu |
| 20 | parents? | 20 | of the fact that we still have re-cross and redirect |
| 21 | A: One is to be a full-time mom. It | 21 | of Ms. Nance and then three other witnesses. |
| 22 | gives me the opportunity to do that more. | 22 | JUDGE GENTILE: What are the three |
| 23 | Q: Are there any other reasons? Need | 23 | other witnesses? |
| 24 | a second? | 24 | MS. COOLEY: Judith. Judith Tolman, the |
| 25 | A: The number one reason is because I | 25 | child's counselor. |

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| <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> |

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| <div>Page 162</div> <div>1MR. NAIMI: Make sure we all don't have</div> <div>2any time constraint. I mean we have three-and-a-half</div> <div>3hours of time left.</div> <div>4JUDGE GENTILE: Yeah.</div> <div>5MR. NAIMI: So I don't think anyone is</div> <div>6going to meet or hit their ceiling in terms of time</div> <div>7allotted. I can't envision it in the three and a</div> <div>8half hours we've got remaining. If, for instance, if</div> <div>9we were to use the entire three and a half hours</div> <div>10ourselves, which isn't going to happen. We still</div> <div>11don't hit our max so I think we'll be okay.</div> <div>12JUDGE GENTILE: Right so from 3:40 to</div> <div>13[1:15:46 inaudible]. All right. I'll have some</div> <div>14calculations made. Very good. Thank you so much.</div> <div>15Going of the record--</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> | <div>Page 164</div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> |
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EXHIBIT PAGE ONLY

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DISTRICT COURT
CLARK COUNTY, NEVADA

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

TRIAL TESTIMONY
Taken on June 29, 2016

Nevada Court Reporting

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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 29, 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 call. Today is our last day of trial and if we --</p> <p>2 MR. NAIMI: Wait. If you said 3.1 --</p> <p>3 JUDGE GENTILE: Look, we're going to do</p> <p>4 13-and-a-half hours if I utilize every single minute</p> <p>5 that I was scheduled, but we cut out early twice so</p> <p>6 that's why it's -- the calculation is --</p> <p>7 MR. NAIMI: We're not going to be able</p> <p>8 to do 4.8 and --</p> <p>9 MS. COOLEY: Right.</p> <p>10 JUDGE GENTILE: You're not, but my</p> <p>11 point being, you should be able to get everything --</p> <p>12 if you can everybody done today, great. I don't know</p> <p>13 if you can, but --</p> <p>14 MS. COOLEY: And you're concerned that</p> <p>15 we're not going to be able to get everything done</p> <p>16 today.</p> <p>17 MR. NAIMI: Yeah. We may not be able.</p> <p>18 MS. COOLEY: It's --</p> <p>19 JUDGE GENTILE: Okay. We'll see.</p> <p>20 MS. COOLEY: Okay.</p> <p>21 JUDGE GENTILE: I don't know. That was</p> <p>22 my concern when we put the limit on it, but that was</p> <p>23 the point of putting a limit on it. So you can</p> <p>24 focus, keep everything really sharply focused. So</p> <p>25 what it is you're trying to get out of people, you</p> |
| <p>Page 3</p> <p>1 MS. MCCULLOCH: Okay. We're on record.</p> <p>2 JUDGE GENTILE: We're on the record in</p> <p>3 the Nance versus Ferraro matter case, D426817. Your</p> <p>4 appearances?</p> <p>5 MR. NAIMI: Good afternoon, Jason</p> <p>6 Naimi, bar number 9441, on behalf of Ms. Sandra Nance</p> <p>7 who's present with us this afternoon, and of course</p> <p>8 with me is Ms. Shelly Cooley.</p> <p>9 MS. COOLEY: Bar number 8992 on behalf</p> <p>10 of Sandra as well.</p> <p>11 JUDGE GENTILE: Okay.</p> <p>12 MS. WILSON: Good afternoon. Shannon</p> <p>13 Wilson, bar number 9933, on behalf of Christopher</p> <p>14 Ferraro, also with me.</p> <p>15 MR. MOODY: Todd Moody, bar number</p> <p>16 5430.</p> <p>17 JUDGE GENTILE: Okay. So this is day</p> <p>18 three, I guess the second half of full day two. I</p> <p>19 have the time schedule as I calculated it 3.1 hours-</p> <p>20 ish on your side --</p> <p>21 MR. NAIMI: Remaining?</p> <p>22 JUDGE GENTILE: -- remaining and 1.7 on</p> <p>23 yours remaining so.</p> <p>24 MS. COOLEY: And your Honor, we have</p> <p>25 some concerns knowing the witnesses that we have to</p> | <p>Page 5</p> <p>1 don't need to go into a lot of background, detail,</p> <p>2 and whatever. I don't need to hear about where</p> <p>3 someone went to grade school. Just put it on what's</p> <p>4 important and you should probably be able to --</p> <p>5 MR. NAIMI: If we utilize the time</p> <p>6 where -- the remaining time we're allotted, I'm</p> <p>7 assuming in lieu of what we had the conversation made</p> <p>8 yesterday about closing arguments, that's exclusive</p> <p>9 of the closing arguments so we don't have additional</p> <p>10 time for that. And if we're to utilize the remaining</p> <p>11 time we have and we needed, are you intending on</p> <p>12 giving us an additional day for that or you want to</p> <p>13 wait and see where we're --</p> <p>14 JUDGE GENTILE: A whole day, no.</p> <p>15 MR. NAIMI: No.</p> <p>16 MS. COOLEY: No, like a half day.</p> <p>17 JUDGE GENTILE: I guess it depends.</p> <p>18 You have cross examination of her --</p> <p>19 MS. COOLEY: Also for direct as well.</p> <p>20 Remember, she reserved.</p> <p>21 JUDGE GENTILE: Right. So whatever,</p> <p>22 it's going to be broader in scope obviously and then</p> <p>23 the two other witnesses, correct?</p> <p>24 MS. COOLEY: It's three actually, your</p> <p>25 Honor.</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 JUDGE GENTILE: That's right. I lied 2 because of appearance and the -- yeah. If I have to 3 find another time, I'll find another spot. 4 MS. WILSON: Well, may I speak to that 5 because we had planned to call other witnesses that 6 we didn't call because we saw what was happening with 7 our time constraints and so if -- 8 JUDGE GENTILE: Yeah, but you got some 9 bulk of your -- you got to put on your case and -- 10 MS. WILSON: But I'm saying that I 11 would have -- with unlimited time, I would have still 12 called -- 13 MR. NAIMI: We're not -- 14 JUDGE GENTILE: I'm not talking about 15 unlimited time. They still have 3.1 hours. 16 MS. COOLEY: We want our 3.1 hours. 17 MR. NAIMI: Yes. 18 MS. COOLEY: Yes. 19 JUDGE GENTILE: Yeah. They still have 20 3.1 hours. You were able to use 4 something. 21 MR. NAIMI: Okay. And you still have - 22 - 23 MS. COOLEY: 1.7. 24 MR. NAIMI: Exactly, right? 25 MS. WILSON: Yeah. Well, I'm doing it</p> | <p style="text-align: right;">Page 8</p> <p>1 MS. COOLEY: Okay. Do you solemnly 2 swear that the testimony you're about to give will be 3 the truth, the whole truth, and nothing but the truth 4 so help you god? 5 Sandra: I do. 6 DIRECT EXAMINATION 7 By: Shelly Cooley 8 Q: Okay, Sandra. Did you volunteer at 9 Evans school when he was in kindergarten? 10 A: I did. 11 Q: Can you please detail your 12 involvement in Evan's school? 13 A: Kindergarten year, I was one of the 14 room moms, which can -- do you need to know what I 15 did doing that, like volunteering? We planned all 16 the classroom parties, and we helped with fundraiser 17 things or whatever that the classmate needed for 18 that, and every Friday, I did Friday folders so I was 19 in the room every Friday. And then for other 20 specific events that came out, I chaperoned a field 21 trip as well. 22 Q: Okay. And does Evan participate in 23 extracurricular activities during your custodial 24 time? 25 A: Yes.</p> |
| <p style="text-align: right;">Page 7</p> <p>1 all in one piece. 2 MS. COOLEY: No. We're fine sticking 3 to the 4.8 hours that we have combined with us having 4 the 3.1 and them having the 1.7. 5 MR. NAIMI: Let's just see where at. 6 [0:03:34 inaudible] 7 JUDGE GENTILE: Okay. Let's get on it 8 then. All right. 9 MR. NAIMI: And we're not asking 10 [0:03:39 inaudible] 11 MS. WILSON: All right. 12 JUDGE GENTILE: All right. 13 MR. NAIMI: Okay. 14 JUDGE GENTILE: We'll put Sandra back 15 up on the stand. 16 MS. COOLEY: Sandra. And your Honor, 17 we need to redirect on a couple issues. Would you 18 like me to pass her to you and then I can cover it or 19 would you like me to ask a couple more questions and 20 then I'll pass her to you? 21 MS. WILSON: So you'll have some more 22 in your case in chief. 23 JUDGE GENTILE: Yeah. More case in 24 chief to put up, then do it now before -- yeah. You 25 don't want to finish your case and then --</p> | <p style="text-align: right;">Page 9</p> <p>1 Q: Let's walk through the week. What 2 activities does he participate in on Mondays? 3 A: Monday, after school, was 4 basketball at the time of this last -- started kind 5 of in the middle of the year. 6 Q: How about Tuesdays? 7 A: Tuesdays, the schedule change a 8 little bit. Baseball practice was on Tuesdays and 9 then it moved to Wednesdays and Fridays. Half of the 10 year was on Tuesdays, baseball practice. 11 Q: Okay. And how about Wednesdays? 12 A: Is his therapy appointment. 13 Q: With? 14 A: Judith Tolman 15 Q: And does he go to that every week? 16 A: Every week, yes. 17 Q: On your time? 18 A: Yes. 19 Q: Do you know if he goes during 20 Chris' time share? 21 A: He does not. 22 Q: Okay. How about Thursdays? 23 A: Is religious education classes. 24 Q: And where is his religious 25 education classes?</p> |

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| <p style="text-align: right;">Page 10</p> <p>1 A: At our church, St. Joseph Husband 2 of Mary. 3 Q: Okay. And Fridays? What 4 extracurricular activities are on Fridays? 5 A: Well, as I mentioned, the baseball 6 practices were moved to Fridays. Otherwise, if not, 7 that's like cousin day, friend day, or whatever. 8 Activities, movie nights or whatever we plan because 9 it's the weekend night. 10 Q: Okay. And with regard to this 11 upcoming season, what will Evans' participation in 12 extracurricular activities be? 13 A: Very similar. Baseball will be a 14 little bit more because he's moving to the Summerlin 15 League, which were the intentions from the beginning, 16 but he went to NYS first and I think they require 17 three days a week of baseball practices and then the 18 weekend games. 19 Q: Okay. Does Evan enjoy baseball? 20 A: Yes. He loves it, yes. 21 Q: All right. We'll pass the witness. 22 A: Okay. 23 CROSS EXAMINATION 24 By: Shannon Wilson 25 Q: Good afternoon, Ms. Nance. My name</p> | <p style="text-align: right;">Page 12</p> <p>1 A: There's four. Let me think about 2 this. They do winter. They do all four seasons I 3 guess it is. So it's broke up into seasons. 4 Q: So Evan participated starting in 5 about September? 6 A: Yes, the fall. 7 Q: And when did the next season start? 8 A: The next season started right after 9 that. 10 Q: What month? 11 A: I believe it ended in December. So 12 they had their winter program and then he didn't 13 attend the winter program. He went into the spring 14 program. 15 Q: When does the spring program start? 16 A: It started in March, April. 17 Q: Weren't you a few weeks late in 18 enrolling him in that program? 19 A: No. 20 Q: And that was still the Nevada Youth 21 Sports Program, correct? 22 A: Correct, yes. 23 Q: And it isn't it true that Chris was 24 able to get Evan into the little league program for 25 the spring, albeit late?</p> |
| <p style="text-align: right;">Page 11</p> <p>1 is Shannon Wilson. I represent Christopher Ferraro. 2 I think we've met during the deposition if you 3 recall. 4 A: Yes. 5 Q: With respect to those questions 6 that Ms. Cooley just asked you, who enrolled Evan in 7 basketball? 8 A: It was through the school. His dad 9 enrolled him after he contacted me. 10 Q: And with respect to baseball, when 11 did you first enroll Evan in baseball? 12 A: This last year. 13 Q: That'd the start of the fall 2015 14 season? 15 A: Correct. 16 Q: And Evan had not been involved in 17 any baseball prior to that, correct? 18 A: No. 19 Q: You mentioned the Nevada Youth 20 Sports. That's where he participated in baseball in 21 the last season, correct? 22 A: Correct, yes. 23 Q: And are there, if I understand 24 correctly, there're two seasons: There's a fall 25 season and then there's a spring season?</p> | <p style="text-align: right;">Page 13</p> <p>1 A: I'm sorry. I didn't hear the 2 question. 3 Q: Chris told you that he was able to 4 get Evan into the little league spring program, 5 correct? 6 A: Through Summerlin you're saying? 7 Q: Yes. 8 A: Halfway through the season, yes. 9 Their season, yes. 10 Q: And you refused to allow him to 11 move from the Nevada Youth Sports to Summerlin Little 12 League, correct? 13 A: Because the season already started, 14 yes. 15 Q: I didn't ask you why. I said did 16 you -- 17 A: Yes. 18 Q: You refused to do that, correct? 19 A: Yes. 20 Q: All right. And did Evan start the 21 Nevada Youth Sports Program for the spring season 22 exactly on time? 23 A: Yes. 24 Q: I'd like to chat about your son, 25 Desmond, for a few minutes. How old is Desmond?</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 A: He is 19.</p> <p>2 Q: And isn't it true that you allowed</p> <p>3 Desmond to transfer from traditional school to an</p> <p>4 online homeschooling program?</p> <p>5 A: Yes.</p> <p>6 Q: And you allowed him to do that in</p> <p>7 his junior year, correct?</p> <p>8 A: Correct.</p> <p>9 Q: So he started his junior year in</p> <p>10 the online program?</p> <p>11 A: I can't recall exact -- I think he</p> <p>12 started junior year and then we moved him into that.</p> <p>13 Q: So at some point in the junior</p> <p>14 years when you transferred him to the online program?</p> <p>15 A: Yes.</p> <p>16 Q: And isn't it true that you allowed</p> <p>17 him to take that at his own pace?</p> <p>18 A: Correct.</p> <p>19 Q: And isn't it true that Desmond did</p> <p>20 not graduate with the cohorts that he was on track to</p> <p>21 graduate with before he started the online program?</p> <p>22 A: I'm sorry. Can you say that again</p> <p>23 please?</p> <p>24 Q: So at the point when Desmond</p> <p>25 transferred to the online program, correct, --</p> | <p style="text-align: right;">Page 16</p> <p>1 A: I do.</p> <p>2 Q: Can you read your answer there</p> <p>3 please?</p> <p>4 A: He's just been taking his time.</p> <p>5 He's been through a lot and since everything that</p> <p>6 happened with Chris and myself, he's been through a</p> <p>7 lot, so he's taking his time and taking it at his own</p> <p>8 pace I guess.</p> <p>9 Q: Thank you. Have you ever enrolled</p> <p>10 Desmond in therapy?</p> <p>11 A: No.</p> <p>12 Q: And you testified yesterday that</p> <p>13 you have your own company, correct?</p> <p>14 A: Yes.</p> <p>15 Q: You said you prepare food and do</p> <p>16 some catering of some kind you said?</p> <p>17 A: Correct.</p> <p>18 Q: Have you given Desmond an ownership</p> <p>19 interest in your company?</p> <p>20 A: I did, yes.</p> <p>21 Q: When did you do that?</p> <p>22 A: When I originally started the</p> <p>23 company.</p> <p>24 Q: What year was that?</p> <p>25 A: 2014.</p> |
| <p style="text-align: right;">Page 15</p> <p>1 A: Yes.</p> <p>2 Q: -- he was on track to graduate</p> <p>3 when?</p> <p>4 A: He was not on time.</p> <p>5 Q: And isn't it true that you blamed</p> <p>6 Desmond's failure to finish on time on the</p> <p>7 difficulties between you and Mr. Ferraro?</p> <p>8 A: No.</p> <p>9 Q: Isn't it true that you allowed him</p> <p>10 to take his time and take it at his own pace because</p> <p>11 of everything that happened with you and Chris?</p> <p>12 A: Those weren't the only reasons, no.</p> <p>13 Q: Your Honor, we'd like to publish</p> <p>14 deposition of Ms. Nance.</p> <p>15 JUDGE GENTILE: Okay.</p> <p>16 Q: May I approach the clerk your</p> <p>17 Honor?</p> <p>18 JUDGE GENTILE: You may.</p> <p>19 Q: May I pass it to the witness</p> <p>20 please? If you turn to page 14 of the deposition Ms.</p> <p>21 Nance, --</p> <p>22 A: Page 14?</p> <p>23 Q: Page 14, correct. Do you see at</p> <p>24 line seven where I asked you why didn't he graduate</p> <p>25 high school in the ordinary course?</p> | <p style="text-align: right;">Page 17</p> <p>1 Q: How old was Desmond at the time?</p> <p>2 A: Seventeen, approaching 18.</p> <p>3 Q: What grade school was he in?</p> <p>4 A: I'm sorry?</p> <p>5 Q: What grade school was he in?</p> <p>6 A: Grade school?</p> <p>7 Q: What grade of school was he in?</p> <p>8 A: Well, he was doing the online</p> <p>9 courses.</p> <p>10 Q: Sometime between 2013-2014, did</p> <p>11 Desmond run away from home?</p> <p>12 MS. COOLEY: Objection. Relevance.</p> <p>13 Q: It's relevant to her care and</p> <p>14 control of her children your Honor.</p> <p>15 JUDGE GENTILE: Right. Overruled.</p> <p>16 A: No.</p> <p>17 Q: Was he out of your home for some</p> <p>18 period between 2013-2014?</p> <p>19 A: What do you mean by out of my home,</p> <p>20 on a vacation or out of my home at all?</p> <p>21 Q: At all.</p> <p>22 A: Yes.</p> <p>23 Q: Was he out of your home other than</p> <p>24 for a vacation?</p> <p>25 A: Yes.</p> |

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| <p style="text-align: right;">Page 18</p> <p>1 Q: Isn't it true that you've called 2 the police against Desmond? 3 A: I have, yes. 4 Q: Isn't it true that you've asked 5 Chris for help with Desmond? 6 A: We've discussed it, yes. 7 Q: Yes or no. 8 A: Yes. 9 MR. NAIMI: Your Honor, I'm actually-- 10 allowed it the first time but I'm going to -- if you 11 can instruct Ms. Wilson to allow the witness to 12 answer the question -- 13 JUDGE GENTILE: The answer is yes or 14 no. 15 MR. NAIMI: -- she has her ability to 16 object if it's a nonresponsive answer. 17 JUDGE GENTILE: She's also has the 18 ability to stop her before she starts to talk. You 19 say yes or no. 20 MR. NAIMI: No. She doesn't have the 21 ability to cutoff the answer. She has the ability to 22 object. 23 Q: Yes, I do. When it's 24 nonresponsive, okay. You -- 25 MR. NAIMI: It's objection</p> | <p style="text-align: right;">Page 20</p> <p>1 examination questions are typically yes or no 2 answers. 3 A: No problem, okay. 4 Q: And isn't it true that Desmond 5 accompanied Evan on his February time share to New 6 York? 7 A: Yes. 8 Q: I'm sorry. Let me clarify that 9 question. Isn't it true that Desmond accompanied 10 Evan on his February 2014 timeshare to New York? 11 A: Yes, sorry. 12 Q: There was a period of 13 reconciliation just in terms of you and Mr. Ferraro 14 becoming friends again between the period of late 15 2013 through the summer of 2014, correct? 16 A: Correct. 17 Q: And isn't it true that over 18 Christmas of 2013-14, you, Kayla and Desmond all went 19 to New York? 20 A: On Christmas you said? I'm sorry. 21 Q: Over the Christmas break. 22 A: I'm having a hard time hearing. 23 It's a little low. 24 Q: I'll try to speak up. 25 A: On Christmas or over Christmas?</p> |
| <p style="text-align: right;">Page 19</p> <p>1 nonresponsive. 2 JUDGE GENTILE: Well, it's moved to 3 strike nonresponsive when it's her -- 4 MR. NAIMI: Correct. 5 JUDGE GENTILE: -- but I understand 6 your point like -- 7 MR. NAIMI: You don't cutoff -- 8 JUDGE GENTILE: -- you can't, but she 9 doesn't -- I'm also going to instruct your client -- 10 MR. NAIMI: That's fine. 11 JUDGE GENTILE: -- that you don't have 12 the opportunity to just start to talk because you 13 want to tell the story that you want to tell. The 14 answer should be a yes or no answer, -- 15 A: Okay. No problem. 16 JUDGE GENTILE: -- so that's why she 17 keeps stopping you that's -- 18 A: Okay. 19 JUDGE GENTILE: It's yes or no. 20 A: Okay. 21 JUDGE GENTILE: You might want to tell 22 more, but that's going to be your attorneys' jobs to 23 follow up, okay -- 24 A: Okay, no problem, yeah. 25 JUDGE GENTILE: -- so because cross</p> | <p style="text-align: right;">Page 21</p> <p>1 Q: During the Christmas break. 2 A: Correct, yes. 3 Q: 2013 to 2014, you, Desmond and 4 Kayla all went to New York -- 5 A: Only in 2013. 6 Q: So would you remember what dates 7 you were there? 8 A: I believe the exact dates were the 9 17th that I arrived, the 17th or 18th. They arrived 10 the day before me because I had training at my job at 11 that time. I came a day late and we left. Evan 12 stayed because it was Chris's time share and I left 13 with my children the day before Christmas or two days 14 before Christmas. 15 Q: If I understand correctly that 16 Chris travelled with Desmond, Kayla and Evan to New 17 York, and then you came the day later? 18 A: No. The children travelled 19 together. 20 Q: And then, isn't it true that you, 21 Desmond and Kayla all made another trip to New York 22 in the summer of 2014? 23 A: Yes. 24 Q: Isn't it true that prior to this 25 action commencing and since November of 2012, you on</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 multiple occasions allowed Chris's sister, Michelle, 2 to pick up Evan to take him overnight? 3 A: Yes. 4 Q: Do you allow Evan to play hockey on 5 your timeshare? 6 A: No. 7 Q: Before kindergarten, Chris offered 8 to pay for Evan to attend Challenger School, correct? 9 A: Correct. 10 Q: And you toured that school with 11 Chris before Evan entered kindergarten, is that 12 right? 13 A: Yes. 14 Q: Isn't it true that you did not want 15 Evan to go to Challenger School? 16 A: Yes. 17 Q: And in fact, you refused to allow 18 Chris to enroll him in school? 19 A: Yes. 20 Q: Did Chris repeat that offer prior 21 to Evan entering first grade? 22 A: Not that I'm aware of or I recall, 23 no. 24 Q: And isn't it true in your 25 deposition, the only reason you provided for your</p> | <p style="text-align: right;">Page 24</p> <p>1 A: Since Evan was born, two -- three. 2 I'm sorry, three. 3 Q: Does that include the time that you 4 lived in New York? 5 A: No. So that would be four and -- 6 Q: So your answer is four? 7 A: Mm-hm. 8 Q: How many foreclosures have you had? 9 MR. NAIMI: Objection. Relevancy. 10 A: That goes to providing a stable 11 home your Honor. 12 JUDGE GENTILE: Overruled. Go ahead. 13 Q: You can answer, how many 14 foreclosures have you had? 15 A: One. 16 Q: And what property was that on? 17 A: My property that I owned. 18 Q: What was the address? 19 A: I don't remember. 8925 I think was 20 the exact number, Torino Avenue, Las Vegas, Nevada 21 89148 I believe was the zip. 22 Q: You said that was Torino Avenue? 23 A: Torino, yes. 24 Q: Isn't it true that the -- what was 25 the address of the last home that you lived in before</p> |
| <p style="text-align: right;">Page 23</p> <p>1 refusal for Evan to go to Challenger School was that 2 you thought it was "too intense?" 3 A: Yes. 4 MS. COOLEY: Is what? 5 Q: It was too intense. I think you 6 spoke yesterday that you have a sister who lives here 7 in Las Vegas, correct? 8 A: Yes. 9 Q: And your sister has some children? 10 A: Yes. 11 Q: And they play with Evan? 12 A: Yes. 13 Q: Isn't it true that you've had 14 falling-outs with your sister? 15 A: Yes. 16 Q: And during the periods that you've 17 had falling-outs with your sister, the children were 18 not allowed to see each other; isn't that true? 19 A: No. 20 Q: It has been argued that you have a 21 stable home for Evan here in Las Vegas, is that fair 22 to say? 23 A: Yes. 24 Q: How many residences have you lived 25 in since Evan was born?</p> | <p style="text-align: right;">Page 25</p> <p>1 where you live now? 2 A: 1032 Baronet. 3 Q: Baronet Drive? 4 A: Yes, Baronet. 5 Q: Isn't it true that there was also a 6 foreclosure on the Baronet Drive property? 7 A: No. 8 Q: Would you look at defendant's 9 volume one. 10 A: Okay. 11 Q: Somewhere in front of you. 12 A: Here, defendant's volume? 13 Q: Yeah. Its defendant's volume one. 14 A: Okay. 15 Q: Would you turn to exhibit E please. 16 A: Yes. 17 Q: Take a moment to look that over. 18 Let me know when you're done. 19 A: Okay. I'm aware of what it is. 20 Yes, I'm done. 21 Q: Sorry. Did you say you are aware 22 of what that is? 23 A: What these papers are, yes. 24 Q: And what is it? 25 A: It's a proceeding to move to</p> |

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| <p style="text-align: right;">Page 26</p> <p>1 foreclosure.</p> <p>2 Q: Can you look at the first page of</p> <p>3 that exhibit?</p> <p>4 A: Yes.</p> <p>5 Q: Its marked DEFT0255. What's the</p> <p>6 title of that?</p> <p>7 A: Notice of entry of judgment.</p> <p>8 Q: And if you look at defendant 257.</p> <p>9 A: Okay.</p> <p>10 Q: Beginning at line 25, what does it</p> <p>11 say there?</p> <p>12 A: Twenty five, it is ordered a judge</p> <p>13 to end decree that plaintiff shall receive a judgment</p> <p>14 against property of Rebecca J. Nance and Sandra L.</p> <p>15 Nance, commonly known as 1032 Baronet Drive, Las</p> <p>16 Vegas, Nevada 89138.</p> <p>17 Q: And that judgment was for the sum</p> <p>18 total of \$602,772, correct?</p> <p>19 A: Correct.</p> <p>20 Q: And then did that property</p> <p>21 subsequently proceed to a deed in lieu of</p> <p>22 foreclosure?</p> <p>23 A: Correct, yes.</p> <p>24 Q: The property at Baronet Drive</p> <p>25 [phone ringing] -- I apologize that's me. My sincere</p> | <p style="text-align: right;">Page 28</p> <p>1 the resources to do so?</p> <p>2 A: Yes. I don't plan on living --</p> <p>3 yes. Sorry.</p> <p>4 Q: So it's true that you do not intend</p> <p>5 to live with your parents forever, correct?</p> <p>6 A: Forever, no.</p> <p>7 Q: Have you ever had a protective</p> <p>8 order against Mr. Ferraro?</p> <p>9 A: Yes, I have.</p> <p>10 Q: When?</p> <p>11 A: December 2009.</p> <p>12 Q: And what jurisdiction was that</p> <p>13 issued on?</p> <p>14 A: In Nassau County I believe, New</p> <p>15 York.</p> <p>16 Q: Did Mr. Ferraro also have a</p> <p>17 restraining order against you at that time?</p> <p>18 A: Not that I know of.</p> <p>19 Q: And when did that restraining order</p> <p>20 terminate?</p> <p>21 A: When I left New York. I believe it</p> <p>22 was March of 2010.</p> <p>23 Q: Have you ever had a restraining</p> <p>24 order since that time against your husband?</p> <p>25 A: I applied for one.</p> |
| <p style="text-align: right;">Page 27</p> <p>1 apologies to you Ms. Nance as well.</p> <p>2 A: No problem. It's fine.</p> <p>3 Q: The Baronet Drive property, how</p> <p>4 many bedrooms did that property have?</p> <p>5 A: Four.</p> <p>6 Q: Did you and Evan share a bedroom</p> <p>7 there?</p> <p>8 A: We did, yes.</p> <p>9 Q: How old is he when you moved in</p> <p>10 that property?</p> <p>11 A: Well, we moved in September, so he</p> <p>12 was six going on seven.</p> <p>13 Q: How long do you continue to reside</p> <p>14 where you live now?</p> <p>15 A: Indefinitely.</p> <p>16 Q: Who's name is on the -- I assume</p> <p>17 that you leased that property as a lease property or</p> <p>18 a rented property?</p> <p>19 A: Correct, yes.</p> <p>20 Q: Who is on the lease of that</p> <p>21 property?</p> <p>22 A: My parents are.</p> <p>23 Q: Isn't it true that at the time of</p> <p>24 your deposition that you indicated that you have</p> <p>25 intentions on purchasing your own home when you have</p> | <p style="text-align: right;">Page 29</p> <p>1 Q: That wasn't the question.</p> <p>2 A: No.</p> <p>3 Q: My question is have ever received a</p> <p>4 restraining order against him since that time?</p> <p>5 A: No.</p> <p>6 Q: And when did you apply for a</p> <p>7 restraining order against him?</p> <p>8 A: When I came back to Nevada.</p> <p>9 Q: And when was that?</p> <p>10 A: It was around March I believe was</p> <p>11 the month in 2010.</p> <p>12 Q: So since 2010, you've not had or</p> <p>13 applied for a restraining order against Mr. Ferraro?</p> <p>14 A: Not since then, no.</p> <p>15 Q: You complained to Margaret Pickard,</p> <p>16 about the tooth fairy situation that you've heard</p> <p>17 about yesterday, correct?</p> <p>18 A: Correct, yes.</p> <p>19 Q: And Margaret sent an email to Chris</p> <p>20 regarding that situation, correct?</p> <p>21 A: Yes.</p> <p>22 Q: And Chris responded to Margaret</p> <p>23 regarding that situation, correct?</p> <p>24 A: Yes.</p> <p>25 Q: And you were copied on that email,</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 correct?</p> <p>2 A: Yes.</p> <p>3 Q: So isn't it true that Chris gives</p> <p>4 Evan \$15 from the tooth fairy?</p> <p>5 A: No.</p> <p>6 Q: Isn't it true that Chris's mother</p> <p>7 gives Evan \$100 from the tooth fairy?</p> <p>8 A: No.</p> <p>9 Q: Isn't it true that Evan must give</p> <p>10 that \$100 to his grandmother to put in his college</p> <p>11 fund?</p> <p>12 A: I don't know that information.</p> <p>13 Q: In the binder that's in front of</p> <p>14 you, if you turn to exhibit one.</p> <p>15 MS. COOLEY: Would that be A1?</p> <p>16 Q: I'm sorry, A1. You're correct</p> <p>17 Shelly. Thank you. And specifically to the page</p> <p>18 numbered DEFT174, can you look at where it says</p> <p>19 financial resources?</p> <p>20 A: Yes.</p> <p>21 Q: And Chris wrote there that the</p> <p>22 tooth fairy left-- it says \$115, correct?</p> <p>23 A: Correct.</p> <p>24 Q: And he was told that the \$100 bill</p> <p>25 was his for his college fund piggy bank, correct?</p> | <p style="text-align: right;">Page 32</p> <p>1 A: A few. I'm not exactly sure on</p> <p>2 that number.</p> <p>3 Q: Is it more than three?</p> <p>4 A: Possibly, but --</p> <p>5 Q: Did you tell Chris when he was</p> <p>6 missing school?</p> <p>7 A: No.</p> <p>8 Q: Isn't it true that you only told</p> <p>9 Chris that Evan is going to the doctor after the</p> <p>10 fact?</p> <p>11 A: No.</p> <p>12 MR. NAIMI: Objection. Vague. Can we</p> <p>13 get some clarification on timeline?</p> <p>14 Q: So during the period since November</p> <p>15 of 2012, isn't it true that you take Evan to the</p> <p>16 doctor and then you notified Chris after the fact?</p> <p>17 A: Not always, no.</p> <p>18 Q: But frequently?</p> <p>19 A: Not frequently, no.</p> <p>20 Q: Your testimony that more often than</p> <p>21 not, you notify Chris that Evan is going to the</p> <p>22 doctor before?</p> <p>23 A: Correct.</p> <p>24 Q: Isn't it true that Chris's last</p> <p>25 face time visit with Evan was while you're in Walmart</p> |
| <p style="text-align: right;">Page 31</p> <p>1 A: Correct.</p> <p>2 Q: And that his grandmother started</p> <p>3 that for him, correct?</p> <p>4 A: Correct.</p> <p>5 Q: And \$15 was for him to spend as he</p> <p>6 wanted?</p> <p>7 A: Correct.</p> <p>8 Q: And therefore, that actually</p> <p>9 amounts to \$7.50 per tooth?</p> <p>10 A: Correct, that's what's said.</p> <p>11 Q: And you testified yesterday that</p> <p>12 you, in fact, gave Evan \$20 per tooth, right?</p> <p>13 A: No.</p> <p>14 Q: How much do you give Evan per</p> <p>15 tooth?</p> <p>16 A: His first tooth is \$20.</p> <p>17 Q: Does he get more for subsequent</p> <p>18 tooth?</p> <p>19 A: I said yesterday between up to \$5,</p> <p>20 sometimes a candy bar, whatever kids get [0:34:11</p> <p>21 inaudible].</p> <p>22 Q: You're saying it could vary?</p> <p>23 A: It could vary, yes but-- yeah.</p> <p>24 Q: How many days did Evan miss from</p> <p>25 school in your timeshares?</p> | <p style="text-align: right;">Page 33</p> <p>1 with Evan?</p> <p>2 A: It was Smith's. Yes, Smith's.</p> <p>3 Q: And it isn't it true that the time</p> <p>4 prior to that, Chris's face time with Evan was just</p> <p>5 three minutes?</p> <p>6 A: I don't know the time.</p> <p>7 Q: Fair to say that it was short?</p> <p>8 A: It was short, yes.</p> <p>9 Q: What jobs have you held in the last</p> <p>10 four years?</p> <p>11 A: Four years, so we're going back to</p> <p>12 --</p> <p>13 Q: To 2012.</p> <p>14 A: '12. Well, I've always been self-</p> <p>15 employed since I've lived in Nevada, so I was still</p> <p>16 doing modeling and that. I have been a dealer. I</p> <p>17 was dealing blackjack and different casino games.</p> <p>18 Q: Let's stop there. Did you attend</p> <p>19 dealer's school?</p> <p>20 A: No. I learned through a company.</p> <p>21 Q: Was it on-the-job training?</p> <p>22 A: Kind of, yes, yeah.</p> <p>23 Q: As a dealer, when a player</p> <p>24 presented you with a player card, did you have to ask</p> <p>25 them for identification?</p> |

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| <p>1 A: Never.</p> <p>2 Q: Where did you deal?</p> <p>3 A: Actually, identification yes. I'm</p> <p>4 sorry. If we thought that they were under, we ID'd</p> <p>5 somebody. If they appeared under 30 years old, yes.</p> <p>6 An ID like that, yes.</p> <p>7 Q: Where did you deal?</p> <p>8 A: I've dealt at seven different</p> <p>9 properties.</p> <p>10 Q: What properties?</p> <p>11 A: Red Rock, Treasure Island, Santa</p> <p>12 Fe, Texas Station, The Palms, Planet Hollywood, Hard</p> <p>13 Rock, and the last one was at that year was Cosmo.</p> <p>14 Q: So in fact, many of the casinos</p> <p>15 that were here on Monday, you have actually been</p> <p>16 employed by and dealt for?</p> <p>17 A: Just the Stations, one of their</p> <p>18 properties. I've never dealt at -- who was here? If</p> <p>19 we can go down the list, I can let you know.</p> <p>20 Q: We were --</p> <p>21 A: I've never dealt at the Rampart. I</p> <p>22 think that Suncoast and Gold Coast were here. I've</p> <p>23 never dealt at a Boyd property. I've never dealt at</p> <p>24 the Wynn. I think Station's was here. Texas is a</p> <p>25 Station casino and that was only for a boxing event</p> | <p>1 casinos of all the times that your player card was</p> <p>2 utilized?</p> <p>3 A: Correct.</p> <p>4 Q: Since 2012?</p> <p>5 A: Yes.</p> <p>6 Q: To December of 2015?</p> <p>7 A: Yes. In that section, I've --</p> <p>8 Q:</p> <p>9 A: Yes.</p> <p>10 Q: Can you tell me on any particular</p> <p>11 date that you allowed another person to utilize your</p> <p>12 card?</p> <p>13 A: Can I give you a specific date, no.</p> <p>14 Q: Your Honor, you recall the other</p> <p>15 day that we had colloquy regarding Social Security</p> <p>16 numbers in those casino records?</p> <p>17 JUDGE GENTILE: Mm-hm.</p> <p>18 Q: Our staff has gone through and</p> <p>19 found a couple of instances where there were Social</p> <p>20 Security numbers. We've redacted those. May I</p> <p>21 approach the clerk so she can replace those pages in</p> <p>22 her binder?</p> <p>23 JUDGE GENTILE: Yes.</p> <p>24 MS. WILSON: Thank you.</p> <p>25 MR. NAIMI: Thank you very much.</p> |
| Page 35 | Page 37 |
| <p>1 that they needed extra dealers that my company sent</p> <p>2 me there.</p> <p>3 Q: But it's fair to say that you've</p> <p>4 dealt at a number of the large properties. All of</p> <p>5 whom are subject to --</p> <p>6 A: Correct.</p> <p>7 Q: I haven't finished the question.</p> <p>8 A: Oh, sorry.</p> <p>9 Q: All of whom are subject to</p> <p>10 regulations of the Nevada Gaming Control Board,</p> <p>11 correct?</p> <p>12 A: Correct.</p> <p>13 Q: Your Honor, we'd like to ask the</p> <p>14 court to take judicial notice of Nevada Gaming</p> <p>15 Control Board regulation 5A.110, which states that a</p> <p>16 person who is issued a card for interactive gaming</p> <p>17 must affirm that they will not allow another person</p> <p>18 to utilize their card. Ms. Nance, would you turn to</p> <p>19 the volume two binder and turn to exhibit N.</p> <p>20 A: N as in --</p> <p>21 Q: N as in Nancy.</p> <p>22 A: Nancy, okay.</p> <p>23 Q: Without even looking into the</p> <p>24 binders, we have an understanding that what's</p> <p>25 contained in there includes lists from each of the</p> | <p>1 Q: Your Honor, we've prepared and Mr.</p> <p>2 Naimi -- you're aware, you've prepared some of these</p> <p>3 that we produced in the course of discovery summaries</p> <p>4 of the casino records and as with the summary</p> <p>5 utilized by Mr. Naimi yesterday, we would like to</p> <p>6 review these summaries with Ms. Nance in court. May</p> <p>7 I approach the witness?</p> <p>8 A: Thank you.</p> <p>9 Q: So Ms. Nance, looking at column 12</p> <p>10 and for Mr. Naimi's concern regarding 2012, these</p> <p>11 numbers were revised to provide just numbers for</p> <p>12 instance from December of 2012 to the present</p> <p>13 inconsistent with the order number that we have in</p> <p>14 the case and Ms. Nance, do you recognize those</p> <p>15 casinos in the far left hand column as the casinos</p> <p>16 that you've put --</p> <p>17 MR. NAIMI: May I interject for a</p> <p>18 moment your Honor? Not that I have any objection to</p> <p>19 this being an illustrative, that's fine. I do</p> <p>20 believe that it misstates the testimony of the PMKs</p> <p>21 that were on the record. I believe all of the PMKs</p> <p>22 were consistent in what they testified to and that it</p> <p>23 wasn't --</p> <p>24 JUDGE GENTILE: In terms of dollars</p> <p>25 out.</p> |

| Page 38 | Page 40 |
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| <p>1 MR. NAIMI: -- dollars and dollars out. 2 It was coin in, coin out -- 3 JUDGE GENTILE: Its value and it-- 4 MR. NAIMI: Correct. 5 JUDGE GENTILE: -- instead of 6 investment and/or receipt, I understand absolutely. 7 MR. NAIMI: You understand it. So this 8 is not exactly accurate and -- 9 JUDGE GENTILE: Right. In terms of the 10 identifier of dollars in dollars out, and I 11 understand though because I understand it means every 12 time you hit the button -- 13 MR. NAIMI: It's the... right. 14 JUDGE GENTILE: -- that's the dollar in 15 -- 16 MR. NAIMI: Correct. 17 JUDGE GENTILE: -- even if it might 18 have been a dollar out five minutes ago when she 19 received a payout on -- 20 MR. NAIMI: And I think the correct 21 term if I understood that correctly, coin because if 22 you're on a five-cent machine, it's different than if 23 you're on a dollar machine, or quarter machine, or 24 whatever, right. 25 JUDGE GENTILE: And if you noted at the</p> | <p>1 A: 2012, 3,366.18. 2 Q: And in 2013, total dollars out? 3 A: 196,627.10. 4 Q: And the total dollars out in 2014? 5 A: 176,238.53. 6 Q: And the dollars out in 2015? 7 A: 147,017.41. 8 Q: And your Honor, we actually would 9 go the additional step to ask that these summaries be 10 made an additional exhibit to exhibit N. It's 11 absolutely permitted by the rules of evidence. We 12 produced these summaries to opposing counsel prior to 13 the close of discovery. 14 MR. NAIMI: I have no objection. 15 JUDGE GENTILE: Yeah, under rule, I 16 know it, 50-- the rules out it under summary. 17 Q: Enter as 52 to 75. 18 JUDGE GENTILE: The summaries, yeah. 19 Q: And then we have -- 20 JUDGE GENTILE: One of these days, I'll 21 have them memorized. It hasn't happened yet. 22 Q: We have two other summaries that 23 we'd like to go through go quickly. 24 JUDGE GENTILE: Okay. 25 Q: Two other summaries that we'd like</p> |
| Page 39 | Page 41 |
| <p>1 bottom of some of them, it said this does 2 not reflect investment which means that she 3 walks in with a \$100 that -- 4 MR. NAIMI: Yeah. I just want to make 5 sure we're all on the same page. 6 JUDGE GENTILE: -- it doesn't reflect 7 the 100. It might reflect far more than that or if 8 she lost far more than that, but it's in and out. I 9 understand absolutely. 10 MR. NAIMI: Right, thanks, okay. 11 Q: As far as Mr. Naimi is concerned, 12 that's not the representation being made here and I 13 think sometimes they use dollars in, other times they 14 use coin in, coin out, and we're not representing 15 that these amounts of money are the amounts -- 16 JUDGE GENTILE: Her investment, right, 17 understood. 18 Q: -- actually put into any particular 19 game or machine. All right. So Ms. Nance, these are 20 the casinos for which you have player cards. 21 A: I guess I have one at Santa Fe 22 although I'm not sure or Fiesta, but I could 23 possibly, yes. 24 Q: Okay. So in 2012, the total 25 dollars or coin out was how much?</p> | <p>1 to go through. 2 JUDGE GENTILE: To what exhibit or 3 letter will it be? EW. Okay. So we're making that 4 summary -- 5 Q: So we'll make that N -- I would say 6 N7, does that make sense? It's part of the casino 7 records. 8 JUDGE GENTILE: Okay. We can do that 9 and seven, rather than making it the last letter. We 10 will add it to the casino records, N7. 11 MR. NAIMI: So for clarifications, the 12 summaries are now N7 is that what I heard? 13 JUDGE GENTILE: Yes. 14 MR. NAIMI: Okay. Thank you your 15 Honor. 16 Q: And I would approach the clerk with 17 the copies as well since we're making -- 18 JUDGE GENTILE: Yes. So this will all 19 go into N7? 20 Q: That's right. 21 JUDGE GENTILE: Okay. 22 Q: So Ms. Nance, the second single 23 sheet that I gave you, this is the win-loss for 24 December 2012 to 2014. So this does, in fact, 25 represent actual losses. What were the actual losses</p> |

| Page 42 | Page 44 |
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| <p>1 in 2012?</p> <p>2 A: \$910.53.</p> <p>3 Q: And the actual losses in 2013?</p> <p>4 A: \$10,333.42.</p> <p>5 Q: And the actual losses in 2014?</p> <p>6 A: \$13,293.19.</p> <p>7 Q: And the actual losses in 2015?</p> <p>8 A: \$10,664.64.</p> <p>9 Q: Okay. You amended your financial</p> <p>10 disclosure recently, correct?</p> <p>11 A: Correct, yes.</p> <p>12 Q: And that amended financial</p> <p>13 disclosure included an amount of gaming income,</p> <p>14 correct?</p> <p>15 A: Yes.</p> <p>16 Q: And did that amount of gaming</p> <p>17 income include the amounts of money that you had put</p> <p>18 in up through the amendment of your disclosure for</p> <p>19 the current calendar year?</p> <p>20 A: I don't know if I understand that</p> <p>21 question. Can you -- did it include what time frame?</p> <p>22 Q: I'll ask in a different way.</p> <p>23 A: Yeah. I'm not understanding it,</p> <p>24 sorry.</p> <p>25 Q: It was a bad question. I agree.</p> | <p>1 side? Okay, there it is. My fault because I looked</p> <p>2 at it yesterday and I kept thinking, "I don't see</p> <p>3 that," but when I looked at the right page -- pardon?</p> <p>4 MR. NAIMI: I hate our financial</p> <p>5 disclosure forms.</p> <p>6 JUDGE GENTILE: I know. I always --</p> <p>7 yeah, okay. So that's over here on the other page,</p> <p>8 but what is it --</p> <p>9 Q: Jason, did you include her</p> <p>10 financial disclosure form as an exhibit when you</p> <p>11 produced?</p> <p>12 MR. NAIMI: I did not.</p> <p>13 MS. COOLEY: We don't need to. It's a</p> <p>14 pleading.</p> <p>15 MS. WILSON: And the exhibits were done</p> <p>16 already.</p> <p>17 MR. NAIMI: Yeah. Lets find a way to</p> <p>18 recall. we weren't responsible for the exhibit.</p> <p>19 MS. COOLEY: Yes.</p> <p>20 MR. NAIMI: That's why we have a bunch-</p> <p>21 -</p> <p>22 JUDGE GENTILE: Why did they change</p> <p>23 this to this form? I think some of the other ones</p> <p>24 were better. Sorry.</p> <p>25 MS. COOLEY: Don't open that.</p> |
| Page 43 | Page 45 |
| <p>1 That's fine.</p> <p>2 A: Sorry.</p> <p>3 Q: The amount of money that you put</p> <p>4 into the financial disclosure form, did that</p> <p>5 represent a single win?</p> <p>6 A: I don't know. I don't think so,</p> <p>7 no.</p> <p>8 Q: How did you arrive at that number?</p> <p>9 A: It was an average of what I won</p> <p>10 that month what I recall that I won that month. I</p> <p>11 don't log it on a paper, exact amount.</p> <p>12 Q: Fair enough. And did you also</p> <p>13 consider in that amount the amounts of money you had</p> <p>14 actually wagered to ear those winnings?</p> <p>15 A: No. I don't think so, no.</p> <p>16 JUDGE GENTILE: Can I ask a question?</p> <p>17 Q: Go ahead.</p> <p>18 JUDGE GENTILE: On the FDF, it shows</p> <p>19 family income: Modeling, bartender, cashier,</p> <p>20 bookings, garage sales, eBay sales, Westgate</p> <p>21 commission referral. But I don't see the catering</p> <p>22 business that I thought she said she had yesterday.</p> <p>23 MR. NAIMI: Next page your Honor.</p> <p>24 JUDGE GENTILE: Is that wrong? Right.</p> <p>25 Business income, is that over here in this other</p> | <p>1 JUDGE GENTILE: The other ones were</p> <p>2 better anyway.</p> <p>3 MS. COOLEY: Don't go there please.</p> <p>4 MR. NAIMI: If you say that on the</p> <p>5 third floor, you're going to insult someone that is</p> <p>6 very close to you your Honor in terms of proximity.</p> <p>7 Maybe not --</p> <p>8 MS. COOLEY: But you just complemented</p> <p>9 someone in this room, so thank you.</p> <p>10 JUDGE GENTILE: Good. Yeah. Other</p> <p>11 ones were -- and it doesn't even give you a spot to</p> <p>12 really lay out what the income is from the business</p> <p>13 other than that --</p> <p>14 MS. COOLEY: And we used to be able to</p> <p>15 put notes explaining and -- it's quite difficult now.</p> <p>16 JUDGE GENTILE: I know.</p> <p>17 MS. COOLEY: It's problematic.</p> <p>18 JUDGE GENTILE: I have to say this is</p> <p>19 one of our worst.</p> <p>20 Q: So does Ms. Nance have a copy of</p> <p>21 her financial disclosure form or you put one in front</p> <p>22 of her?</p> <p>23 MR. NAIMI: We only have the one copy.</p> <p>24 MS. COOLEY: Yeah. We didn't --</p> <p>25 MS. WILSON: Actually, I think I have</p> |

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| <p style="text-align: right;">Page 46</p> <p>1 another one.</p> <p>2 MS. COOLEY: Okay.</p> <p>3 Q: Ms. Nance, do you recall stating in</p> <p>4 your financial disclosure form that your total gross</p> <p>5 income from the period January through June 2016 was</p> <p>6 \$14,881?</p> <p>7 A: From January 16, you said?</p> <p>8 Q: Well, what it says here is January</p> <p>9 to June 2016.</p> <p>10 A: I don't know the exact time. I</p> <p>11 would have to look at it in front of me, but if</p> <p>12 that's what it says and those are the math I guess.</p> <p>13 MS. COOLEY: What's the file stamp read</p> <p>14 on that?</p> <p>15 MR. NAIMI: Volume one.</p> <p>16 MS. COOLEY: Yeah.</p> <p>17 Q: 6/21/16</p> <p>18 MR. NAIMI: Do you mind telling us</p> <p>19 where your looking at.</p> <p>20 MS. COOLEY: Yeah. We can't find it.</p> <p>21 Q: On page three, business income.</p> <p>22 MR. NAIMI: Thanks.</p> <p>23 JUDGE GENTILE: The one and only spot</p> <p>24 that there is for any kind of income for a business.</p> <p>25 It doesn't even tell you to list the name of the</p> | <p style="text-align: right;">Page 48</p> <p>1 Q: And it's represented it from</p> <p>2 January to June of 2016, your gross income was</p> <p>3 \$14,481?</p> <p>4 A: Yes.</p> <p>5 Q: And that you have... so that would</p> <p>6 be an average of 2,400. It's what represented there,</p> <p>7 correct?</p> <p>8 A: Okay. Yes.</p> <p>9 Q: And do you recall during your</p> <p>10 deposition, we talked about Brittany Fitzpatrick?</p> <p>11 A: Yes.</p> <p>12 Q: She is still a business partner of</p> <p>13 yours?</p> <p>14 A: No, she's not.</p> <p>15 Q: She made a loan to you of \$50,000,</p> <p>16 correct?</p> <p>17 A: No.</p> <p>18 Q: Would you return to your deposition</p> <p>19 in page 64 particularly.</p> <p>20 A: That's just one -- Sorry</p> <p>21 Q: That was on the booklet.</p> <p>22 A: Oh, it's under here. Sorry.</p> <p>23 Q: There's going to be a lot of</p> <p>24 writing.</p> <p>25 A: What, I asked...</p> |
| <p style="text-align: right;">Page 47</p> <p>1 business or anything. I'm going to start</p> <p>2 complaining.</p> <p>3 MR. NAIMI: Sorry. We just didn't know</p> <p>4 where to go.</p> <p>5 JUDGE GENTILE: No. I'm having the</p> <p>6 same issue. Okay, so now, you have to tell me Mr.</p> <p>7 Naimi who am I offending because I'm clueless?</p> <p>8 MR. NAIMI: We'll go off the record.</p> <p>9 JUDGE GENTILE: Yeah. Go off the</p> <p>10 record.</p> <p>11 (RECESS)</p> <p>12 JUDGE GENTILE: All right. Now I</p> <p>13 understand.</p> <p>14 MS. WILSON: Alright.</p> <p>15</p> <p>16 DIRECT EXAMINATION</p> <p>17 MS. WILSON</p> <p>18</p> <p>19 Q: We're back on the record.</p> <p>20 A: Page 3.</p> <p>21 Q: Okay.</p> <p>22 A: Yes.</p> <p>23 Q: You see where it says, right in the</p> <p>24 middle of the page, a business income?</p> <p>25 A: Yes.</p> | <p style="text-align: right;">Page 49</p> <p>1 Q: Page 64.</p> <p>2 A: Yes.</p> <p>3 Q: Are you getting there? Let me ask</p> <p>4 you, so there was a business agreement between you</p> <p>5 and Ms. Fitzpatrick, correct?</p> <p>6 A: Correct. Yes.</p> <p>7 Q: And that business agreement</p> <p>8 concerned your business to Sandy Crowd, correct?</p> <p>9 A: Correct. Yes.</p> <p>10 Q: And Ms. Fitzpatrick had made a loan</p> <p>11 of \$50,000 to you at some point, correct?</p> <p>12 A: No.</p> <p>13 Q: Okay. Did she...she made an</p> <p>14 investment in another business that you had together.</p> <p>15 Is that correct?</p> <p>16 A: She was an investor, yes.</p> <p>17 Q: Okay. And you had an agreement</p> <p>18 with her that you would pay her back \$50,000 from</p> <p>19 proceeds of the Sandy Crowd. Isn't that correct?</p> <p>20 A: No.</p> <p>21 Q: Okay. Let's look at page 64, line</p> <p>22 25.</p> <p>23 A: Yes.</p> <p>24 Q: Let's go a little bit earlier.</p> <p>25 Let's start with page 63, line 25 where I questioned</p> |

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| <p style="text-align: right;">Page 50</p> <p>1 you that we were looking at a document marked as</p> <p>2 Exhibit C to your deposition, which was your letter</p> <p>3 of intent for the Sandy Crowd. Recall that?</p> <p>4 A: Yes.</p> <p>5 Q: Then we talked about the terms of</p> <p>6 that letter of intent, right?</p> <p>7 A: Uh-hmm.</p> <p>8 Q: And can you read your answer on</p> <p>9 line nine?</p> <p>10 A: Line nine. We're on 65, right?</p> <p>11 Q: We're on 64. Sixty-four, line</p> <p>12 nine.</p> <p>13 A: I thought you said line 25. Sorry.</p> <p>14 Okay, line nine. The initial one you see, there's</p> <p>15 \$50,000 debt from prior obligation is the investment</p> <p>16 she made into the festival that I spoke of earlier.</p> <p>17 Q: Then read what you explained on</p> <p>18 line 14.</p> <p>19 A: And I took on the sole</p> <p>20 responsibility of making that repayment back to her.</p> <p>21 It initially was between myself and another business</p> <p>22 partner, Maria Sheregina.</p> <p>23 Q: And continue.</p> <p>24 A: Brittany wanted to invest in my</p> <p>25 company and that's how we decided to take care of the</p> | <p style="text-align: right;">Page 52</p> <p>1 A: Prior to the deposition?</p> <p>2 Absolutely.</p> <p>3 JUDGE GENTILE: Do they pass the</p> <p>4 witness or no?</p> <p>5 MR. NAIMI: I think they said, "Hold</p> <p>6 on."</p> <p>7 MS. COOLEY: Yeah.</p> <p>8 JUDGE GENTILE: They said hold for one</p> <p>9 minute? Okay.</p> <p>10 MS. COOLEY: I think that's what I</p> <p>11 heard. Otherwise, I would have jumped in.</p> <p>12 JUDGE GENTILE: Okay.</p> <p>13 MS. WILSON: We'll pass the witness.</p> <p>14 JUDGE GENTILE: All right.</p> <p>15</p> <p>16 DIRECT EXAMINATION</p> <p>17 BY: SHELLY COOLEY</p> <p>18</p> <p>19 Q: Sandra, can you please explain why</p> <p>20 Evan enrolled a few weeks late in spring baseball?</p> <p>21 A: With me?</p> <p>22 Q: Uh-hmm.</p> <p>23 A: He didn't. He wasn't late. He was</p> <p>24 on the cut off, but he wasn't late. He was there</p> <p>25 for his first game. He never was late.</p> |
| <p style="text-align: right;">Page 51</p> <p>1 debt.</p> <p>2 Q: How much of a percentage of your</p> <p>3 company did your letter intent say that you would</p> <p>4 give her?</p> <p>5 A: I believe it was 20%, I think. I</p> <p>6 don't have it in front of me because we changed.</p> <p>7 Q: Let's look at page 64, line 22.</p> <p>8 Does that jog your memory that it was 20%?</p> <p>9 A: She's 20% at that time. Yes.</p> <p>10 Q: And then at the time of your</p> <p>11 deposition, you also told me that you were not making</p> <p>12 any money from your company until you paid back Ms.</p> <p>13 Fitzpatrick, correct?</p> <p>14 A: That I wasn't making any money?</p> <p>15 Q: Right.</p> <p>16 A: No.</p> <p>17 Q: My apologies for the delay. When</p> <p>18 was the first time you paid yourself from your</p> <p>19 business?</p> <p>20 A: From my business altogether or my</p> <p>21 business since the deposition?</p> <p>22 Q: Let's start with from the time of</p> <p>23 your deposition. Had you paid yourself anything from</p> <p>24 your business?</p> <p>25 Q: Prior to your deposition?</p> | <p style="text-align: right;">Page 53</p> <p>1 Q: In your deposition, you said that</p> <p>2 Desmond has been through a lot.</p> <p>3 A: Uh-hmm.</p> <p>4 Q: What has Desmond been through?</p> <p>5 A: Well, everything that...like I said</p> <p>6 in the deposition, was everything that was going on</p> <p>7 with surrounding Chris and my divorce, our</p> <p>8 relationship, that whole time.</p> <p>9 Q: Tell me about that.</p> <p>10 A: Tell you about it all?</p> <p>11 Q: Uh-huh.</p> <p>12 A: We'll be here until next year.</p> <p>13 MS. WILSON: Objection. Not...</p> <p>14 A: Where do you want...? I don't know</p> <p>15 where to...</p> <p>16 MS. WILSON: That would be fall within</p> <p>17 the order of limine.</p> <p>18 Q: Your Honor, she opened the door.</p> <p>19 MR. NAIMI: It was her direct.</p> <p>20 MS. COOLEY: Right. She asked</p> <p>21 specifically about the protection order that was</p> <p>22 prior to the November 2012.</p> <p>23 JUDGE GENTILE: But there's been</p> <p>24 nothing since the one in 2010. It's basically what</p> <p>25 the gist was there, as I understood it. I mean I</p> |

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| <p style="text-align: right;">Page 54</p> <p>1 don't know with..</p> <p>2 MS. COOLEY: Correct. But on... we get</p> <p>3 to ask about that because she opened the door to that</p> <p>4 question.</p> <p>5 JUDGE GENTILE: I really don't want to</p> <p>6 hear about that.</p> <p>7 Q: Okay. We'll move on, Your Honor.</p> <p>8 JUDGE GENTILE: I mean it's so...</p> <p>9 again, it's nothing I want to consider.</p> <p>10 Q: All right. We will respect the</p> <p>11 court's time and we'll move forward.</p> <p>12 JUDGE GENTILE: I mean you want to get</p> <p>13 what's necessary out today so let's do that.</p> <p>14 Q: Okay.</p> <p>15 JUDGE GENTILE: Let's get...</p> <p>16 Q: All right. We'll move on, Your</p> <p>17 Honor.</p> <p>18 JUDGE GENTILE: Yeah. I think we've</p> <p>19 beaten that horse enough we know where we're going</p> <p>20 with that one.</p> <p>21 Q: Okay.</p> <p>22 JUDGE GENTILE: Okay. All right.</p> <p>23 Q: All right. I will withdraw that</p> <p>24 question. Are Desmond and Evan the same kid or two</p> <p>25 different children?</p> | <p style="text-align: right;">Page 56</p> <p>1 refusing to give him to my son and I believe Desmond</p> <p>2 was 16 at the time... maybe 16 years old... and we</p> <p>3 had to get Margaret involved who's going to be our</p> <p>4 mediator.</p> <p>5 Q: Why didn't you allow Evan to play</p> <p>6 hockey during your timeshare?</p> <p>7 A: Because as Chris and I have</p> <p>8 discussed in the past, as I feel, hockey is an</p> <p>9 extremely violent sport in Chris' own words. The</p> <p>10 severe head injuries that occur, for example, just on</p> <p>11 the time share, he came back...these are my reasons</p> <p>12 that I'm stating. He just came back and he told me,</p> <p>13 "Mommy..."</p> <p>14 Q: Who is he?</p> <p>15 A: I'm sorry, Evan. "We have to now</p> <p>16 wear neck guards." And I said...</p> <p>17 MR. MOODY: Objection. Hearsay.</p> <p>18 JUDGE GENTILE: Sustained.</p> <p>19 Q: Can you please tell me the reasons</p> <p>20 why you do not support Evan playing hockey in your</p> <p>21 own words.</p> <p>22 A: Because of situations, like I was</p> <p>23 about to say. Even at Evan's age for fun, it is still</p> <p>24 a violent sport that many children get hurt in. He</p> <p>25 is now ordered to wear neck guards because a six-year</p> |
| <p style="text-align: right;">Page 55</p> <p>1 A: Two different children.</p> <p>2 Q: So if Desmond does something, does</p> <p>3 that mean that Evan is going to do it?</p> <p>4 A: Absolutely not. They have totally</p> <p>5 different personalities. Totally.</p> <p>6 Q: And the inverse would be true that</p> <p>7 Evan is not Desmond.</p> <p>8 A: Right.</p> <p>9 Q: Why did you allow Aunt Michelle to</p> <p>10 pick up Evan?</p> <p>11 A: I've always been cooperative with</p> <p>12 Chris' side of the family and who picks and</p> <p>13 exchanges. As long as I am aware of who's picking</p> <p>14 him up... Evan, I'm sorry... who's picking up Evan,</p> <p>15 I've always been cooperative with him with that.</p> <p>16 Q: And what do you mean by</p> <p>17 cooperative?</p> <p>18 A: I've never had problems with his</p> <p>19 side of the family... exchanges and everything.</p> <p>20 We've had instances where Chris refused to drop Evan</p> <p>21 off to my side of the family because his father was</p> <p>22 at the door even though my parents were inside the</p> <p>23 home. I want to say the police were called or</p> <p>24 something involved with that or about to be called at</p> <p>25 that time because he drove up and down the block,</p> | <p style="text-align: right;">Page 57</p> <p>1 old child had his neck sliced from here by a skate</p> <p>2 when he was entering the ice at the same camp that</p> <p>3 Evan just came back that he attended with his father.</p> <p>4 So as a mother, I cannot sit there and watch my child</p> <p>5 have his head thrown into the ice. He's told me that</p> <p>6 he's fallen...</p> <p>7 MS. WILSON: Objection hearsay.</p> <p>8 A: I'm...</p> <p>9 JUDGE GENTILE: Yup. Sustained. You</p> <p>10 can't talk about what he has told you.</p> <p>11 Q: What is your understanding of</p> <p>12 injuries Evan has sustained while playing hockey?</p> <p>13 A: He's told me that he has hit his</p> <p>14 head.</p> <p>15 MR. NAIMI: Objection.</p> <p>16 Q: Without telling me what...</p> <p>17 A: I'm sorry. That he has hit his</p> <p>18 head. I'm sorry.</p> <p>19 Q: ...Evan has said.</p> <p>20 Q: Yeah.</p> <p>21 A: I'm sorry.</p> <p>22 Q: What is your understanding of</p> <p>23 injuries he has sustained? What have you witnessed?</p> <p>24 A: That he has hit...what have I</p> <p>25 witnessed?</p> |

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| <p style="text-align: right;">Page 58</p> <p>1 Q: What injuries have you seen Evans</p> <p>2 come back with?</p> <p>3 A: Bruises and things like that. His</p> <p>4 teeth that I mentioned yesterday...</p> <p>5 Q: What happened to his teeth?</p> <p>6 A: He said he banged them on the goal</p> <p>7 post and they were loose when they came back. They</p> <p>8 weren't loose when the left.</p> <p>9 MS. WILSON: Objection, strike the</p> <p>10 hearsay portion of the answer.</p> <p>11 A: She actually said that yesterday</p> <p>12 too though, but...</p> <p>13 MR. NAIMI: Actually it was not</p> <p>14 objected too yesterday.</p> <p>15 Q: I know. I know.</p> <p>16 JUDGE GENTILE: Correct.</p> <p>17 Q: I know. That's what I'm saying.</p> <p>18 MS. WILSON: Correct.</p> <p>19 JUDGE GENTILE: So yesterday it wasn't</p> <p>20 objected too. I mean, it's objectionable so...</p> <p>21 Q: No.</p> <p>22 JUDGE GENTILE: ...sustain it today,</p> <p>23 but it's already in.</p> <p>24 Q: Right.</p> <p>25 Q: With regard to the loose teeth...</p> | <p style="text-align: right;">Page 60</p> <p>1 A: I'm sorry. Okay.</p> <p>2 Q: Perfect. What is your</p> <p>3 understanding of what happened to Evan's teeth?</p> <p>4 A: That Evan's father pulled them out.</p> <p>5 Q: Has Chris expressed concerns to you</p> <p>6 about the vibrant nature of hockey?</p> <p>7 A: Yes.</p> <p>8 Q: And what are those concerns?</p> <p>9 A: We discussed, when Evan was first</p> <p>10 born, Chris told me that he didn't want Evan... he</p> <p>11 wanted him to play hockey for fun when he was young.</p> <p>12 He did not want him to go into hockey as a career and</p> <p>13 sustain the same injuries he did. Those were his</p> <p>14 words to me. So when he started putting him on the</p> <p>15 ice when he was little, I kind of not went along with</p> <p>16 it, I never took him to anything, but I knew he was</p> <p>17 doing it and I didn't fight him as we moved older.</p> <p>18 And through the courts, I addressed my concerns</p> <p>19 through the courts. And I was told as a court order,</p> <p>20 I don't have to participate in things that I don't</p> <p>21 agree nor does Chris on, our time share. Until</p> <p>22 something happens really bad to Evan, then we can</p> <p>23 address the fact of him not playing at all. So Chris</p> <p>24 was allowed to play on his time share and I didn't</p> <p>25 have to do it on mine.</p> |
| <p style="text-align: right;">Page 59</p> <p>1 A: Uh-hmm.</p> <p>2 Q: ...did they fall out naturally?</p> <p>3 A: They did not.</p> <p>4 Q: How did Evan's loose teeth come</p> <p>5 out?</p> <p>6 A: He told me on...</p> <p>7 MR. NAIMI: Objection.</p> <p>8 Q: No. Chris told her something is not</p> <p>9 objected. Not hearsay.</p> <p>10 Q: Yeah. I made a mistake yesterday.</p> <p>11 A: No. He said... I said he said.</p> <p>12 Q: I said Chris has said.</p> <p>13 A: That Chris was present.</p> <p>14 Q: All right.</p> <p>15 A: He was present.</p> <p>16 Q: Everybody needs to speak up then</p> <p>17 because I thought you said Chris so.</p> <p>18 A: Sorry. I'm sorry.</p> <p>19 Q: It's okay.</p> <p>20 Q: Sandra, when you're speaking,</p> <p>21 because we've got Evan and Chris...</p> <p>22 A: I'm sorry. Yes.</p> <p>23 Q: ...when you're talking about Chris,</p> <p>24 can you say Chris? And when you're talking about</p> <p>25 Evan, say Evan.</p> | <p style="text-align: right;">Page 61</p> <p>1 Q: What has been Chris' response to</p> <p>2 your concerns about Evan's involvement in hockey?</p> <p>3 A: He doesn't have or he just</p> <p>4 does...he doesn't ask anything of me. He just does</p> <p>5 it.</p> <p>6 Q: Has he, at least, discussed your</p> <p>7 concerns with you?</p> <p>8 A: No.</p> <p>9 Q: Why didn't you want Evan to attend</p> <p>10 Challenger school?</p> <p>11 A: After we did the tour, I had some</p> <p>12 questions for the lady that did the tour for us. She</p> <p>13 said...</p> <p>14 MS. WILSON: Objection. Hearsay.</p> <p>15 JUDGE GENTILE: Sustained.</p> <p>16 Q: Can you tell me your reasons for</p> <p>17 not enrolling Evans to amateur school? Why didn't</p> <p>18 you want him to attend?</p> <p>19 A: He was still going to be traveling</p> <p>20 even though he...</p> <p>21 Q: Who's he?</p> <p>22 A: I'm sorry. Evan was still going to</p> <p>23 be travelling because Chris wanted to put a schedule</p> <p>24 together through challenger of a travel schedule.</p> <p>25 That was one of them. And I was told or I'm sorry...</p> |

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| <p style="text-align: right;">Page 62</p> <p>1 the curriculum there is very excessive. Evan was in 2 therapy and having his problems at that time or 3 whatever was going on with him that we were trying to 4 address... his outbursts and all that... and it was, 5 in my opinion, it was just too... the curriculum was 6 too much for him at that time.</p> <p>7 Q: So did you believe it to be in 8 Evan's best interest to attend challenger school?</p> <p>9 A: No.</p> <p>10 Q: Are you aware of how many real 11 properties Chris has owned?</p> <p>12 A: Zero that I've known.</p> <p>13 Q: The property at 1032 Baronet, that 14 property proceeded to a Deed in Lieu Foreclose, 15 correct?</p> <p>16 A: Yeah. And I don't know the 17 legality. I didn't... that was my parents' property. 18 The only reason I was on there was because I moved in 19 the residence. In case something happen to them, 20 they wanted it to... I don't know any of the 21 legalities of that and that on that Deed on Lieu. We 22 didn't get kicked out of our... I don't know that.</p> <p>23 Q: Do you understand that a Deed in 24 Lieu Foreclosure is not a foreclosure?</p> <p>25 A: I don't think it's a foreclosure.</p> | <p style="text-align: right;">Page 64</p> <p>1 losses reflective of your gambling?</p> <p>2 A: No.</p> <p>3 Q: On your financial disclosure form, 4 do you reflect...you've report gambling income. Turn 5 to page 2 of that, please.</p> <p>6 A: Yes.</p> <p>7 Q: Can you please identify the amount 8 of gambling income you've had?</p> <p>9 A: The line that says 575 and then 95 10 83.</p> <p>11 Q: Uh-hmm.</p> <p>12 A: Yeah.</p> <p>13 Q: So 575 in how many months?</p> <p>14 A: Six months.</p> <p>15 Q: Is this your best estimate as to 16 what you've spent?</p> <p>17 A: Correct. Yes.</p> <p>18 Q: Or what you've earned?</p> <p>19 A: Yes, what I've earned. Yes.</p> <p>20 Q: What is the status of your catering 21 business?</p> <p>22 A: Right now where we have an 23 insurance claim, I had a huge... I didn't have a huge 24 fire...a huge fire occurred at the storage facility 25 where its stored. And 38 vehicles, businesses, RVs</p> |
| <p style="text-align: right;">Page 63</p> <p>1 I know we were under modification for a great time 2 throughout that process, so I don't know that whole 3 legality part of that.</p> <p>4 Q: Why has Evan missed school on your 5 time share?</p> <p>6 A: Only if he was sick. I know 7 that... I think one time, maybe two, we were going 8 out of town and because he didn't miss any other 9 days, I felt it was okay. There was nothing really 10 going on in school and it was a Friday. It was never 11 in the middle of the week... maybe Friday or 12 something... that we may have been taking an extra 13 day for an out-of-town event or something that I had.</p> <p>14 Q: Over the course of a school year, 15 approximately how many days does Evan miss on your 16 time share?</p> <p>17 A: In kindergarten, I don't think 18 there was one. And then this year, a few. I don't 19 know the exact number.</p> <p>20 Q: What is the average duration of 21 Chris' Facetime sessions with Evan?</p> <p>22 A: The average? Thirty plus minutes.</p> <p>23 Q: Is it normal for a session to last 24 three minutes? With regard to the summaries of the 25 gambling of the different casinos, these wins and</p> | <p style="text-align: right;">Page 65</p> <p>1 and everything were in that. It's one of the biggest 2 fires that happened at a storage facility. 3 Unfortunately, my business was in it. Right now, I'm 4 in the process of rebuilding.</p> <p>5 Q: Is it operational?</p> <p>6 A: It is. I can rent equipment. It 7 costs... that's what happened in May, because this 8 happened like May - at the end of... through May or 9 whatever because I already had a catering, whatever, 10 contact with Clark County for the event I did. So I 11 rented all my equip, so it costs me a lot more. But 12 I guess I could make banners and I could still 13 prepare food, but all my equipment is gone... 14 everything, my investments... so I have to rebuild 15 everything.</p> <p>16 Q: And you're in the process of 17 rebuilding that?</p> <p>18 A: Yes.</p> <p>19 Q: I'll pass the witness.</p> <p>20</p> <p>21 REDIRECT EXAMINATION</p> <p>22 BY: MS. SHANNON WILSON</p> <p>23</p> <p>24 Q: Would you turn to your deposition, 25 page 62.</p> |

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| <p style="text-align: right;">Page 66</p> <p>1 A: Yes.</p> <p>2 Q: Thank you.</p> <p>3 A: Yes.</p> <p>4 Q: Do you recall that during your</p> <p>5 deposition, we went through the events in 2014 and</p> <p>6 2015, correct?</p> <p>7 A: Yes.</p> <p>8 Q: And do you recall how many events</p> <p>9 that you had done in 2014?</p> <p>10 A: I don't know offhand. It was</p> <p>11 probably...</p> <p>12 Q: It was more than...</p> <p>13 A: Probably...</p> <p>14 Q: It was no more than three, was it?</p> <p>15 A: Around that. That's three or four.</p> <p>16 Yeah.</p> <p>17 Q: And in 2015, it was no more than</p> <p>18 two or three, if that's correct?</p> <p>19 A: At the end of the year? Yes.</p> <p>20 Q: And so I had asked you about what</p> <p>21 payment you have received from a particular event.</p> <p>22 A: Uh-hmm.</p> <p>23 Q: If you look at page 62, line 19.</p> <p>24 A: Okay.</p> <p>25 Q: I asked you what payment did you</p> | <p style="text-align: right;">Page 68</p> <p>1 JUDGE GENTILE: We are back on the</p> <p>2 record. 3:07 according to my clock.</p> <p>3 MR. NAIMI: Your Honor, we would call</p> <p>4 Mrs. Rebecca Nance to the stand.</p> <p>5 JUDGE GENTILE: Okay.</p> <p>6 JUDGE GENTILE: Is the therapist here?</p> <p>7 MR. NAIMI: Three of them.</p> <p>8 JUDGE GENTILE: Three, okay, alright.</p> <p>9 Fair enough.</p> <p>10 MR. NAIMI: I would do my best.</p> <p>11 JUDGE GENTILE: Okay.</p> <p>12 BAILIFF: Put your hands like this,</p> <p>13 raise your right hand, face the court.</p> <p>14 CLERK: Do you solemnly swear the</p> <p>15 testimony you're about to give in this action will be</p> <p>16 the truth, the whole truth and nothing but the truth</p> <p>17 so help you God?</p> <p>18 MRS. NANCE: I do.</p> <p>19 DIRECT EXAMINATION:</p> <p>20 By: Jason Naimi</p> <p>21 Q: Good afternoon. My name is Jason</p> <p>22 Naimi. As so you're aware, I represent Sandra Nance.</p> <p>23 Could you please state your name for the record?</p> <p>24 A: It's Rebecca Nance.</p> <p>25 Q: And Ms. Nance, or Mrs. Nance,</p> |
| <p style="text-align: right;">Page 67</p> <p>1 receive from that event. And what was your answer?</p> <p>2 A: It says, "What payment." "Nothing.</p> <p>3 I don't pay myself right now."</p> <p>4</p> <p>5 MR. NAIMI: I actually want to confirm.</p> <p>6 It sounds to me like we're outside the scope of the</p> <p>7 redirect, so I don't know that we could go down this</p> <p>8 line.</p> <p>9 MS. WILSON: There was a question...</p> <p>10 there was a questioning regarding her business.</p> <p>11 MR. NAIMI: It was what happened and</p> <p>12 her current.</p> <p>13 MS. COOLEY: Yeah, the status of the...</p> <p>14 MR. NAIMI: We didn't go back to...</p> <p>15 MS. COOLEY: ...catering business.</p> <p>16 MR. NAIMI: We didn't go back to 2015,</p> <p>17 nor have we addressed the income of the business.</p> <p>18 MS. WILSON: Right. That's fine. I'm</p> <p>19 done.</p> <p>20 MR. NAIMI: Thank you.</p> <p>21 JUDGE GENTILE: All right. Thank you.</p> <p>22 MR. MOODY: May I ask for a brief</p> <p>23 recess, Your Honor?</p> <p>24 JUDGE GENTILE: Please.</p> <p>25 (RECESS)</p> | <p style="text-align: right;">Page 69</p> <p>1 excuse me, how if and all, are you related to Mrs.</p> <p>2 Sandra Nance?</p> <p>3 A: I'm her mother.</p> <p>4 Q: Where do you reside?</p> <p>5 A: At 11220 Hedge Mont Avenue in Las</p> <p>6 Vegas.</p> <p>7 Q: Whom, if anyone, do you reside</p> <p>8 with?</p> <p>9 A: I reside with Sandra and her three</p> <p>10 children, Evan, Desmond, Kayla, and my husband, Dan.</p> <p>11 Q: How long have you guys resided</p> <p>12 together?</p> <p>13 A: Since 2010. I think it's been</p> <p>14 about six or seven years.</p> <p>15 Q: In residing together, you've been</p> <p>16 able to make some observations as to the</p> <p>17 relationships within the household, outside the</p> <p>18 household, would that be an accurate statement?</p> <p>19 A: Yes.</p> <p>20 Q: What kind of relationship would you</p> <p>21 say Evan has with his mother?</p> <p>22 A: He has a wonderful loving</p> <p>23 relationship. He's a very good kid.</p> <p>24 Q: Describe what you mean by a loving</p> <p>25 wonderful relationship.</p> |

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| <p style="text-align: right;">Page 70</p> <p>1 A: Well, at any time of the day, Evan 2 is running around and having a great time and he'll 3 stop in the middle of the day and go, ``Mommy, 4 mommy.`` 5 MR. MOODY: Objection, hearsay. 6 Q: If you could perhaps describe it in 7 the terms of an observation as opposed to what Evan 8 said. 9 A: Okay. He states that he loves her 10 and he loves people. 11 Q: What about Evan's relationship with 12 you? Would you characterize that as a good 13 relationship? 14 A: Very close. 15 Q: Very close. Describe what you mean 16 by very close. 17 A: We do things together all the time. 18 Q: Describe the things you do. 19 A: I have my grandchildren, not only 20 Evan, but I have all of my other grandchildren from 21 my other daughter and my husband's children. So the 22 cousins are raised together and we go swimming. We 23 go to the park. We go bowling, movies. We're very 24 close-knit family and we do a lot of things together 25 that children do.</p> | <p style="text-align: right;">Page 72</p> <p>1 relevant to the case, anyway. Evan has... let me ask 2 you this way. What kind of relationship does Evan 3 have with Kayla? 4 A: Very close. 5 Q: Describe what you mean by very 6 close. 7 A: From the time they get up till the 8 time they go to bed, they play games. They go 9 everywhere together. Even though Kayla is going into 10 high school, she is not above his level to sit and 11 play board games or any other kind of games with him. 12 Take him and include him with her friends when they 13 go places. 14 Q: What kinds of places do they like 15 to go to? 16 A: They love to go over the park and 17 they love to go swimming. They bowl. They always go 18 to the movies with the family. 19 Q: And then how about Evan with... you 20 mentioned cousins. Is there one particular cousin 21 perhaps that Evan is closer to than others? 22 A: Yes. 23 Q: And which cousin is that? 24 A: His cousin Pears. It's his... he 25 always says it's his best friend.</p> |
| <p style="text-align: right;">Page 71</p> <p>1 Q: Is this on a routine basis? 2 A: We are together at least three or 3 four times a week, the entire family. 4 Q: What about Evan's relationship with 5 his grandfather, your husband? 6 A: He's extremely close with him. 7 Q: The things that they like to do. 8 A: They share the love of baseball 9 which Evan is infatuated with right now. From the 10 time he wakes up until he goes to bed, he's on 11 anything he can find out about the Chicago Cubs, what 12 they're doing. 13 Q: Are the Chicago Cubs his favorite 14 team? 15 A: Yes. 16 Q: Does that have anything to do with 17 grandpa being from Chicago? 18 A: I don't know because he recently 19 lost his hat when he was playing on his team here. 20 And the only hat he would wear in the picture was the 21 Chicago Cubs. And I said, ``Are you going to get in 22 trouble?`` and he said... 23 MR. MOODY: Objection. 24 A: ``It's my favorite team.`` 25 Q: Hey, we can move on. It's not</p> | <p style="text-align: right;">Page 73</p> <p>1 MR. MOODY: Objection, Your Honor, I'd 2 ask the court to instruct the witness to refrain from 3 saying what other people have told. 4 Q: Fine. 5 JUDGE GENTILE: Okay. Alright. I mean 6 some of this is... some of them offer for the truth 7 that matters in my opinion. But just have to be 8 aware that when you say what someone else says it's 9 considered hearsay so you're going to get an 10 objection from counsel over here. So if you can talk 11 from your own observation as opposed to what someone 12 else says, that would be preferable. Okay. 13 Otherwise, we're going to keep... 14 Q: I could rephrase the question, Your 15 Honor. 16 JUDGE GENTILE: Okay. Very good. 17 Q: Do you believe Evan and Pearson are 18 close? 19 A: Yes. 20 Q: And what would you say that? 21 A: They do everything together. They 22 do sleepovers together. They're together three times 23 a week. He gets extremely excited when he knows that 24 Pears comes over. He starts screaming when the 25 doorbell rings and he runs down the stairs going,</p> |

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| <p style="text-align: right;">Page 74</p> <p>1 ``Pears, Pears, Pears.``</p> <p>2 MR. MOODY: Objection... move on, Your</p> <p>3 Honor.</p> <p>4 JUDGE GENTILE: Overruled. It's fine.</p> <p>5 Q: Have you had any observations of</p> <p>6 Evan with his father?</p> <p>7 A: Only when he Facetimes.</p> <p>8 Q: And how often do you see Evan, if</p> <p>9 ever, Facetime with his father?</p> <p>10 A: Well, recently, Evan has started</p> <p>11 going in his room and closing the door when he</p> <p>12 Facetimes. So I don't see him. I did recently see</p> <p>13 him at the airport.</p> <p>14 Q: Have you ever been able to observe</p> <p>15 Evan Facetime with his dad?</p> <p>16 A: Maybe once or twice.</p> <p>17 Q: Let me ask this, when Evan is in</p> <p>18 his room with the door shut Facetime with his father,</p> <p>19 approximately for how long is he in there?</p> <p>20 A: Anywhere from an hour to an hour</p> <p>21 and a half.</p> <p>22 Q: And do you believe he's on... or do</p> <p>23 you believe him to be Facetime with his father the</p> <p>24 majority of that time or portion of that time?</p> <p>25 A: Well, you can hear other people get</p> | <p style="text-align: right;">Page 76</p> <p>1 types of things you've witnessed Sandra do in... to</p> <p>2 try enhance the relationship with Mr. Ferrera?</p> <p>3 A: The week before school ended, they</p> <p>4 had a... it was about a couple of weeks before school</p> <p>5 ended, they had reading week and Sandra dressed Evan</p> <p>6 up everyday in different outfits from Dr. Seuss`</p> <p>7 books and she made sure that when she took the</p> <p>8 pictures in the morning that Evan sent his dad a</p> <p>9 picture everyday of how he was dressed and then</p> <p>10 sometimes let him say, ``Hi, dad. Look how I look</p> <p>11 this morning.``</p> <p>12 Q: Any other examples?</p> <p>13 A: Father's Day, she was working on</p> <p>14 projects with him because...</p> <p>15 Q: What projects?</p> <p>16 A: Well, she delves in art and likes</p> <p>17 to do that. So she had like sparkles and different</p> <p>18 things that he was trying to make him a card and she</p> <p>19 said, ``I know that you didn't get to do it in school</p> <p>20 and you did something for me.`` So she wanted to</p> <p>21 make sure he had something to take to his dad for</p> <p>22 Father's Day.</p> <p>23 Q: What kind of relationship does your</p> <p>24 daughter have with Kayla's dad?</p> <p>25 A: It's excellent.</p> |
| <p style="text-align: right;">Page 75</p> <p>1 on. I mean we didn't leave the house. We're not</p> <p>2 going to leave him alone. So I know that there are</p> <p>3 other people that do get on Facetime whenever he's</p> <p>4 on.</p> <p>5 Q: Who do you believe those other the</p> <p>6 people are Facetime with Evan?</p> <p>7 A: His brother, Peter, is on at every</p> <p>8 Facetime.</p> <p>9 Q: Anybody else?</p> <p>10 A: Sometimes his sister, Michelle.</p> <p>11 Q: What kind of relationship does your</p> <p>12 daughter have with Chris?</p> <p>13 A: It's strained.</p> <p>14 Q: What do you mean by strange?</p> <p>15 A: No. Strained.</p> <p>16 Q: Strained. Describe what you mean</p> <p>17 by strained.</p> <p>18 A: Sandra does everything that she can</p> <p>19 to try and make a relationship there and we never...</p> <p>20 she's told us that we are not allowed ever no matter</p> <p>21 happens to talk about Chris' family negatively in our</p> <p>22 home. We've never done that.</p> <p>23 Q: Can you give some examples of the</p> <p>24 types of things, if anything, that will actually</p> <p>25 testify that she does things? Can you describe the</p> | <p style="text-align: right;">Page 77</p> <p>1 Q: What do you mean by excellent?</p> <p>2 A: When he comes over to pick up</p> <p>3 Kayla, he'll stay for extended period of time. He's</p> <p>4 come in our home and...</p> <p>5 Q: How often does he come?</p> <p>6 A: Every weekend. He comes every</p> <p>7 weekend to the house.</p> <p>8 Q: And for what periods of time? Like</p> <p>9 for how long is he hanging out?</p> <p>10 A: Oh, by our house?</p> <p>11 Q: Yeah.</p> <p>12 A: He came in our house when we move</p> <p>13 for two hours and they look through the home. He</p> <p>14 congratulated us and said that it's a great job.</p> <p>15 Q: Let me rephrase the question. I</p> <p>16 don't think you understood what I was asking. When</p> <p>17 he's over on a weekly basis...</p> <p>18 A: Yes.</p> <p>19 Q: How much time is he spending there?</p> <p>20 A: At our home?</p> <p>21 Q: Yes.</p> <p>22 A: Sometimes an hour or more.</p> <p>23 Q: Does he have any kind of</p> <p>24 relationship with Evan?</p> <p>25 A: Oh, absolutely. He thinks he's a</p> |

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| <p style="text-align: right;">Page 78</p> <p>1 great kid. He's like, ``Hi Sam. What's going on?``</p> <p>2 And he goes, ``Hey, Evan, what's up?``</p> <p>3 Q: Who cooks at your house?</p> <p>4 A: Sandra cooks the meals always for</p> <p>5 her children, unless she's...</p> <p>6 Q: Who's making breakfast for the</p> <p>7 children on a regular basis?</p> <p>8 A: Only Sandra.</p> <p>9 Q: By regular basis, what do you think</p> <p>10 it means?</p> <p>11 A: Everyday.</p> <p>12 Q: What about dinners?</p> <p>13 A: Almost everyday, unless she has a</p> <p>14 project to do with Kayla or Evan and I'll say I'll</p> <p>15 start dinner and she always comes down and finishes.</p> <p>16 Q: Are the children eating breakfast</p> <p>17 and dinner at home routinely?</p> <p>18 A: Yes.</p> <p>19 Q: What kind of meals do they eat?</p> <p>20 A: Lasagna, salad, fried chicken,</p> <p>21 Chinese food.</p> <p>22 Q: Do you know Evan's favorite meal?</p> <p>23 A: Yes.</p> <p>24 Q: What is it?</p> <p>25 A: Fried chicken with mashed potatoes</p> | <p style="text-align: right;">Page 80</p> <p>1 time, it's used for pool comps and for buffets.</p> <p>2 Q: What do you mean by pool comps?</p> <p>3 A: During the summer months, it's</p> <p>4 family time out at the Rampart. It has waterfalls</p> <p>5 and they have all the kids from the schools meet up</p> <p>6 there. And if you are a local, you can either get a</p> <p>7 discount or you can get comps based on your play at</p> <p>8 the casino.</p> <p>9 Q: You mean free time?</p> <p>10 A: Free time into the pool.</p> <p>11 Q: You can enter the pool free, is</p> <p>12 that what you're trying to say?</p> <p>13 A: Mm-hmm.</p> <p>14 Q: And so, do you try to utilize those</p> <p>15 comps so that Evan can play at the pool?</p> <p>16 A: Yes. We bring Evan and his</p> <p>17 cousins. It's a group thing. We all go.</p> <p>18 Q: How often?</p> <p>19 A: At least three times a week.</p> <p>20 Q: During the summer months?</p> <p>21 A: Yes.</p> <p>22 Q: Have you ever had the opportunity</p> <p>23 to observe Evan's behavior when he returned visiting</p> <p>24 with Mr. Ferrera?</p> <p>25 A: Yes.</p> |
| <p style="text-align: right;">Page 79</p> <p>1 and then he likes the mac and cheese on the side.</p> <p>2 Q: Every kid's favorite.</p> <p>3 A: Yeah.</p> <p>4 Q: I've got two daughters in love with</p> <p>5 mac and cheese. Who makes lunch for the kids to take</p> <p>6 to school?</p> <p>7 A: Sandra.</p> <p>8 Q: And how often does that happen?</p> <p>9 A: Everyday.</p> <p>10 Q: Are you gambling?</p> <p>11 A: A little bit.</p> <p>12 Q: How often would you say you gamble?</p> <p>13 A: We go... my husband and I go on</p> <p>14 senior days and that's three times a week.</p> <p>15 Q: Do you have a player's card?</p> <p>16 A: I have one but I really don't use</p> <p>17 it.</p> <p>18 Q: Do you use a player's card when</p> <p>19 you're gambling?</p> <p>20 A: Yes.</p> <p>21 Q: Whose player's card if anyone do</p> <p>22 you use?</p> <p>23 A: We use Sandra's.</p> <p>24 Q: Why do you do that?</p> <p>25 A: Because... especially at the summer</p> | <p style="text-align: right;">Page 81</p> <p>1 Q: And what's... what kind of reaction</p> <p>2 do you see? What kind of behavior does he exhibit?</p> <p>3 A: He's extremely happy to be home and</p> <p>4 be with his mother, with his brother, his sister, his</p> <p>5 grandparents. He runs in the house if we don't go to</p> <p>6 the airport to pick him up or wherever he's picked</p> <p>7 up. And the first thing he does to everyone is give</p> <p>8 everyone a hug and a kiss and say, ``I miss you guys.</p> <p>9 I love you guys.`` He does it every time.</p> <p>10 Q: Sorry, I apologize. I didn't mean</p> <p>11 to talk over. Have you ever had the opportunity to</p> <p>12 observe Sandra prepare Evan for his visits with his</p> <p>13 father?</p> <p>14 A: Yes.</p> <p>15 Q: And what kinds of things is she</p> <p>16 doing to send him off?</p> <p>17 A: Sometimes he has a little bag for</p> <p>18 the plane and just gets himself ready and she just</p> <p>19 tells him have a good time, be careful, I love you.</p> <p>20 Q: Actually, no further questions,</p> <p>21 Your Honor.</p> <p>22 DIRECT EXAMINATION:</p> <p>23 By: Todd Moody</p> <p>24 Q: Just a couple, Your Honor, Mrs.</p> <p>25 Nance, my name is Todd Moody and I'm co-counsel for</p> |

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1 Christopher Ferrera. If we were to subpoena your
2 player's card records as we did your daughter's, can
3 you give me an idea of what it would look like
4 comparison between how often you use your card versus
5 hers?
6 MR. NAIMI: I'm going to object for
7 relevancy.
8 JUDGE GENTILE: Well, you've already
9 made it relevant by saying that she...
10 MR. NAIMI: Actually, no, Your Honor.
11 I asked her whether she was using...
12 JUDGE GENTILE: Hers or Sandra's.
13 MR. NAIMI: Yes. This case is a
14 relocation case about my client's... I guess. I
15 don't know where the player's card comes in. But
16 certainly, her player's card does not come in to this
17 custody manual.
18 JUDGE GENTILE: Well, it's about her
19 play. That's the point and you've made it an issue
20 throughout all the testimony so I'm going to say it's
21 relevant. Go ahead.
22 Q: Thank you, Your Honor. You can
23 answer.
24 A: Okay. I basically have hardly any
25 play at all. I don't even get free play anymore. So

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1 there's no play on my card hardly at all.
2 Q: When is the last time you used your
3 card?
4 A: I can't remember. I'm sorry. Like
5 maybe three weeks ago.
6 Q: Do you use any card other than your
7 daughter's?
8 A: No.
9 Q: You said that Evan's favorite
10 baseball team is the Chicago Cubs?
11 A: Yes.
12 Q: He wears his cap.
13 A: Pardon?
14 Q: He wears his cap everywhere.
15 A: Yes.
16 Q: Does he have a favorite hockey
17 team?
18 A: He really never brings that up at
19 the house, his favorite hockey team. No.
20 Q: Do you know who his favorite hockey
21 team is?
22 A: He does... he was rooting for the
23 Penguins, I think it was, recently that they were in
24 the Stanley Cup so he was watching it at the house.
25 Q: I'm not sure that answers my

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1 question.
2 A: He didn't tell me whether that was
3 his favorite team or not. Alls I know is that's the
4 only team I know that he mentioned to me.
5 Q: Okay. All right. That's all the
6 questions I have. Thank you.
7 MR. NAIMI: I have nothing further.
8 JUDGE GENTILE: I have one. Which
9 Kayla's time share with her dad? You said he comes
10 every weekend?
11 MRS. NANCE: Yes.
12 Q: And how long does he take Kayla?
13 A: Saturday and Sunday.
14 Q: What time?
15 A: After work unless his...
16 Q: And so, he picks up on Saturday or
17 picks up on Friday?
18 A: Saturday.
19 JUDGE GENTILE: Okay.
20 MRS. NANCE: And sometimes he's... like
21 recently he's been keeping her Sunday night till
22 Monday.
23 Q: So what time does he pick her up on
24 Saturday?
25 A: Sometimes between five and seven.

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1 Q: PM?
2 A: Yes. He has to work on Saturdays.
3 That's why.
4 Q: And then if he returns Sunday, when
5 does he return, evening?
6 A: About 9:30.
7 Q: Or he returns her to school Monday
8 morning?
9 A: Or Monday, yes. Or my husband has
10 offered to sometimes he'll go pick her up.
11 JUDGE GENTILE: Okay. Alright. Fair
12 enough.
13 MR. NAIMI: Nothing further, Your
14 Honor.
15 JUDGE GENTILE: Thank you.
16 MR. NAIMI: Your Honor, may I go check
17 to see if Ms. Tolman is there?
18 JUDGE GENTILE: Mm-hmm.
19 [Background conversation 0:17:24--
20 0:18:12]
21 BAILIFF: Raise your right hand, face
22 the court.
23 CLERK: Do you solemnly swear the
24 testimony you're about to give in this action shall
25 be the truth, the whole truth and nothing but the

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| <p style="text-align: right;">Page 86</p> <p>1 truth so help you God?</p> <p>2 MS. TOLMAN: Yes.</p> <p>3 CLERK: Okay. Thank you.</p> <p>4 MR. NAIMI: May I approach, Your Honor?</p> <p>5 JUDGE GENTILE: Yes.</p> <p>6 MS. TOLMAN: Thank you.</p> <p>7 MR. NAIMI: Thank you, Your Honor.</p> <p>8 JUDGE GENTILE: Mm-hmm.</p> <p>9 MS. COOLEY: Hello, Ms. Tolman. I'm</p> <p>10 Shelly Cooley, this is Jason Naimi. We represent</p> <p>11 Sandra Nance regarding this matter and I'm going to</p> <p>12 be asking you some questions today.</p> <p>13 MS. TOLMAN: Okay.</p> <p>14 DIRECT EXAMINATION</p> <p>15 By: SHELLEY COOLEY</p> <p>16 Q: Can you please state your full name</p> <p>17 for the record?</p> <p>18 A: My name is Judith Tolman.</p> <p>19 Q: Can you spell Tolman?</p> <p>20 A: T-O-L-M-A-N.</p> <p>21 Q: And what is your business address?</p> <p>22 A: 3111 South Valley View Boulevard,</p> <p>23 Suite G 101, I think. I don't know. I don't write</p> <p>24 it that much.</p> <p>25 Q: And can you tell us a little about</p> | <p style="text-align: right;">Page 88</p> <p>1 A: I am a private contractor. I have</p> <p>2 been working on my own for two years since I have</p> <p>3 been fully licensed, so I do some private practice</p> <p>4 and then I contract with Never Give Up.</p> <p>5 Q: Okay. How long have you been</p> <p>6 working as a therapist?</p> <p>7 A: I have been working five years.</p> <p>8 Q: Can you provide a brief summary of</p> <p>9 your practice?</p> <p>10 A: I have a balanced practice in terms</p> <p>11 of working with children, adolescence and adults. I</p> <p>12 work with individuals, couples and do families. I do</p> <p>13 cognitive behavioral therapy. I work on cognitive</p> <p>14 and behavioral methods to correct how people think</p> <p>15 and behave.</p> <p>16 Q: What do you mean by cognitive</p> <p>17 behavioral therapy?</p> <p>18 A: Cognitive behavioral therapy is a</p> <p>19 theory where what you think your thoughts lead to how</p> <p>20 you feel and that in turn leads to how you act.</p> <p>21 Q: Okay. Do you have any concerns</p> <p>22 about testifying today?</p> <p>23 A: No.</p> <p>24 Q: Before testifying today, have you</p> <p>25 had a chance to review Evan's health profile?</p> |
| <p style="text-align: right;">Page 87</p> <p>1 your educational background?</p> <p>2 A: Yes. I have a bachelor's degree in</p> <p>3 social work, a master's degree in social work and</p> <p>4 then I have served a two-year 3000-hour face-to-face</p> <p>5 clinical internship. And following that, I took a</p> <p>6 state board licensing exam to do clinical work.</p> <p>7 Q: And when did you receive your</p> <p>8 license?</p> <p>9 A: Which one? The clinical license?</p> <p>10 Q: Mm-hmm.</p> <p>11 A: Two years ago.</p> <p>12 Q: And what other licenses do you</p> <p>13 have?</p> <p>14 A: I have my BSL, which is a</p> <p>15 bachelor's license of social work, a master's license</p> <p>16 of social work.</p> <p>17 Q: And when did you receive your BSL?</p> <p>18 A: The BSL was in 2009.</p> <p>19 Q: And your MLSW?</p> <p>20 A: That was in 2010.</p> <p>21 Q: And Where are you employed?</p> <p>22 A: I'm employed at Never Give Up</p> <p>23 Behavioral Health Services.</p> <p>24 Q: How long have you been in private</p> <p>25 practice?</p> | <p style="text-align: right;">Page 89</p> <p>1 A: Yes, I have.</p> <p>2 Q: And how are you involved with this</p> <p>3 family?</p> <p>4 A: This family was assigned to me when</p> <p>5 I worked at another agency while I was an intern.</p> <p>6 Q: When was that?</p> <p>7 A: February 2013 was my first time</p> <p>8 with Evan.</p> <p>9 Q: Who is your patient?</p> <p>10 A: I'm sorry?</p> <p>11 Q: Who is your patient?</p> <p>12 A: Evan.</p> <p>13 Q: You are his therapist?</p> <p>14 A: Yes, I am.</p> <p>15 Q: Do Evan's parents participate in</p> <p>16 counseling?</p> <p>17 A: His mother will occasionally be</p> <p>18 involved in family therapy and his father on occasion</p> <p>19 will call me on the phone.</p> <p>20 Q: How often have you had contact with</p> <p>21 Evan's mother?</p> <p>22 A: Well, I see her when she brings him</p> <p>23 in so there's that contact. But other than that, I</p> <p>24 don't see her outside of the office.</p> <p>25 Q: Okay. How about Evan's father?</p> |

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| <p style="text-align: right;">Page 90</p> <p>1 A: I have seen Chris maybe twice at 2 the most, once or twice. 3 Q: Have you recommended that the 4 parents participate in counseling? 5 A: Absolutely. I highly recommended 6 it for both parents to be involved. 7 Q: Did Evan's parents heed that 8 recommendation? 9 A: Evan's mother has come in regularly 10 with him and at times when it was necessary was 11 involved in family therapy. Evan's father has not 12 been involved in family therapy. 13 Q: How often do you treat Evan? 14 A: I see him weekly when he's with his 15 mother and I don't see him when he's with his father. 16 Q: Do you recommend that he have 17 weekly sessions? 18 A: Absolutely. We would have much 19 better progress with him if I could see him weekly. 20 But it's intermittent depending on which parent he's 21 with. 22 Q: So your recommendation would be 23 that Evan should continue treatment even when he's in 24 his father's care? 25 A: Absolutely. It would benefit his</p> | <p style="text-align: right;">Page 92</p> <p>1 Q: What do you mean by traditional 2 family values? 3 A: Traditional family values would be 4 those in our society really expects. You won't be 5 out running the streets when you're seven years old, 6 some of this kind of stuff. She teaches him to 7 behave and has expectations about how he treats other 8 people, how he interacts with his siblings, how he 9 interacts with his grandparents, how he behaves in 10 school. Some traditional family values, meaning you 11 behave yourself. If you misbehave, you are 12 corrected. 13 Q: Okay. How about in Chris' home, 14 what are the expectations in Chris' home based upon 15 the therapy that you've learned? 16 A: I wish that I could see Chris and 17 Evan together. That would tell me so much. It would 18 teach me so much about him and the parenting style 19 and what is expected in that home, but I've had Evan 20 talk about not being respected in the home, being 21 punished in ways that aren't always kind. 22 Q: What do you mean by not being 23 respected in the home? 24 A: Being called... just being... 25 MS. WILSON: Objection, foundation. It</p> |
| <p style="text-align: right;">Page 91</p> <p>1 father and Evan. 2 Q: Why would it benefit his father? 3 A: Because Evan struggles with meeting 4 the expectations of each parent. They have different 5 expectations. If they were more on the same page on 6 parenting and what was expected, it would be easier 7 on Evan. 8 Q: What do you mean by meeting 9 different expectations of each parent? Can you 10 explain that? 11 A: There are differences in how he's 12 expected to behave, how he is reprimanded. Yeah, 13 those kinds of things, what is okay and what you know 14 is not any other, and just expectations, behavioral 15 expectations are different. 16 Q: Can you tell me from your 17 observations and impressions of therapy with Evan 18 what are the behavioral expectations in Sandra's 19 home? 20 A: In Sandra's home, I would say that 21 she embraces traditional family values. She expects 22 him to behave, expects him to be polite, expects him 23 to get along with his brother and sister as much as 24 possible, with siblings and just a really traditional 25 family.</p> | <p style="text-align: right;">Page 93</p> <p>1 sounds like we're about to get a hearsay as well. 2 JUDGE GENTILE: Well, but this is all 3 done and overruled. Go ahead. You're saying 4 foundation, let's lay a foundation for what she's 5 talking about and then we'll go from there. So lay 6 the foundation. I'm going to sustain the objection, 7 lay the foundation. 8 MS. COOLEY: I thought I had... 9 MR. NAIMI: How do you know? 10 JUDGE GENTILE: Where is this coming 11 from? 12 Q: How would you know how Evan is 13 treated in Chris' home? 14 A: What Evan reports to me. 15 MS. WILSON: There it is. That's the 16 hearsay. What Evan reports to her? 17 MR. NAIMI: That's not hearsay. 18 MS. WILSON: What's Evan reports to 19 her? 20 MR. NAIMI: That's not hearsay. 21 JUDGE GENTILE: What's your exception? 22 MR. NAIMI: It's absolutely an 23 exception. It's medical... it's for medical 24 treatment. 25 MS. WILSON: Hold on. I'm ready. It's</p> |

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| <p style="text-align: right;">Page 94</p> <p>1 not medical treatment. Nevada only recognizes the 2 medical treatment exception with respect to 3 psychologist and psychiatrist, and Ms. Tolman is a 4 social worker in the case of Helix versus State is 5 directly on point. The court cannot allow hearsay 6 testimony of Evan to come through Ms. Tolman. 7 MR. NAIMI: And a response to that is 8 she never once said I am saying what Evan said. 9 She's saying what... 10 JUDGE GENTILE: She is. She's 11 reporting... okay. So, Helix versus State, is that 12 what you said it was? 13 MS. WILSON: Yeah. We'll get the 14 citation for you too. 15 JUDGE GENTILE: Please do. All right, 16 let's take a break for a second. Can we go off the 17 record for one second? 18 (RECESS) 19 MR. NAIMI: Also then existing mental, 20 emotional or physical condition. So that's an 21 exception to the hearsay rule. In addition to that, 22 there is an exclusion from the hearsay rule of a 23 child to testify. Now he is not testifying in court 24 but he is essentially testifying to his counselor. 25 So, that could be an exclusive from the hearsay rule</p> | <p style="text-align: right;">Page 96</p> <p>1 JUDGE GENTILE: No, wait a minute. Hold 2 on a minute COUNSEL. Negative. I'm going to make sure 3 the negative treatment is- 4 MS. COOLEY: No problem. 5 JUDGE GENTILE: Have you checked all 6 the negative treatment Ms. Wilson? 7 MS. WILSON: It doesn't apply to that 8 and I can go through the negative treatment file with 9 you if you like. 10 JUDGE: I'm looking at it here it 11 doesn't appear that it has but I will check that as 12 well. I will print it for everyone though. Okay, 13 proceed. I'm sorry Mr. Naimi. 14 MR. NAIMI: No worries. 15 JUDGE: Okay. 16 17 DIRECT EXAMINATION 18 By: Shelly Cooley 19 Q: Based on your observations of Evan 20 during treatment what is your understanding of how 21 Evan is treated at Chris' home? 22 MS. WILSON: Objection I don't know how 23 she could- 24 Q: Her observations during treatment. 25 The court has the discretion to give her testimony as</p> |
| <p style="text-align: right;">Page 95</p> <p>1 protection as well. Certainly though it is an 2 exception to the rule when he is stating his then 3 existing mental impression or condition. 4 MS. WILSON: And I would argue that it 5 is not an existing mental condition. I mean it's 6 something that's being said some period of time that 7 we don't even know of after whatever has transpired. 8 It's not offered for that. 9 JUDGE GENTILE: Right. 10 MR. NAIMI: If the therapist asks after 11 a session, "How do you feel?" 12 JUDGE GENTILE: That's not what this is 13 relating to. This is relating to at some other time 14 and some other time and place how is it that he is 15 being reprimanded that he feels it's not respectful 16 it's something that's not then existing but- 17 MR. NAIMI: He can ask it in a different 18 way. 19 JUDGE GENTILE: Okay, please do. I'm 20 going to sustain the objection the language is really 21 clear in this case file here. I don't know if you 22 have the case, but I will print it and make sure 23 everyone has it. 24 MS. COOLEY: Thank you. May I we 25 proceed?</p> | <p style="text-align: right;">Page 97</p> <p>1 much or little credibility in a way that she chooses 2 to do so though. 3 JUDGE GENTILE: But I mean that if she 4 is going to tell me that she thinks he is 5 disrespected because he somehow told her that mean 6 it's the same thing. She can't... Other than 7 MR. NAIMI: She doesn't say he told her. 8 I mean it could be an observation of emotion or his 9 conduct, his behavior. 10 JUDGE GENTILE: Right, but if it is 11 basically from him to her then it would become 12 hearsay, so anyway just be careful. Go ahead and... 13 Q: Can she answer the question? Okay. 14 A: Repeat the question please? 15 Q: Based on your observation of Evan 16 during treatment what is your understanding of how 17 Evan is treated at Chris' home? 18 A: Sometimes I will recommend something 19 to him and he is hesitant to follow through because 20 he doesn't want to get into trouble. 21 Q: Can you give me an example. 22 A: An example of that would be, he for 23 example, I might say, "If you don't like this 24 particular thing can you tell your dad," and he might 25 say, "No, I don't think I can do that."</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 MS. WILSON: Objection hearsay.</p> <p>2 JUDGE GENTILE: That's an exception.</p> <p>3 Okay, so is there an exception too.</p> <p>4 MR. NAIMI: That is an existing mental</p> <p>5 condition or oppression. No, I don't think I can do</p> <p>6 that.</p> <p>7 JUDGE: [Crosstalk]</p> <p>8 A: He is hesitant to follow through.</p> <p>9 Q: Thank you. Did you hear what she</p> <p>10 said Your Honor?</p> <p>11 JUDGE GENTILE: Okay.</p> <p>12 Q: Can you describe Evan. Why do you</p> <p>13 think Evan is hesitating?</p> <p>14 A: Because there are negative</p> <p>15 consequences.</p> <p>16 Q: What is your understanding of those</p> <p>17 consequences?</p> <p>18 MS. WILSON: Objection. Same objection.</p> <p>19 MR. NAIMI: Her understanding of the</p> <p>20 consequences?</p> <p>21 MS. WILSON: How does she understand the</p> <p>22 consequences?</p> <p>23 Q: She only would understand them by</p> <p>24 the child's words.</p> <p>25 MR. NAIMI: it's a then you've already</p> | <p style="text-align: right;">Page 100</p> <p>1 JUDGE GENTILE: I mean I get what is</p> <p>2 happening but I'm sustaining the objection, overrule</p> <p>3 the one, sustaining the next one so we'll move on,</p> <p>4 next question.</p> <p>5 Q: Why did you begin treating Evan?</p> <p>6 A: It was my understanding that it was</p> <p>7 mandated that he come into treatment by the court as</p> <p>8 part of the parenting plan.</p> <p>9 Q: What behavior was Evan exhibiting</p> <p>10 that caused him to begin treatment with you?</p> <p>11 A: He has some traits of anxiety for</p> <p>12 example chewing on a blanket. Obviously it was a few</p> <p>13 years ago, a blanket or the neck of his shirt, maybe</p> <p>14 its sleeve that kind of thing. He would kind of shut</p> <p>15 down sometimes because of anxiety. He just kind of</p> <p>16 close down, look down not participates in a normal 2-</p> <p>17 way conversation.</p> <p>18 Q: Why would he shut down?</p> <p>19 MS. WILSON: Objection calls for</p> <p>20 speculation.</p> <p>21 MR. NAIMI: She's a therapist pleading</p> <p>22 or are you are asking...</p> <p>23 JUDGE GENTILE: I mean is it an</p> <p>24 overruled what her opinion is, I mean I'm just</p> <p>25 listening to her now so go ahead.</p> |
| <p style="text-align: right;">Page 99</p> <p>1 ruled... You already overruled that objection so</p> <p>2 that's-</p> <p>3 JUDGE GENTILE: I overruled only on</p> <p>4 that one comment that determines oppression but his</p> <p>5 presence of oppression at that moment when they are</p> <p>6 having the exchange. Okay?</p> <p>7 MR. NAIMI: Okay.</p> <p>8 JUDGE GENTILE: But in terms of this</p> <p>9 overall-</p> <p>10 MR. NAIMI: I follow you. I follow.</p> <p>11 JUDGE GENTILE: It's her recording to</p> <p>12 us what he tells her. Yeah, okay.</p> <p>13 MS. WILSON: At the risk of making this</p> <p>14 speaking objection all of this line of questioning is</p> <p>15 designed to somehow get out what happens in Chris'</p> <p>16 house through Evan, through his counselor. If we want</p> <p>17 to know what happens at Chris' house through Evan</p> <p>18 then we should be calling evidence and not be</p> <p>19 utilizing the counselor to do that. Now, the</p> <p>20 counselor can testify all day long to what her</p> <p>21 evaluation of Evan was and talk about evaluation but</p> <p>22 this line of questioning is designed for a particular</p> <p>23 purpose.</p> <p>24 MR. NAIMI: We have heard the speaking</p> <p>25 objection.</p> | <p style="text-align: right;">Page 101</p> <p>1 A: Okay, could you repeat the question</p> <p>2 please.</p> <p>3 Q: Why would Evan shut down?</p> <p>4 A: He doesn't want to disappoint his</p> <p>5 parents or hurt them, and so I think particularly in</p> <p>6 a situation with his parents that would cause him</p> <p>7 high anxiety.</p> <p>8 Q: What if anything is Evan's</p> <p>9 diagnosis?</p> <p>10 A: He has been diagnosed with</p> <p>11 generalized anxiety disorder that I just put in</p> <p>12 remission because his characteristics are improving.</p> <p>13 Oppositional defiant disorder, and ADHD, attention</p> <p>14 deficit hyperactivity disorder combined presentation.</p> <p>15 Q: Can ADHD be cured?</p> <p>16 A: ADHD is organic or something that</p> <p>17 those characteristics are those that you were born</p> <p>18 with. It cannot be cured. It can improve with age</p> <p>19 although there are times whe adults aren't even</p> <p>20 diagnosed rather their children. But frequently as</p> <p>21 school personnel are trained they are picking it up</p> <p>22 at earlier ages.</p> <p>23 Q: What about generalized anxiety</p> <p>24 disorder, can it be cured?</p> <p>25 A: Generalized anxiety disorder</p> |

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| <p style="text-align: right;">Page 102</p> <p>1 presents in situations that causes the symptoms.</p> <p>2 Q: What does that mean?</p> <p>3 A: That means a particular situation</p> <p>4 will come up and because of that situation you know</p> <p>5 there might be a nervousness, stammering, maybe</p> <p>6 irritability. You might see muscle tension you know</p> <p>7 some of this kind of stuff.</p> <p>8 Q: What about oppositional defiant</p> <p>9 disorder can that are cured?</p> <p>10 A: Yes, oppositional defiant disorder</p> <p>11 is something that is a reaction to the environment.</p> <p>12 It is caused by personality characteristics in</p> <p>13 addition to situations that the child is at.</p> <p>14 Q: What type of situations might you</p> <p>15 see oppositional defiant disorder?</p> <p>16 A: I've seen it in the office a lot.</p> <p>17 When a child doesn't want to do something or they</p> <p>18 give a big push back. That might be in the form of an</p> <p>19 argument. that maybe in the form of yelling, throwing</p> <p>20 themselves on the floor, sometimes its targeted</p> <p>21 towards adults or authority figures like parents. It</p> <p>22 might be that the child will annoy others. Be really</p> <p>23 irritable with others. Have expectations about his</p> <p>24 way or no way. Sometimes they lose their temper.</p> <p>25 Q: What if any response do Evan's</p> | <p style="text-align: right;">Page 104</p> <p>1 A: Okay, with oppositional defiant</p> <p>2 disorder he was annoyed, sometimes he would get</p> <p>3 angry, argues, talks back, doesn't do what he is</p> <p>4 asked to. Might blame others for his problems.</p> <p>5 Q: How about the ADHD? What symptoms</p> <p>6 did they observe?</p> <p>7 A: The ADHD that would be</p> <p>8 specifically not paying attention to details, makes</p> <p>9 careless mistakes, is sloppy you know like doing</p> <p>10 homework sloppy in handwriting. Doesn't follow</p> <p>11 through on what he is asked to do. He might not</p> <p>12 finish chores, not finish homework, and not listen</p> <p>13 when he is being spoken to. Has trouble sustaining</p> <p>14 attention to a task or an activity sort of you know,</p> <p>15 just kind of keeps going from one thing to the next,</p> <p>16 to the next. Makes messes, doesn't clean them up</p> <p>17 because that's follow through, an ADHD kid doesn't</p> <p>18 know how to do that too well. Has difficulty getting</p> <p>19 organized. He is a little less on that. He is really</p> <p>20 pretty good about being organized but if he is</p> <p>21 distracted then all of that will fade, but he is</p> <p>22 improving with that quite a bit. It is hard for him</p> <p>23 to concentrate on something that takes sustained</p> <p>24 effort. Now the exceptions to that would be things</p> <p>25 like electronic games, something that the child is</p> |
| <p style="text-align: right;">Page 103</p> <p>1 parents have to this diagnosis?</p> <p>2 A: Evan's father doesn't think that he</p> <p>3 qualifies for a mental health diagnosis at all. So he</p> <p>4 is not... I mean he doesn't speak with me about how</p> <p>5 to intervene with some of these characteristics.</p> <p>6 Sandra I speak with on occasion on how to... On what</p> <p>7 I feel she can do to improve the situation or</p> <p>8 something that she might think she is not sure how to</p> <p>9 handle then we will speak by phone or she will come</p> <p>10 by into the office. Sometimes we will have a family</p> <p>11 session.</p> <p>12 Q: What if any symptoms do Chris</p> <p>13 report that Evan experiences?</p> <p>14 A: When I did Evan's assessment a year</p> <p>15 ago it was a new assessment. Chris and Sandra agreed</p> <p>16 for the majority of the symptoms that represented</p> <p>17 oppositional defiant disorder and attention deficit</p> <p>18 hyperactivity disorder combined type. Sandra and</p> <p>19 Chris differed on the symptoms of anxiety.</p> <p>20 Q: What symptoms did they agree that</p> <p>21 Evan presented with?</p> <p>22 A: With oppositional defiant disorder</p> <p>23 or?</p> <p>24 Q: With both. Go through one at a time</p> <p>25 please.</p> | <p style="text-align: right;">Page 105</p> <p>1 very, very interested in like maybe a movie. Anything</p> <p>2 like then a child with this diagnosis will have</p> <p>3 WHAT'S called a hyper focus that means, "Hello,</p> <p>4 nobody's home except the activity or whatever is on."</p> <p>5 Q: Sandra and Chris have recorded that</p> <p>6 Evan experiences that?</p> <p>7 A: Yeah.</p> <p>8 Q: Are there other symptoms that they</p> <p>9 agree that he experiences?</p> <p>10 A: Sometimes he is forgetful doing</p> <p>11 things that he is supposed to do. I would say in</p> <p>12 general those are the characteristics, yeah.</p> <p>13 Q: What if any characteristics do</p> <p>14 Evan's parent's exhibit that cause you concern?</p> <p>15 A: I would say with Chris not desiring</p> <p>16 to participate in, or seeing the need for therapy</p> <p>17 that concerns me not recognizing as a parent that</p> <p>18 some of these characteristics are going to cause a</p> <p>19 lot more problems when he is 14 than now that he is</p> <p>20 7. I would say with Sandra I think sometimes she</p> <p>21 might over react. She is overly concerned about</p> <p>22 something that's just kind of normal, and so that</p> <p>23 would be something that sometimes we have to kind of</p> <p>24 work through that this is normal and this is</p> <p>25 something that is easily corrected. Or this is what</p> |

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| <div>Page 106</div> <div>1 an average kid might do.</div> <div>2 Q: You indicated that there are</div> <div>3 characteristics that if they are not corrected are</div> <div>4 going to be issues when he is 14 years old. Tell me</div> <div>5 more about that please.</div> <div>6 A: You take the same characteristics</div> <div>7 with a 7 year old and you know they are unpleasant</div> <div>8 but manageable. A 14 year old is not so manageable</div> <div>9 anymore and they are you know, as they approach pre-</div> <div>10 puberty puberty there more apt to get into trouble</div> <div>11 with the law sometimes oppositional defiant disorder</div> <div>12 will kick up a notch in severity. He will go on to</div> <div>13 conduct disorder. Which is more-?</div> <div>14 Q: What is conduct disorder?</div> <div>15 A: Which is more severe? I see</div> <div>16 absolutely none of these symptoms in Evans nor do I</div> <div>17 anticipate that I will.</div> <div>18 Q: Why is that?</div> <div>19 A: Well, for example, the symptoms</div> <div>20 that you would see in conduct disorder are</div> <div>21 deliberately having intent to hurt someone. It might</div> <div>22 be setting fires. It might be stealing or violating</div> <div>23 another person and Evan shows signs of empathy. He</div> <div>24 sometimes has to be reminded about what some else</div> <div>25 might feel like under some circumstances but that</div> | <div>Page 108</div> <div>1 here she was thinking? What were they feeling? How</div> <div>2 would you know that they felt that way?" So learning</div> <div>3 these steps are really important for a child that has</div> <div>4 these disorders.</div> <div>5 Q: What if anything causes Evan to</div> <div>6 experience symptoms of generalized anxiety disorder?</div> <div>7 MS. WILSON: Objection calls for</div> <div>8 speculation.</div> <div>9 Q: She has observed him in therapy she</div> <div>10 can testify as to what she sees.</div> <div>11 MS. WILSON: It was what causes him.</div> <div>12 JUDGE GENTILE: What causes? Pardon me.</div> <div>13 MS. WILSON: Could you repeat the</div> <div>14 question, Shelly?</div> <div>15 Q: I said what if anything causes Evan</div> <div>16 to experience symptoms of generalized anxiety</div> <div>17 disorder?</div> <div>18 JUDGE GENTILE: If she is able to</div> <div>19 attest to that.</div> <div>20 Q: Are you?</div> <div>21 A: Evan wants to please both parents.</div> <div>22 He wants to please them both and he doesn't want to</div> <div>23 hurt either one of them so if he is in a situation</div> <div>24 where he feels like he might hurt a parent or</div> <div>25 disappoint a parent then this winds up causing his</div> |
| <div>Page 107</div> <div>1 being said he shows none of those kind of</div> <div>2 characteristics. He cares.</div> <div>3 Q: Have there been any incidences</div> <div>4 where Evan has done something and been quite upset</div> <div>5 about it and you were able to help him process and</div> <div>6 work through?</div> <div>7 A: Yes.</div> <div>8 Q: Can you give us an example?</div> <div>9 A: For example he did what he called a</div> <div>10 dirty move in hockey and another child got hurt and</div> <div>11 at first he thought it was a great thing because he</div> <div>12 did this, but then when he processed what it was like</div> <div>13 from the other child's point of view he was sorry</div> <div>14 that that had happened.</div> <div>15 Q: Are there concerns that children</div> <div>16 with ADHD do not experience empathy?</div> <div>17 A: Some children with ADHD do not have</div> <div>18 as much empathy. Empathy is something that is learned</div> <div>19 socially. It's not something that is just a feeling.</div> <div>20 It's something that they learn how to do by</div> <div>21 observation, and so an ADHD kid needs more attention</div> <div>22 this way as well as an opposition defiant child. You</div> <div>23 need to constantly rewind and back up the experience</div> <div>24 that they are having and help them understand step by</div> <div>25 step, "Well, what do you think? What do you think</div> | <div>Page 109</div> <div>1 anxiety to go up.</div> <div>2 Q: Are there any specific situations</div> <div>3 that you have become aware of in treatment that cause</div> <div>4 anxiety for Evan?</div> <div>5 A: Yes, this last spring particularly</div> <div>6 he was at lunch and his mother had provided him a</div> <div>7 lunch and then his father provided him a lunch on the</div> <div>8 same day. So that caused him to not be sure what to</div> <div>9 do. To solve the issue he ate both lunches.</div> <div>10 Q: Do you have any impressions or</div> <div>11 observations of how Evan reacts to both parents being</div> <div>12 at his school functions together?</div> <div>13 MS. WILSON: Objection that would</div> <div>14 definitely be a hearsay answer.</div> <div>15 MR. NAIMI: Do you have any</div> <div>16 observations?</div> <div>17 JUDGE GENTILE: Of how the child reacts</div> <div>18 when they are... Could you repeat that-?</div> <div>19 MS. WILSON: When they are at school</div> <div>20 together.</div> <div>21 JUDGE GENTILE: No, because then she</div> <div>22 would have to have seen that otherwise it would have</div> <div>23 to be. Repeat the question.</div> <div>24 Q: I shall rephrase the question.</div> <div>25 JUDGE GENTILE: Okay, please.</div> |

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| <p style="text-align: right;">Page 110</p> <p>1 Q: Based on your observations of Evan 2 in therapy do you have an impression of how Evan 3 reacts when both parents attend school functions? 4 MS. WILSON: Same objection. 5 JUDGE GENTILE: Your objection is? 6 MS. WILSON: Is that it would have to 7 call for a hearsay answer that she doesn't have a 8 basis of knowledge to answer that. She would have to 9 be at school to observe that in Evan. 10 JUDGE GENTILE: Otherwise it would not 11 be right, because this is not a presence... Okay. 12 MR. NAIMI: It would be if she is 13 asking how like how he copes with it or what does he 14 do and at the time he is saying, "Thesis how I do. 15 This is what I do." 16 MS. WILSON: And that is hearsay. 17 JUDGE GENTILE: That is your say. 18 MR. NAIMI: No. 19 JUDGE GENTILE: Yes, I am going to 20 sustain that because otherwise I mean we have this 21 whole theoretical discussion about how the hearsay 22 rule versus... but I mean if it's a presence sense 23 impression right then and right there WHAT'S going on 24 right there and right there then that's one thing. Or 25 excited utterance but when I overruled his objection</p> | <p style="text-align: right;">Page 112</p> <p>1 MR. NAIMI: When he is asked what does 2 he say? 3 MS. WILSON: If it is general I have not 4 objections but the question was for specific 5 situations. 6 JUDGE GENTILE: Okay, rephrase your 7 question please. 8 Q: I can't even think of what it is. In 9 your treatment of Evan have you helped him process 10 situations that caused symptoms of anxiety for him? 11 A: Yes. 12 Q: How do you help him process those 13 situations? 14 A: I teach him skills on how to reduce 15 anxiety and how to interact in a way that's less 16 stressful for him. 17 Q: What might be an example of those 18 skills? 19 A: For example if his anxiety is 20 really high and he is starting to shut down I've 21 taught him to take deep breaths to slow his thinking 22 down because his thinking is going like this you 23 know. He is processing all kinds of information and 24 trying to figure out what to do, so to slow his 25 thinking down to take deep breaths so that he is</p> |
| <p style="text-align: right;">Page 111</p> <p>1 earlier when the other witness said, whatever the 2 child's name was decidedly running down the stairs 3 excitedly that's excited utterance but when it's... 4 You know, there is time lapse then I think it's just, 5 its hearsay. 6 Q: Okay. 7 JUDGE GENTILE: So, sustained. 8 Q: Okay. In your treatment of Evan 9 have you had to help him process his anxiety with 10 specific situations he encounters? 11 A: Yes. 12 MS. WILSON: Objection. Again its 13 interestingly close to hearsay your honor. 14 MS. COOLEY: She is talking about her 15 treatment your honor. Whether she has helped him 16 process anxiety. 17 MS. WILSON: She is asking about 18 specific situations that she is assists him to 19 process. 20 MR. NAIMI: She asked if she had to 21 treat him in processing anxiety. 22 JUDGE GENTILE: So in a general basis 23 not specifically what he is telling her. 24 MS. COOLEY: Right. 25 JUDGE GENTILE: Okay.</p> | <p style="text-align: right;">Page 113</p> <p>1 calmer and to imagine a good outcome. 2 Q: With regard to generalized anxiety 3 disorder you testified too one skill that you help 4 Evan with is there any other treatment that you are 5 providing with regard to generalized anxiety 6 disorder? 7 A: In addition to calming skills we 8 use children's literature that illustrates children 9 who have had difficult moments and how they handled 10 it and what they did. He responds well to children's 11 literature. He likes it and we will go part way 12 through it and he will stop and say, "Okay, what 13 would you do if it was you?" and we practice 14 improving his skills under those circumstances. 15 Q: How about with oppositional defiant 16 disorder, how are you providing treatment for that 17 condition? 18 A: With oppositional defiant disorder 19 I help him identify the feelings and the problems 20 that there are and the people that are involved at 21 the time that hes had a problem. 22 Q: Can you give me an example of how 23 he might use those skills? 24 A: For one thing I try to get him to 25 understand that his thinking is going to lead to the</p> |

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| <p style="text-align: right;">Page 114</p> <p>1 feelings that he has and so to not over think WHAT'S 2 happening and to pay close attention to his feelings 3 and make sure that his actions match what he is 4 thinking, what he is feeling, because sometimes there 5 will be a big disconnect and that's where they act 6 out. Maybe they are feeling one thing and acting out 7 over here on a scale that is inappropriate. So to try 8 to calm things down emotionally first.</p> <p>9 Q: How does Evan respond to these 10 skills?</p> <p>11 A: We are working on it. We are 12 working on it because you know its one thing teaching 13 this in the office and it's quite another to remember 14 to do your stuff without being coached. If he is 15 being coached as he is going along in the movement 16 that helps a lot that's why I would love to have both 17 parents involved.</p> <p>18 Q: Have you suggested to Sandra and 19 Chris that they coach Evan through these situations?</p> <p>20 A: Chris and I haven't had much or an 21 opportunity to speak about these situations and so 22 certainly I haven't had the opportunity to recommend 23 that he coaches him through situations. In terms of 24 Sandra, yes we have spoken about how to handle these 25 situations and I will show her once in a while a</p> | <p style="text-align: right;">Page 116</p> <p>1 to his neighbor, yeah.</p> <p>2 Q: Have you made suggestions to both 3 parents as to how they can address symptoms of ADHD 4 in the home?</p> <p>5 A: Symptoms of ADHD in the home are 6 addressed by Sandra. ADHD as well as the oppositional 7 defiant disorder are addressed through behavioral 8 changes and a currency system. It doesn't mean using 9 money but reward system of some kind. Whether it's 10 privileges or a special treat or activity or 11 something like that when he is doing what he needs to 12 do so because he can see and hear the consequences of 13 his actions meaning if he does something wrong, oops 14 he losses a pomp out of his jar. I don't know quite 15 he said they have that. What she is using but that's 16 my example. He might lose pomp or maybe he doesn't 17 get the right color of pomp pomes and so the reward 18 isn't going to be as great. So because he can see his 19 behavior resulting in a consequence and it moves him 20 away from a reward that he wants then he is more in 21 control and he seems so respond well to that.</p> <p>22 Q: What are the treatment roles with 23 regard to Evan's diagnosis?</p> <p>24 A: The treatment goals are focusing 25 less right now I've just updated his assessment as an</p> |
| <p style="text-align: right;">Page 115</p> <p>1 worksheet that I might have him do or a drawing that 2 he might do and she is to help him process some of 3 this and so reinforces it outside the office and also 4 helps her to be able to coach him in the moment.</p> <p>5 Q: Sandra seems receptive to your 6 suggestions on how to help Evan.</p> <p>7 A: She is very receptive, yes.</p> <p>8 Q: How about with the ADHD?</p> <p>9 A: With the ADHD? Good thing Evan is 10 such a smart little guy. A lot of ADHD kids really 11 struggle academically. Evan is extremely fortunate 12 that he is so bright that he has not been hampered 13 yet by the symptoms that he has in the classroom. He 14 does display the symptoms in the classroom and I talk 15 to him about those symptoms. His report from the 16 school I read, you know, the symptoms that he 17 exhibits and I've talked to him about those, and I've 18 got great children's literature about children that 19 find it hard to sit still and children who find it 20 hard to stop talking and children who get into 21 trouble because of all of it. He loves that kind of 22 literature.</p> <p>23 Q: Are those symptoms that he is 24 exhibiting in the classroom?</p> <p>25 A: Yes, staying in his chair, talking</p> | <p style="text-align: right;">Page 117</p> <p>1 annual review.</p> <p>2 Q: Did you provide that assessment to 3 both parent?</p> <p>4 A: I do, yes and I interviewed both 5 parents for the assessment. I haven't done any 6 assessment on Evan without talking with both parents.</p> <p>7 Q: What are the results of your 8 assessment?</p> <p>9 A: The results of the assessment are; 10 you talking about a treatment plan.</p> <p>11 Q: Let's go through your treatment 12 plan.</p> <p>13 A: Okay, so the treatment plans is 14 that to address his hyperactivity and the high energy 15 level that he has, excessive talking. Some of this 16 kind of stuff. The goal is to decrease his 17 impulsiveness, hyperactivity, his distractibility and 18 the objective is to delay gratification and be able 19 to achieve his goals. You know and so to help him 20 slow down and be able to accomplish what he needs to 21 and he is going to be happier in the long run. I have 22 different interventions that I use to be able to 23 teach him how to do that.</p> <p>24 Q: You have interventions that you use 25 with him in therapy?</p> |

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| <p style="text-align: right;">Page 118</p> <p>1 A: Yeah, I teach him about how to get 2 along, how to wait your turn when speaking, because 3 they like to interrupt a lot. To get him to learn to 4 take turns, to listen to another person. We'll play 5 games, or have activities where he has to let me have 6 my turn too. He responds to correction pretty well. 7 This is to help delay that instant gratification that 8 ADHD kids have and so we do activities we play games, 9 we tell stories. I'll start a story, he'll take up 10 the next part. I will take up the next part, you know 11 we will make up stories, we will make up activities, 12 well, and all kinds of things that we do that help 13 him.</p> <p>14 Q: Have you also suggested 15 interventions and strategies to Sandra and to Chris 16 to use at home?</p> <p>17 A: I have mentioned them to Sandra 18 and I make her aware of what we are doing in therapy 19 and then she does some follow through in the home. I 20 haven't had the opportunity to speak about some of 21 these strategies with Chris.</p> <p>22 Q: Have you attempted to speak to 23 Chris about these strategies?</p> <p>24 A: Not specifically because he doesn't 25 think that the behaviors are to the extent that they</p> | <p style="text-align: right;">Page 120</p> <p>1 she comes to the office. I have never seen Evan with 2 his father so I can't comment on that.</p> <p>3 Q: What if any during the course of 4 your treatment with Evan what if any concerns do you 5 have regarding Sandra's parenting?</p> <p>6 A: Sandra's parenting?</p> <p>7 Q: MMH</p> <p>8 A: In terms of Sandra's parenting I 9 would say consistency and follow through she will get 10 distracted and does her own course of action and 11 actually and gets back to... We've let that go and 12 pick it up again and so in that way... One thing 13 about coming into therapy regularly is she's reminded 14 about our goals and what we are trying to accomplish 15 and gets renewed energy for following through.</p> <p>16 Q: Are you able to comment on what if 17 any concerns you have about Chris' parenting?</p> <p>18 MS. WILSON: Objection, foundation.</p> <p>19 Q: I will rephrase your honor. During 20 the course of your treatment with even have you been 21 able to make any observations regarding your concerns 22 about Chris' parenting; do you have any impressions 23 or observations?</p> <p>24 MS. WILSON: Ask for the foundations of 25 those impressions not observations.</p> |
| <p style="text-align: right;">Page 119</p> <p>1 really need correction. Chris thinks that his 2 behavior is just being an average kid.</p> <p>3 MS. WILSON: What was the last thing 4 that you just said?</p> <p>5 A: He thinks of the behaviors that are 6 exhibited as being the average child.</p> <p>7 Q: Has Chris told you why he thinks 8 that the behaviors Evan exhibits are of the average 9 kid?</p> <p>10 A: No, I think that would be a hard 11 question to answer because how do you measure what is 12 average, what is not but as therapists we are trained 13 to do that but ADHD is something that runs in 14 families so this maybe very normal for Chris in his 15 family. I don't know that. I haven't had the 16 opportunity to interview then and understand what 17 happens in their home but it could be that there is 18 some ADHD issue that runs in there and that is just 19 plain average. That's normal.</p> <p>20 Q: What if any observations have you 21 made with regard to Evan's relationship with his 22 parents?</p> <p>23 A: Observations in relation to his 24 parents, I have the opportunity; I am privileged to 25 be able to see Evan interact with his mother because</p> | <p style="text-align: right;">Page 121</p> <p>1 JUDGE GENTILE: If she answers yes then 2 we will get an answer to the first question.</p> <p>3 A: Yes.</p> <p>4 JUDGE GENTILE: Then.</p> <p>5 Q: What are your impressions in your 6 observations?</p> <p>7 JUDGE GENTILE: She is asking for 8 foundations I'm sustaining-</p> <p>9 Q: Sorry I misunderstood. I apologize 10 your honor. During your treatment of Evan you have 11 provided counseling to assist with his relationship 12 with his parents.</p> <p>13 A: Yes.</p> <p>14 Q: And what support have you provided 15 to Evan with regard to his father's parenting style?</p> <p>16 MS. WILSON: Objection that is a 17 completely different question and it's not 18 foundational.</p> <p>19 JUDGE GENTILE: Okay so maybe she- Her 20 objection was foundational I am sustaining and it was 21 because she asked if she had made any observations 22 about Chris' parenting and then she said yes, and 23 then the question becomes what she is basing that on 24 at that point. Wants the foundation for that?</p> <p>25 Q: What is your basis for your</p> |

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| <p style="text-align: right;">Page 122</p> <p>1 observations of Chris` parenting?</p> <p>2 A: I will make recommendations to Evan</p> <p>3 on some things to say in particular situations and he</p> <p>4 is afraid to follow through with my recommendation.</p> <p>5 Q: In Sandra`s home or in Chris` home.</p> <p>6 A: In Chris`.</p> <p>7 Q: During the course of the treatment</p> <p>8 are there any other concerns with regard to Chris`</p> <p>9 parenting that have come to light with regard to</p> <p>10 discipline?</p> <p>11 A: With regard to discipline, I have</p> <p>12 seen I think extremes in discipline.</p> <p>13 MS. WILSON: Objection foundation.</p> <p>14 JUDGE GENTILE: Okay, sustained. What</p> <p>15 are you basing it on? Sorry I`m just going to jump in</p> <p>16 and ask a question that will do that. Go ahead.</p> <p>17 A: I am basing that on what Evan tells</p> <p>18 me about consequences.</p> <p>19 JUDGE GENTILE: Did you object to</p> <p>20 hearsay?</p> <p>21 MS. WILSON: Yeah because she is saying,</p> <p>22 my objection is going to be hearsay bercause her</p> <p>23 basis of her knowledge is what Evan tells her.</p> <p>24 JUDGE GENTILE: Right we haven`t</p> <p>25 answered what those things are yet but she is not</p> | <p style="text-align: right;">Page 124</p> <p>1 A: Chris has told me that he thinks</p> <p>2 the time that Evans spends in Las Vegas is not what</p> <p>3 he would like to have it be. I got this directly from</p> <p>4 Chris when he was speaking with me. He said that he</p> <p>5 wanted to give his son the best experience possible</p> <p>6 and in Las Vegas what Evan has is dark loneliness and</p> <p>7 no happiness. My concern is that the time that Evan</p> <p>8 spends with his mother is devalued.</p> <p>9 Q: Devalued by whom?</p> <p>10 A: By his father.</p> <p>11 Q: What if anything has Sandra told</p> <p>12 you that caused you concern?</p> <p>13 A: I think Sandra anxiety level is</p> <p>14 high and because of that she sometimes overreacts and</p> <p>15 is very stressed. That is hard on a family.</p> <p>16 Q: Has she indicated to you why she is</p> <p>17 stressed?</p> <p>18 A: Yes, she`s concerned that Evan will</p> <p>19 be spending less time with her and she values the</p> <p>20 time that she has with him and the life that she</p> <p>21 provides.</p> <p>22 Q: Ms. Tolman Is there anything that</p> <p>23 we haven`t addressed today that you would like to</p> <p>24 bring to the court`s attention with regard to Evan?</p> <p>25 A: I would love for both parents to be</p> |
| <p style="text-align: right;">Page 123</p> <p>1 going to ask what he tells her so we don`t know what</p> <p>2 that is. So you can continue but don`t go into the</p> <p>3 hearsay.</p> <p>4 Q: I wasn`t going to. With regard to</p> <p>5 discipline, have you helped Evan, have you provided</p> <p>6 Evan support with regard to the discipline that</p> <p>7 occurs at Chris` home?</p> <p>8 A: I have given him suggestions.</p> <p>9 Q: What suggestions have you given him?</p> <p>10 A: I advised him on how to say some</p> <p>11 things that he wants to say.</p> <p>12 Q: Can you give me an example of what</p> <p>13 you have, what specifically you have told him to say?</p> <p>14 A: How much can I say? There is a</p> <p>15 particular interaction that Evan no longer wants to</p> <p>16 have happen. So I have coached him and its taken</p> <p>17 quite a while to finally be able to address that.</p> <p>18 Q: Has he successfully, during the</p> <p>19 course of your treatment with Evan do you have</p> <p>20 knowledge as to whether or not he has successfully</p> <p>21 addressed that with his father?</p> <p>22 A: Yes, he has.</p> <p>23 Q: Courts indulgence for just a</p> <p>24 moment. What if anything has Chris told you has</p> <p>25 caused you concern?</p> | <p style="text-align: right;">Page 125</p> <p>1 involved with therapy to be able to co-parent more</p> <p>2 effectively so that Evan isn`t pulled between his</p> <p>3 parents. I would like both parents to be respectful</p> <p>4 of the other parent because of the things that are</p> <p>5 said. Sometimes transitions are very difficult for</p> <p>6 him and I would like to see that improve. Transitions</p> <p>7 meaning from one home to the other. I have some</p> <p>8 concern about some videos that were watched that were</p> <p>9 upsetting to Evan.</p> <p>10 Q: In who`s care were those video`s</p> <p>11 watched?</p> <p>12 A: In his father`s.</p> <p>13 Q: Do you know the content of those</p> <p>14 videos?</p> <p>15 A: Yes I do.</p> <p>16 MS. WILSON: Strike the last response.</p> <p>17 We say based on hearsay.</p> <p>18 Q: I withdraw the question your honor.</p> <p>19 JUDGE GENTILE: The response before</p> <p>20 that?</p> <p>21 MS. WILSON: Yeah.</p> <p>22 JUDGE GENTILE: What he... He had</p> <p>23 watched something I don`t know if it was-</p> <p>24 Q: Right, she did not object to it and</p> <p>25 then she answered the two questions later.</p> |

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| <p style="text-align: right;">Page 126</p> <p>1 JUDGE GENTILE: Its really I mean the 2 way to that is... There is not much more to that so 3 we will leave it at that. 4 A: Can I give his reaction to the 5 video just a one word reaction? 6 JUDGE GENTILE: No, there is no 7 question pending. Are you finished or are you 8 continuing? 9 Q: We are going to pass the witness. 10 11 CROSS EXAMINATION 12 BY: Shannon Wilson 13 MS. WILSON: My name is Shannon Wilson I 14 represent Mrs. Ferraro in this matter with me is Todd 15 Moddy who also represents Ferraro. You testified 16 earlier about your education and you're licensing and 17 I understand that you are... Do I understand 18 correctly that you were originally licensed in 2009? 19 A: My bachelor's degree I was licensed 20 yes. 21 Q: Were you practicing therapy at that 22 time? 23 A: No. 24 Q: You were not. When did you become a 25 practicing therapist?</p> | <p style="text-align: right;">Page 128</p> <p>1 Q: There has been an update. 2 A: Now we use DSN5. 3 Q: In your field is it required or 4 advice that someone in your position reviews patient 5 medical records before diagnosis is issued? 6 A: Sometimes we refer a client for a 7 psychiatric or a neuropsychic exam. If that's 8 required. 9 Q: Has Evan ever been referred for 10 such an exam? 11 A: No. 12 Q: What are the components of a 13 psychological evaluation. 14 A: I'm sorry? 15 Q: The components of a psychological 16 evaluation is that what you do with Evan? 17 A: Yeah. 18 Q: What were the components? 19 A: When we do the assessment it 20 depends on the instrument we use and depending on the 21 agency your with and which instrument that they 22 prefer. 23 Q: Let's talk specifically about Evan. 24 A: It is a psychological and social 25 inventory.</p> |
| <p style="text-align: right;">Page 127</p> <p>1 A: Practicing therapist would have been 2 when I started my internship and that was in... 3 Please this is hard, math. I am a therapist. Let's 4 see that would have been... 5 Q: Did you start that after you 6 finished your master's degree? 7 A: Yes. 8 Q: Which year did you finish your 9 master's degree? 10 A: I finished my master's degree in 11 2010 I did not start my internship immediately. 12 Q: Do you remember when you started 13 your internship? 14 A: It's been over 4 years ago, 4 and a 15 half years ago. 16 Q: So, sometime between 2012? Did you 17 start seeing Evan as an intern? 18 A: Yes. 19 Q: Let's talk more about just 20 treatment modalities. Do most people in your 21 profession use the DSN5 manual? 22 A: Yes. 23 Q: Is that what you utilize? 24 A: When I first started seeing Evan we 25 were using the DSN4.</p> | <p style="text-align: right;">Page 129</p> <p>1 Q: Is that what you did with Evan? 2 A: Yes. 3 Q: Is that all you did with Evan? 4 A: Yes, well no there are other 5 instruments to measure how he is doing. 6 Q: Did you utilize those other 7 instruments? 8 A: Yes. 9 Q: Are there any instruments that are 10 utilized for the diagnosis of children with... 11 A: I am not sure I understand that 12 question. 13 Q: Well, you said that there are 14 multiple instruments for diagnosis, correct? And you 15 said that you used the psychosocial inventory, that 16 there were other instruments utilized as well. Have 17 you exhausted all the instruments that you could 18 utilize for the diagnosis? 19 A: It would be impossible to exhaust 20 them all. 21 Q: Fair answer. Do you seek third party 22 interviews in your diagnosis of children like Evan? 23 A: If there has been a psychological 24 or psychiatric assessment done that will be solicited 25 and be part of the record.</p> |

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1 Q: Who have you talked to about Evan
2 other than his mom and Mr. Ferraro?
3 A: I haven't talked with anyone else.
4 Q: Do you recall when you first
5 diagnosed Evans with ADHD?
6 A: It was an ongoing diagnosis I
7 wasn't the first person to diagnose it. It was
8 diagnosed when he was 3 I believe. But I wasn't his
9 therapist at the time.
10 Q: How old was Evan when you started
11 working with him, can you recall?
12 A: When I started working with him?
13 That was in February of 2013.
14 Q: 2016, he is 7 now so that was 4
15 years ago.
16 A: Little over 3 years ago, 3 and a
17 half.
18 Q: Sorry. Its 2016 Evan is 7 and you
19 said that you started working with him I think in
20 2012?
21 A: No, 2013 February.
22 Q: Alright he was 4, so he was not much
23 older than when he was originally diagnosed.
24 A: A year or so. I probably have the
25 data here of his original diagnosis.

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1 Q: Was he also at the same time
2 diagnosed with the ODD?
3 A: Yes.
4 Q: How often do you see Evan? I think
5 we have... Let me just too through that quickly
6 rather than me asking about meetings so we can get
7 through this faster. You said that you see Evan each
8 week that he is with his mother.
9 A: Yes.
10 Q: You have been seeing Evan each week
11 that he has been with this mother since 2013?
12 A: Yes.
13 Q: Was there ever a break in that
14 treatment?
15 A: There was.
16 Q: When was that?
17 A: You know I don't exactly recall
18 because I didn't track that but there was a time that
19 he wasn't coming when I believe they were travelling
20 and different things were going on and so there was a
21 period of time that I didn't see him.
22 Q: Other than that break in treatment
23 it has been weekly when Evan is with Sandra?
24 A: Yes.
25 Q: Approximately 3 Fridays a month.

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1 A: Wednesdays quite sure.
2 Q: Sorry thought it was Fridays. So,
3 Wednesdays, 3 Wednesdays a month consistently since
4 2014.
5 A: It would have been a majority of
6 2013, 14, 15.
7 Q: How long were your sessions with
8 Evan?
9 A: 1 hour.
10 Q: You're the person that determines
11 his treatment schedule?
12 A: Yes.
13 Q: Has his schedule ever changed?
14 A: Except for days of the week no
15 there has been no change.
16 Q: Can you say approximately how many
17 sessions that Ms. Nance has missed or cancelled?
18 A: Missed or cancelled?
19 Q: Right.
20 A: Wow, it's rare. If he is sick, if
21 there is a conflict like some kind of school event or
22 something he will miss, which I highly recommend. I
23 think he seemed to feel those things. Generally
24 speaking if Evan misses a session Sandra will ask if
25 there is another time she can bring him.

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1 Q: To do a makeup session.
2 A: Yes.
3 Q: Are there any alternative
4 diagnosis.
5 A: Are there any alternatives? No.
6 Q: Did you consider any alternative
7 diagnosis for Evan?
8 A: No.
9 Q: Can you quickly describe the multi
10 DSI system for us.
11 A: The multi access?
12 Q: Yeah.
13 A: They don't use that in the DSM5.
14 Q: What diagnostic criteria did you
15 use with Evan?
16 A: The criteria that meets the
17 standard in the DSM5 when that became available and
18 the DSM4 when I was using that.
19 Q: Are there substantial differences
20 in the diagnosis between 4 and 5?
21 A: No.
22 Q: What are the indicators of ADHD in
23 DSM5?
24 A: For ADHD in attention and that
25 would be not paying close attention to detail or

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| <p style="text-align: right;">Page 134</p> <p>1 making careless mistakes. Difficult in sustaining 2 attention in tasks or playing activities. Not seeming 3 to listen when spoken to directly, not following on 4 instructions or duties. Difficulty organizing tasks 5 and in-depth activities, difficulty keeping materials 6 and belongings in order, kind of messy. 7 Q: Isn't it true that they are 8 actually two main criteria of ADHD. There's the 9 inattention component and you were just providing us 10 with examples of it. 11 A: Yeah. There are two major components 12 of ADHD. 13 Q: The second one is... I'm going to 14 try and move a little quickly. So I'm going to ask 15 you yes or no questions that you can agree with. 16 A: Yes. 17 Q: The two main components as we were 18 just saying was one is inattention, you were 19 providing us with examples. 20 A: Yes. 21 Q: The second criterion is 22 hyperactivity and impulsivity, correct? 23 A: Yes. 24 Q: Then there are multiple examples of 25 what that looks like.</p> | <p style="text-align: right;">Page 136</p> <p>1 have a written summary of how he did and the 2 behaviors that he needed to work on. 3 Q: Can you find those for us please. 4 A: Yes, let me find it. Let's see. 5 Okay, I remember now. 6 Q: Have you found it? 7 A: I'm working on it. It's kind of 8 written down somewhere. Specifically what the school 9 had reported. 10 Q: Yes. 11 A: That's what I'm looking for. 12 JUDGE GENTILE: About timing you have 13 got 20 minutes left. I mean in terms of like all the 14 time. 15 Q: Yes. 16 JUDGE GENTILE: Okay, I just want to 17 make sure you know. 18 MR. NAIMI: Are you asking her to look 19 at her records? 20 Q: I want to see what she received 21 from the school upon which she is basing the 22 diagnosis. 23 MR. NAIMI: I just don't want the 24 therapeutic letters to be released I mean that's. 25 JUDGE GENTILE: She is looking at that.</p> |
| <p style="text-align: right;">Page 135</p> <p>1 A: Yes. 2 Q: And in order to find that an 3 individual suffers from ADHD you need to find 6 or 4 more criterion of each for there to be a diagnosis of 5 ADHD, correct? 6 A: Yes. 7 Q: Then also you are to find that the 8 several of each of those are present in two or more 9 sets, correct? 10 A: Yes, correct. 11 Q: Is it also fair to say that amongst 12 those examples of all of those entire criterion 13 probably everyone in this room could find to a lesser 14 or greater degree that we have multiples of these 15 attributes? 16 A: We should do. Yes. 17 Q: In what 2 settings did you identify 18 Evan as having the requisite number of each of these 19 criterions in order to achieve your diagnosis? 20 A: By reports from the school and in 21 the office, and report by the mother in the home. 22 Q: Okay, what did you look to in the 23 report from the school because you said you did not 24 talk to anyone other than-? 25 A: I didn't talk to anyone but I did</p> | <p style="text-align: right;">Page 137</p> <p>1 She wants to have a look at the report from the 2 school. 3 Q: While we are on that those 4 therapeutic records war actually within you're- 5 MR. NAIMI: One case at a time. 6 JUDGE GENTILE: I want to make sure that 7 there is no question that that exhibit is not 8 stipulated and should in fact be withdrawn. I think 9 it's ready. 10 Q: I believe it was. 11 MR. NAIMI: I think we withdrew it. 12 JUDGE GENTILE: It has not been 13 admitted, right and we will return anything to you 14 that we don't admit. 15 Q: Given that you have not been able to 16 find that record. 17 A: I have not been able to find that 18 record but it was written by the teacher on the needs 19 for improvement area. 20 Q: Isn't it effectual that in the 21 improvement area the teacher only wrote issues with 22 respect to distractibility? 23 A: Excessive talking, distractibility, 24 I'm trying to get this from memory. I've been through 25 a lot of stuff. Active, not staying in the seat.</p> |

| Page 138 | Page 140 |
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| <p>1 Q: Evan is a first grader.</p> <p>2 A: Yes.</p> <p>3 Q: It's safe to say that a number of</p> <p>4 first graders have those behaviors.</p> <p>5 A: It is.</p> <p>6 Q: And also that those first graders</p> <p>7 behaviors do not have a diagnosis or would not be</p> <p>8 diagnosed with ADHD.</p> <p>9 A: That true.</p> <p>10 Q: Are you aware that Evan has never</p> <p>11 been sent to the school counselor?</p> <p>12 A: It hasn't been reported to me. It</p> <p>13 has been handled in the classroom.</p> <p>14 Q: How did you know that anything has</p> <p>15 been handled in the classroom??</p> <p>16 A: Because they have ways of keeping</p> <p>17 these little guys in check and that's how I find out.</p> <p>18 Q: The school has in fact been able to</p> <p>19 manage Evan's behavior.</p> <p>20 A: Yes.</p> <p>21 Q: What are -- the recommended</p> <p>22 treatments for ADHD by the national institute of</p> <p>23 health and by the American academy of pediatrics,</p> <p>24 would you agree that those recommendations for</p> <p>25 children of Evan's age are twofold one is potentially</p> | <p>1 have cropped up that are out of the norm for the</p> <p>2 disorder that has been presented and so we might do a</p> <p>3 neuropsychic exam.</p> <p>4 Q: At what point would you request</p> <p>5 that for Evan if you were still finding that he</p> <p>6 needed different sessions with you?</p> <p>7 A: The field is...</p> <p>8 Q: I asked a pretty specific question.</p> <p>9 At what point do you determine that Evan should be</p> <p>10 referred to a second opinion instead of continuing</p> <p>11 with these sessions?</p> <p>12 A: Okay, at the point where the</p> <p>13 traditional treatment methods are not successful.</p> <p>14 Q: AT what point do you determine that</p> <p>15 traditional treatment methods are not successful? I</p> <p>16 mean Evan has now been in treatment weight you on a</p> <p>17 nearly weekly basis for over 3 years.</p> <p>18 A: Yes.</p> <p>19 Q: At what point is his treatment not</p> <p>20 being successful if he continues to have to go back</p> <p>21 to you on a weekly basis?</p> <p>22 MR. NAIMI: I am going to actually</p> <p>23 object to that. Those assuming facts that are not in</p> <p>24 essence. No one has ever discussed whether or not his</p> <p>25 treatment is successful or unsuccessful and so</p> |
| Page 139 | Page 141 |
| <p>1 medication and the other is cognitive behavioral</p> <p>2 therapy that you mentioned earlier?</p> <p>3 A: Yes.</p> <p>4 Q: Have you recommended medication for</p> <p>5 Evan?</p> <p>6 A: Medication, no.</p> <p>7 Q: Isn't it true that the standard of</p> <p>8 care for therapy is typically 10 to 20 sessions?</p> <p>9 A: No.</p> <p>10 Q: What is the standard of care in</p> <p>11 terms of sessions for a child of Evan's age?</p> <p>12 A: It is constantly evaluated usually</p> <p>13 every 90 days it's re-evaluated depending on the</p> <p>14 present symptoms and any changes whether it is</p> <p>15 improvement or regression.</p> <p>16 Q: Evan has in fact been with you for</p> <p>17 far more than 10 to 20 sessions and at what point if</p> <p>18 a treatment doesn't seem to be working do you change</p> <p>19 the treatment plan?</p> <p>20 A: The treatment plan can be changed</p> <p>21 at any time.</p> <p>22 Q: Is there ever a point at which you</p> <p>23 asked for a second opinion?</p> <p>24 A: It is extremely unusual. Usually if</p> <p>25 that happens we are talking about new behaviors that</p> | <p>1 perhaps she can lay some foundation as to why she</p> <p>2 believes its unsuccessful requiring that okay. It's</p> <p>3 outside the scope and lack of foundation.</p> <p>4 JUDGE GENTILE: Respond.</p> <p>5 Q: I withdraw the question.</p> <p>6 JUDGE GENTILE: Okay because I see</p> <p>7 where you are going. Maybe do rephrase it.</p> <p>8 Q: How long is a child required to</p> <p>9 maintain weekly sessions for this kind of diagnosis</p> <p>10 in a typical scenario?</p> <p>11 A: There is no hard and fast</p> <p>12 requirement.</p> <p>13 Q: Are you familiar with the BECK</p> <p>14 institute?</p> <p>15 A: Yes, I am.</p> <p>16 Q: The Beck Institute is the leading</p> <p>17 international source for training, therapy and</p> <p>18 cognitive behavioral therapy and they certify</p> <p>19 professionals in CBT.</p> <p>20 A: Yes.</p> <p>21 Q: Do you have a CBT certification</p> <p>22 from here?</p> <p>23 A: I don't have a CBT certification</p> <p>24 however I specialized in-</p> <p>25 Q: Thank you. You answered the</p> |

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| <p style="text-align: right;">Page 142</p> <p>1 question. Does the fact that ADD behaviors are not 2 observed in school other than what you read in this 3 one report card so the principal testified that Evan 4 is not exhibiting the behaviors that-</p> <p>5 MS. COOLEY: Objection, that 6 misstatements the principal's testimony your honor. 7 JUDGE GENTILE: I don't think it does. 8 MS. COOLEY: He did not testify that he 9 did not see it he is in the classroom only for a few 10 minutes.</p> <p>11 Q: I withdraw the question. 12 MR. NAIMI: Never testified to it what 13 so ever.</p> <p>14 Q: I withdraw the question. 15 JUDGE GENTILE: He just describes his 16 observation of him and how he perceived him I guess.</p> <p>17 Q: If the principal had not identified 18 any of the behaviors that you are describing in Evan 19 would that give you cause to second guess diagnosis? 20 A: No.</p> <p>21 Q: Would a lay person who coaches 22 hundreds of children a year have the ability to 23 create for themselves some average means of 24 measurements for children's behaviors. 25 MR. NAIMI: Objection calls for</p> | <p style="text-align: right;">Page 144</p> <p>1 in the Ferraro home?</p> <p>2 A: Not by direct observation or 3 reports from Mr. Ferraro, no.</p> <p>4 Q: How frequently do you reach out to 5 Mr. Ferraro?</p> <p>6 A: On occasion.</p> <p>7 Q: When was the last time that you 8 spoke to Mr. Ferraro versus Mr. Ferraro reaching out 9 to you?</p> <p>10 A: I reach out to him to do this 11 annual review that was June 8th.</p> <p>12 Q: Part of that was the last time you 13 reached out to him.</p> <p>14 A: I sent him some literature.</p> <p>15 Q: Was that literature regarding 16 delayed enrolment for children in kindergarten?</p> <p>17 A: Yeah.</p> <p>18 Q: Prior to that, when did you reach 19 out to him. Would it have been for the last year's 20 annual?</p> <p>21 A: Probably the annual, yes.</p> <p>22 Q: Are you aware that Chris uses the 23 reward system with Evan?</p> <p>24 A: He has not reported that to me.</p> <p>25 Q: Are you aware that Chris' method of</p> |
| <p style="text-align: right;">Page 143</p> <p>1 speculation.</p> <p>2 Q: You testified earlier, right, that 3 you can determine whets average child behavior 4 because you have been trainee in it, correct? Is it 5 possible that a person who-</p> <p>6 MR. NAIMI: Objection calls for 7 speculation.</p> <p>8 Q: She can testify to-- Do you believe 9 that a person who coaches hundreds of children a year 10 can for them self-develop an average measurement of 11 children's behavior:</p> <p>12 MR. NAIMI: Still objection. 13 JUDGE GENTILE: It's in her opinion.</p> <p>14 Q: In her opinion. 15 A: That would...</p> <p>16 Q: They are yes or no questions. 17 A: It's possible.</p> <p>18 Q: Are you aware weather any member of 19 the Ferrari family has ever attended therapy? 20 A: I am not.</p> <p>21 Q: I believe that it was in fact that 22 your testimony at one point that you do not 23 understand what happens in the Ferraro home? Correct. 24 A: That I what? 25 Q: You do not understand what happens</p> | <p style="text-align: right;">Page 145</p> <p>1 discipline is to discuss Evan's behaviors with him 2 and give him choices?</p> <p>3 A: That has not been reported to me.</p> <p>4 Q: Do you believe that it is 5 impossible that a parent could teach their child the 6 same things that you are teaching Evan?</p> <p>7 A: It is possible.</p> <p>8 Q: Isn't it pretty common among 9 children that they don't want to let down their 10 parents?</p> <p>11 MR. NAIMI: Objection calls for 12 speculation.</p> <p>13 Q: In your experience as a counselor 14 have you observed that it is most children's desire 15 to not want to let down their parents?</p> <p>16 A: I think many children do not want 17 to let their parents down.</p> <p>18 Q: Would it surprise you to learn that 19 the symptoms that you've described in Evan are not 20 observed during Chris' time share in a degree that is 21 beyond that of the hundreds of children that Chris 22 coaches every year?</p> <p>23 A: I don't know how he measures that 24 so I can't judge it.</p> <p>25 Q: Can you say that there not</p> |

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| <p style="text-align: right;">Page 146</p> <p>1 traditional family values in Evan`s home with Chris 2 in New York? 3 A: Untraditional? 4 Q: You said that Sandra subscribes to 5 traditional family values. 6 A: Yes. 7 Q: You testified that you don`t really 8 know from personal observation what goes on in Chris` 9 home therefore can you really say that traditional 10 values do not exist in Ferraro`s home? Yes or no. 11 A: No. 12 JUDGE GENTILE: Alright thank you for 13 your time Ms. Tolman. 14 REDIRECT EXAMINATION 15 BY: Shelly Cooley 16 Q: What area did you specialize in in 17 your program? 18 A: It was called direct practice 19 working with individuals, couples and families and I 20 specialized in the treatment of children. 21 Q: Any specific issues with children? 22 A: No. 23 Q: Why do you believe Evan has been 24 treating with you for so long? 25 A: Part of the reason is because</p> | <p style="text-align: right;">Page 148</p> <p>1 A: That impression comes from some of 2 the symptoms that I treat that Evan has. 3 MR. NAIMI: Do you believe it to be a 4 positive impression or a negative impression at 5 Ferraro`s house? 6 A: I think there are both. 7 MR. NAIMI: What negative impressions 8 do you get? 9 A: The impression that I have is that 10 discipline is punitive. 11 MR. NAIMI: Can you give me an example 12 of a punitive discipline? 13 A: Of being slapped in the face, hair 14 pulled. 15 MR. NAIMI: Anything else? 16 MS. WILSON: Objection, foundation. 17 JUDGE GENTILE: She is saying this is 18 what she believes is happening in his home or just in 19 general what is punitive. 20 MR. NAIMI: No, I am asking her if she 21 is testifying to his house. 22 JUDGE GENTILE: I am going to sustain 23 your objection. 24 MS. WILSON: We can move to strike 25 testimony.</p> |
| <p style="text-align: right;">Page 147</p> <p>1 children need consistency to have treatment work and 2 if that isn`t followed through like in both homes 3 then there`s going to be inconsistent results. 4 Q: Based on your observations are there 5 consistent homes? 6 A: Are there consistent. 7 Q: Are the expectations consistent 8 between Sandra and Chris` homes? 9 A: No. 10 Q: Why do you believe that? 11 A: Because I am informed of the 12 difficulty of- 13 MS. WILSON: Objection heresy. 14 JUDGE GENTILE: Sustained, keep it from, 15 keep it outside of ... I know it`s kind of tough 16 because it`s basically based on what you are told I 17 understand. Can you rephrase your question? 18 Q: Okay, do you have an understanding 19 of what occurs in Ferraro`s home? 20 A: Not from Ferraro, no. 21 MR. NAIMI: Do you have an understanding 22 though? 23 A: I have an impression. 24 MR. NAIMI: How do you have that 25 impression?</p> | <p style="text-align: right;">Page 149</p> <p>1 MS. WILSON: It is stricken 2 MR. NAIMI: We have no further questions 3 your honor. 4 5 CROSS EXAMINATION 6 By: Shannon Wilson 7 Q: I just have one follow up. Have you 8 ever had a discussion with Ferraro about the means of 9 discipline in his home? 10 A: I have not. 11 JUDGE GENTILE: Okay, are you finished? 12 MR. NAIMI: We are done. 13 JUDGE GENTILE: Okay, so you may step 14 down thank you so much. Are you still calling your 15 last witness? 16 MR. NAIMI: No. 17 JUDGE GENTILE: Is it accumulative? Is 18 it the same as what mom would say? 19 MR. NAIMI: I think it would be at this 20 point. 21 JUDGE GENTILE: Okay. Alright. So then 22 we are finished. 23 MR. NAIMI: How would you... I know you 24 said you`re having some thoughts. 25 JUDGE GENTILE: Yeah. I think that</p> |

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| <p style="text-align: right;">Page 150</p> <p>1 probably in this case briefs would be really nice.</p> <p>2 MR. NAIMI: Now I do understand that Ms.</p> <p>3 Wilsons going to be out of town for some time so I'd</p> <p>4 like to give her the courtesy to have enough time.</p> <p>5 JUDGE GENTILE: Yeah she is getting</p> <p>6 married and probably you have a honeymoon. You are</p> <p>7 going to be gone for a while.</p> <p>8 MS. WILSON: I get back in Las Vegas</p> <p>9 until the 12th.</p> <p>10 JUDGE GENTILE: Okay so you need some</p> <p>11 time to do it. I mean look, if you-</p> <p>12 MR. NAIMI: How long would you need</p> <p>13 when you get back?</p> <p>14 JUDGE GENTILE: To the end of the month?</p> <p>15 Put Mr. Moody to work right away.</p> <p>16 MR. MOODY: There is always an</p> <p>17 institutional knowledge in this whole scene.</p> <p>18 [Crosstalk]</p> <p>19 JUDGE GENTILE: I'm only kidding that</p> <p>20 she is going to defer to you and she'll start</p> <p>21 drafting law suites. Okay, so that's not happening.</p> <p>22 Wishful thinking.</p> <p>23 MR. NAIMI: What date is--?</p> <p>24 JUDGE GENTILE: She is not going to be</p> <p>25 back until the 12th.</p> | <p style="text-align: right;">Page 152</p> <p>1 you have got trials is that it.</p> <p>2 MR. NAIMI: I have got trials end of</p> <p>3 July towards the end. Unfortunately I hadn't known</p> <p>4 this would go like this because it's relocation.</p> <p>5 JUDGE GENTILE: Yeah, there I'll go.</p> <p>6 Okay.</p> <p>7 MS. WILSON: Is that your point of view</p> <p>8 on that other relocation case that you have?</p> <p>9 JUDGE GENTILE: Probably sometime in</p> <p>10 there. I don't know exactly there yet. But things are</p> <p>11 coming off so-</p> <p>12 MR. NAIMI: How about August 15th 10</p> <p>13 days for objections.</p> <p>14 MS. WILSON: So we exchange on the 5th.</p> <p>15 JUDGE GENTILE: We exchange on the 5th,</p> <p>16 submit it to me and then if there are objections any</p> <p>17 objections as to close, any other representations</p> <p>18 made in the closing briefs I will be able to be</p> <p>19 objectionable standing in here.</p> <p>20 MR. NAIMI: Correct, outside this scope</p> <p>21 or not we are testifying-</p> <p>22 JUDGE GENTILE: Right, that evidence</p> <p>23 wasn't actually admitted then that would be due by...</p> <p>24 Any other typical objections you would make in your</p> <p>25 closing you can make-</p> |
| <p style="text-align: right;">Page 151</p> <p>1 MR. NAIMI: How about the 5th of August?</p> <p>2 JUDGE GENTILE: Fine. August 5 will that</p> <p>3 work.</p> <p>4 MS. WILSON: What date did you say?</p> <p>5 MR. NAIMI: The 12th of August, you want</p> <p>6 the 5th of August or the 12th of August.</p> <p>7 MS. WILSON: No, no, no that's too...</p> <p>8 let's do this sooner than later though.</p> <p>9 MALE SPEAKER: The 5th of August?</p> <p>10 MR. NAIMI: I need to close the</p> <p>11 business. Are you expecting the parties to share the</p> <p>12 closing briefs I believe that would be appropriate?</p> <p>13 In addition can we have an extra 10 days or 2 weeks</p> <p>14 for objections to the filed readings? Of course they</p> <p>15 would have to be in the realm of closing objections.</p> <p>16 MS. WILSON: Dangerously close to the</p> <p>17 school year.</p> <p>18 JUDGE GENTILE: Right exactly so let's</p> <p>19 how we will do hits. So, august 5th, is that a</p> <p>20 Friday, close of business so then that means-</p> <p>21</p> <p>22 MS. WILSON: May be can you hold on till</p> <p>23 the end of July?</p> <p>24 MR. NAIMI: I can't I've got trials.</p> <p>25 JUDGE GENTILE: So you are gone and then</p> | <p style="text-align: right;">Page 153</p> <p>1 MR. NAIMI: That will be August 15th.</p> <p>2 JUDGE GENTILE: Yeah, I'm looking at the</p> <p>3 date here so yes. August 15th.</p> <p>4 MR. NAIMI: Are both days close of</p> <p>5 business?</p> <p>6 JUDGE GENTILE: Sure.</p> <p>7 MR. NAIMI: And all the parties to share</p> <p>8 their objections as well.</p> <p>9 JUDGE GENTILE: Yes.</p> <p>10 MR. NAIMI: Okay.</p> <p>11 JUDGE GENTILE: Yes, absolutely. Okay.</p> <p>12 MS. WILSON: I didn't hear that magic</p> <p>13 word we rest.</p> <p>14 MR. NAIMI: We rest.</p> <p>15 JUDGE GENTILE: They didn't. They didn't</p> <p>16 say. He said he was calling the last witness so. I</p> <p>17 rested for him. Okay that would be good. Then after</p> <p>18 I get all the paperwork in we will make a decision if</p> <p>19 you want to include in your list of suggestions as</p> <p>20 you are making your closing argument if you want to</p> <p>21 include some proposed like findings, I mean some</p> <p>22 people do it but some people don't some will just</p> <p>23 draft it as brief proposed findings. Yes, on both</p> <p>24 sides.</p> <p>25</p> |

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| <div>1</div> <div>CERTIFICATE OF RECORDER</div> <div>2 STATE OF NEVADA)</div> <div>3 COUNTY OF CLARK)</div> <div>4 NAME OF CASE: SANDRA LYNN NANCE vs CHRISTOPHER MICHAEL FERRARO</div> <div>5I, Peter Hellman, a duly commissioned</div> <div>6 Notary Public, Clark County, State of Nevada, do hereby</div> <div>7 certify: That I transcribed or supervised transcription</div> <div>8 of deposition of the witness, TRIAL TESTIMONY .</div> <div>9 from Recorded Audio-and-Visual Record and said deposition</div> <div>10 is a complete, true and accurate transcription,</div> <div>11</div> <div>12I further certify that I am not a relative or</div> <div>13 employee of an attorney or counsel of any of the</div> <div>14 parties, nor a relative or employee of an attorney or</div> <div>15 counsel involved in said action, nor a person</div> <div>16 financially interested in the action.</div> <div>17IN WITNESS WHEREOF, I have hereunto set my</div> <div>18 hand in my office in the County of Clark, State of</div> <div>19 Nevada, this 06/29/2016.</div> <div>20</div> <div>21</div> <div>22Peter J. Hellman Notary (12-9031-1)</div> <div>23</div> <div>24</div> <div>25</div> | <div>Page 154</div> |
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IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA LYNN NANCE,

Appellant,

v.

CHRISTOPHER MICHAEL
FERRARO,

Respondent.

Electronically Filed
May 08 2017 04:10 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. 5

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¹ Submitted under seal subject to Court approval.

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