

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

VETERANS IN POLITICS
INTERNATIONAL, INC.; AND STEVE W.
SANSON,

Appellant,

vs.

MARSHAL S. WILICK; AND WILICK
LAW GROUP,

Respondent.

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**INDEX TO RESPONDENT'S APPENDIX
VOLUME V**

DATE ORDER

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**APPENDIX INDEX
DATE ORDER**

EXHIBIT	DOCUMENT	FILE STAMP DATE	VOLUME & PAGES
	VOLUME I		
1	Motion for Sanctions and Attorney's Fees	9/12/2016	I RA000001 – RA000020
2	Memorandum of Attorney's fees and Costs	01/31/2017	I RA000021 – RA000221
	VOLUME II		
3	Motion for Order to Show Cause	02/13/2017	II RA000222 - RA000243
4	Appendix of Exhibits to Plaintiff's Motion for an Order to Show Cause	02/13/2017	II RA000244 - RA000280
5	Opposition to Motion for Order to Show Cause Re: Contempt	03/06/2017	II RA000281 - RA000297
6	Declaration of Steve Sanson in Opposition of Motion for Order to Show Cause re: Contempt	03/06/2017	II RA000298 - RA000413
7	Order without Hearing Pursuant to EDCR 2.33	03/21/2017	II RA000414 - RA000435
	VOLUME III, PART I		
8	Transcript Re: All Pending Motions; Monday, June 5, 2017	07/05/2017	III, part I RA000436 – RA000502

EXHIBIT	DOCUMENT	FILE STAMP DATE	VOLUME & PAGES
9	Plaintiff's Omnibus Opposition to Defendants' Motion for Attorney's Fees and Costs	10/27/2017	III, part I RA000503 – RA000618
	VOLUME III, PART II		
10	Motion to Disqualify Eighth Judicial District Court Elected Judiciary, and for Permanent Assignment to the Senior Judge Program or, Alternatively, to a District court Judge Outside of Clark County	1/24/2018	III, part II RA000619 – RA000723
	VOLUME IV, PART I		
11	Order of Recusal	9/5/2017	IV, part I RA000724 RA000734
12	Exhibits to Omnibus Opposition to Doug and Steve Sanson's Motions to Vacate – PART 1 (Continued in Volume IV, Part II)	10/4/2017	IV, part I RA000735 – RA000809
	VOLUME IV, PART II		
12	Exhibits to Omnibus Opposition to Doug and Steve Sanson's Motions to Vacate – PART 2 (Continued Volume IV, Part I)	10/4/17	IV, part II RA000810 – RA000904
	VOLUME IV, PART III		
13	Family Court Judge Accuses Agitator Steve Sanson of Intimidation by Rachael Crosby	9/9/2017	IV, part III RA000905 – RA000913

EXHIBIT	DOCUMENT	FILE STAMP DATE	VOLUME & PAGES
14	Sanson's Latest Complaint, like Him, a Political Loser by Jane Ann Morrison	9/13/2017	IV, part III RA000914 – RA000921
15	Veterans In Politics International, Inc. Email regarding Michael Cherry's Appearance	1/6/2018	IV, part III RA000922 – RA000923
16	Letter to Judge Cherry: Re Veterans In Politics International radio appearance, scheduled for January 13, 2018	1/10/2018	IV, part III RA000924 – RA000955
17	Judges' Ties to Sanson Have Courts in Tight Spot by Jane Ann Morrison	1/20/2018	IV, part III RA000956 – RA000963
18	DiCiero, Mark (2018, January 26). Nevada Court Watchers [Facebook group]. Retrieved from https://www.facebook.com/groups/433293260115971/permalink/1322318161213472/	1/29/2018	IV, part III RA000964
19	Emails between Josh Gilmore, Esq., and Anat Levy re: joint appendix	6/12/17	IV, part III RA000965 – RA000966
	VOLUME V		
20	Transcript from the recusal hearing on August 30, 2017	9/19/17	V RA000967 – RA001009

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TRANS

ORIGINAL

FILED
SEP 19 2017
Allyson L. Williams
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

IRINA ANSELL)	CASE NO. D-15-521960-D
)	
Plaintiff,)	DEPT. Q
)	
v.)	
)	
DOUGLAS ANSELL)	
)	
Defendant.)	
_____)	

BEFORE THE HONORABLE BRYCE C. DUCKWORTH,
DISTRICT COURT JUDGE

TRANSCRIPT RE: ALL PENDING MOTIONS

WEDNESDAY, AUGUST 30, 2017

1 APPEARANCES:

2 The Plaintiff: IRINA ANSELL
 (Not Present)

3 For the Plaintiff: MARSHAL S. WILICK, ESQ.
 LORIEN COLE, ESQ.
4 Willick Law Group
 3591 E. Bonanza Rd. #200
5 Las Vegas, Nevada 89110

6 The Third Party: VETERANS IN POLITICS
 SANSON CORPORATION

7 STEVE SANSON (Present)

8 For the Third Party: ANAT LEVY, ESQ.
 Anat Levy & Associates PC
 5841 E. Charleston Blvd. #230-421
9 Las Vegas, Nevada 89142

10 The Defendant: DOUGLAS ANSELL
 (Not Present)

11 For the Defendant: JOHN D. JONES, ESQ.
 Black & LoBello
12 10777 West Twain Avenue #300
 Las Vegas, Nevada 89135

13

14 ALSO PRESENT: MR. ROSTEN

15 SAMUEL DALY

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1 LAS VEGAS, NEVADA

WEDNESDAY, AUGUST 30, 2017

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

3 (THE PROCEEDING BEGAN AT 14:05:56.)

4 (AREAS DIFFICULT FOR TRANSCRIPTION
5 DUE TO SIMULTANEOUS SPEAKING.)

6 THE COURT: We are on the record in the Ansell matter,
7 Case D-15-521960-D.

8 Please confirm your appearances.

9 MR. WILLICK: Good morning, Your Honor. Marsh -- or
10 afternoon. Marshal Willick, 2515, for Irina Ansell,
11 plaintiff.

12 THE COURT: Good afternoon.

13 MR. WILLICK: With me is Lori Cole --

14 Sorry.

15 Lori Cole. Bar No?

16 MS. COLE: 11912.

17 Good morning -- ah --

18 THE COURT: Good afternoon.

19 MS. LEVY: Anat Levy of Anat Levy & Associates, on behalf
20 of non-party, Veterans and Politics, Inc., Steve Sanson, and
21 Sanson Corporation. My Bar No. is 12250.

22 THE COURT: Good afternoon.

23 MS. LEVY: Good afternoon.

24 MR. JONES: John Jones, Bar No. 6699, appearing on behalf

1 of the defendant.

2 THE COURT: Good afternoon.

3 And I notice we have Mr. Roston (phonetic herein)
4 here with us as well.

5 Good afternoon.

6 And who else is present?

7 MR. DALY: My name?

8 THE COURT: Yes.

9 MR. DALY: Samuel Daly (phonetic herein).

10 THE COURT: Okay.

11 This is a sealed file. I have no problem if...

12 MR. JONES: I don't know who it is or why --

13 MR. WILLICK: I have no idea who this gentleman is.

14 MR. JONES: -- why he's here.

15 MS. LEVY: We don't know who it is.

16 THE COURT: He's a -- he's a litigant. I'm assuming he's
17 affiliated with Mr. Sanson.

18 UNIDENTIFIED SPEAKER: (Indiscernible.)

19 THE COURT: And he's a litigant in -- before me.

20 But, listen, I have no problem. I want to be as
21 transparent as possible. In fact, we'll get into that as I go
22 through my decision, so.

23 MR. WILLICK: Well, this is a --

24 THE COURT: It is a --

1 MR. WILLICK: -- closed hearing --

2 THE COURT: -- sealed file.

3 MR. WILLICK: -- in a sealed case.

4 THE COURT: Right.

5 MR. WILLICK: And so I was going to ask The Court for its

6 direction relating to the Sanson discovery motions that have

7 been consolidated with the pretrial.

8 THE COURT: Uh-huh.

9 MR. WILLICK: And if The Court wants to hear them first,

10 then they can be heard first, and then Mr. Sanson is --

11 counsel can depart. If you want to hear them last, then I'd

12 ask for them to be excused until we're done.

13 THE COURT: Well, let me ask Mr. Jones.

14 Do you have any objection to having this hearing

15 open to the public?

16 MR. JONES: No.

17 THE COURT: I'm going to proceed. And --

18 MS. LEVY: We have no objection either.

19 THE COURT: Okay. All right.

20 Let me swear Mr. Sanson in.

21 If you'd please raise your right hand to be sworn.

22 THE CLERK: You do solemnly swear the testimony you're

23 about to give in this action shall be the truth, the whole

24 truth, and nothing but the truth so help you God?

1 MR. SANSON: I do.

2 THE COURT: All right. You may be seated.

3 We are here primarily on two motions. Mr. Sanson's
4 Motion to Quash Subpoena Served on Verizon Wireless filed on
5 July 26th, 2017, and Mr. Sanson's Motion to Quash Subpoena
6 Deuces Tecum and Deposition Subpoena served on Steven Sanson
7 filed August 4, 2017.

8 There are associated motions that include motions
9 for attorney's fees, Plaintiff's Motion to Compel filed on
10 August 10, 2017.

11 This matter is well-briefed, so additional argument
12 is unnecessary.

13 For purposes of establishing a record, however, I do
14 have a few questions to ask the individuals here. I had
15 anticipated, if Ms. Ansell and Mr. Ansell were going to be
16 present, I would -- there might be some questions for them as
17 well. But it's my understanding neither party is planning on
18 participating in these proceedings today.

19 MR. WILLICK: Ms. Ansell is in California at school.

20 MS. COLE: I can try to call her if you want. I don't --

21 MR. WILLICK: That way we'd attempt to put her on the
22 phone, if The Court wishes.

23 THE COURT: Okay. I -- it's not necessary at this point.

24 First, let me ask Mr. Jones...

1 What is Defendant's position with respect to Mr.
2 Sanson's motions?

3 UNIDENTIFIED SPEAKER: (Chuckle.)

4 MR. JONES: Well, frankly, Judge, I found, from day one,
5 the attempt to conduct discovery that's occurred with regard
6 to Mr. Sanson to be something of -- probably wasn't even
7 worthy of a response, frankly, because there's no legal basis.

8 I tried to explain to Mr. Willick very clearly that
9 the only reason Mr. Sanson was added to my witness list,
10 solely for the May 31 OSC Hearing, was because, after you made
11 your record on the seventeenth of May, I felt I needed to have
12 the two people, who you cited as possibly being improper
13 attempts at influence by Doug Ansell, tell you that Doug
14 Ansell had nothing to do with the comments I made to you.

15 Okay? So Kurt Randof (phonetic herein) was in the
16 hallway for the entire May 31 hearing. When we were using up
17 our time I sent him home. He was going to tell you, I had no
18 idea you were showing up at my house, so how would I have
19 gotten instructions from Doug to try to say something to you?

20 Similarly, I didn't know what Mr. Sanson could say,
21 frankly. I haven't spoken to him about why he appeared in
22 your courtroom or the conversations that you stated happened
23 on the record. I just assumed that -- I asked my client, did
24 you ask Steve Sanson to ever say anything to Judge Duckworth

1 about your case. And he said, absolutely not. And I said,
2 okay, well, then, I want Mr. Sanson to show up, I'll ask him
3 two questions, and he can leave. Because I felt with an Order
4 to Show Cause, particularly after -- I mean, you drew certain
5 conclusions in your May 17th Sua Sponte Hearing that were very
6 troubling to me in that you reached conclusions without having
7 anybody have an opportunity to present evidence on the issue.
8 You drew a conclusion that Doug Ansell was taking action to
9 try to influence you. And so --

10 THE COURT: Let me ask you, Mr. Jones. So is your
11 position and representation of Mr. Ansell that, in this sealed
12 case, with the Confidentiality Order, that Mr. Ansell did not
13 provide Mr. Sanson with any information about this case?

14 MR. JONES: It's my understanding that Doug has vented
15 his spleen about the behavior of the plaintiff's attorney in
16 this case, which is not precluded under any sealing order. I
17 mean --

18 THE COURT: But has he --

19 MR. JONES: He hasn't --

20 THE COURT: -- provided specific --

21 MR. JONES: -- he hasn't provided any documents --

22 THE COURT: -- information about this case?

23 MR. JONES: No.

24 THE COURT: But you did list Mr. Sanson as a witness in

1 this case?

2 MR. JONES: I listed him -- in fact, I did a separate
3 witness list for the May 31 Show Cause Hearing. And I
4 informed Mr. Willick of this. I said to him, you know, he was
5 only -- I was only going to call him as a witness for the
6 May 31 hearing so that I could prove to you, Your Honor, that
7 you were wrong, particularly, because in a contempt issue the
8 credibility of my client was certainly at issue. And I felt
9 on May 17th you called my client's credibility into issue
10 significantly, and I didn't think you did with -- with a
11 basis.

12 So Mr. Sanson isn't testifying at the financial
13 trial unless, you know, there may be other things filed in
14 this case that bring this May 17th hearing and the whole issue
15 into more sharp focus. But from my standpoint, at this point,
16 Mr. Sanson offers no material information.

17 When I informed Mr. Willick that Mr. Sanson was here
18 solely to say that he doesn't take directions from anyone --
19 because I'm pretty sure that's what he would say, even though
20 I've never asked him -- that was the only reason I was going
21 to ask. I tried to explain that to Mr. Willick. And Mr.
22 Willick's response was, oh, Mr. Sanson and Mr. Ansell have a,
23 you know, a very lengthy relationship, et cetera, some --
24 something along that fact -- that effect. But it still

1 doesn't rise in my opinion. And I haven't weighed-in because
2 my client can't afford extra pleadings being filed. I didn't
3 file a joinder. I didn't file anything. I don't even know if
4 I read the motion.

5 THE COURT: Well, let me ask you this. Do any -- are any
6 counsel aware of any legal authority that would preclude the
7 deposition of someone who has been named as an exhibit in a
8 case? Is there any legal authority in Nevada on that point,
9 that a designated witness should not -- is allowed to --

10 MS. LEVY: Yes.

11 THE COURT: -- refuse to appear?

12 MR. JONES: Well, my response would simply be this. He
13 was named as a witness for one hearing, and that hearing's
14 already occurred.

15 THE COURT: Well, there are contempt issues that are
16 ongoing. So, again, back to that point. Is there any Nevada
17 legal authority that excuses someone from appearing at a
18 deposition when they've been named as a witness in papers
19 filed with The Court?

20 MS. LEVY: Your Honor, if I may. The authority is that
21 you can't bring someone in, a non-party, and I don't even call
22 them a third party, they're a non-party to the case -- and
23 bring them in, have them sit for a deposition over non-issues.
24 Any kind of issues of contempt -- what has he contributed?

1 Worst-case scenario, and I can reference that, too, he has not
2 heard anything of any value of any material issues in this case
3 at all.

4 THE COURT: Well, that --

5 MS. LEVY: Nothing of financials, nothing.

6 THE COURT: -- that's what needs to be confirmed. Why --

7 MS. LEVY: Well, he's --

8 THE COURT: -- why wouldn't the plaintiff --

9 MS. LEVY: It's set up --

10 THE COURT: -- be allowed to inquire? Because it is a
11 sealed file, there is a Confidentiality Order that Mr. Ansell
12 insisted on. He's the one who sealed the file. And I want to
13 be clear here, the sealing of files is something that is --
14 that litigants pursue. I -- I'd rather the whole thing be
15 transparent.

16 MS. LEVY: Well --

17 THE COURT: And I'd rather -- but Mr. Ansell insisted
18 that it be sealed. He insisted that a Confidentially Order be
19 entered. So that being said, how does the plaintiff know that
20 there hasn't been communication, that there hasn't been
21 information shared?

22 I want to -- as part of --

23 MS. LEVY: Let me -- let me --

24 THE COURT: -- part of laying a founda -- or laying a

1 record today, I want to establish that fact, because that goes
2 to whether or not there is a need for a deposition.

3 But I think to simply brush this under the rug and
4 say there's an individual who is acknowledged in a sworn
5 declaration that he did contact me personally, outside of
6 court, with specific reference to this case, you're telling me
7 today as his counsel that he had no information about that
8 case. I don't know that. Until he's --

9 MS. LEVY: But, Your Honor, the --

10 THE COURT: -- he testifies I don't know that.

11 MS. LEVY: The reference that was made to you was about
12 Mr. Willick. Mr. Willick is suing Mr. Sanson --

13 THE COURT: I --

14 MS. LEVY: -- and he engages in the same ta --
15 regardless, it would be the same equivalent of me bringing in
16 every friend or acquaintance of Ms. Ansell and having them
17 testify that they were never told anything either.

18 THE COURT: Well, but, no --

19 MS. LEVY: It would be the --

20 THE COURT: -- but that --

21 MS. LEVY: -- same thing. What -- let's say he --

22 THE COURT: That misses the point --

23 MS. LEVY: -- found something that -- if I may, please,
24 Your Honor, just for --

1 THE COURT: No, let me --

2 MS. LEVY: -- the record?

3 Let's say he found something out. How has that been
4 made in any way public? How has that been a breach of
5 anything? How does that -- how does that relate to any issue
6 in the case whatsoever? It --

7 THE COURT: It --

8 MS. LEVY: -- doesn't effect financials, it doesn't
9 effect anything.

10 Your Honor, Mr. Sanson and Mr. Ansell have a free-
11 speech right. They have the right to talk. Even the sealing
12 of this case was done improperly and are brought into this
13 case. We're going to challenge the sealing in the way it was
14 done and have it unsealed. And we're going to bring this up
15 with the Supreme Court --

16 THE COURT: Do you know that was Mr. Ansell's sealing?

17 MS. LEVY: I'm sorry?

18 THE COURT: Mr. Ansell wanted it sealed.

19 MS. LEVY: I don't care who wanted it sealed. They have
20 no --

21 THE COURT: Well, and let me --

22 MS. LEVY: -- relationship.

23 THE COURT: I'm -- and I'm going to get to that, because
24 I appreciate that, and I want to get to the unsealing of the

1 case, because I agree with you. I agree that it's --

2 MS. LEVY: Well --

3 THE COURT: -- in the public interest that we unseal this
4 case.

5 MS. LEVY: And under the NRS --

6 THE COURT: So we have full transparency.

7 MS. LEVY: -- and under the NRS, even if it's sealed, the
8 pleadings are not allowed to be sealed, even as -- in a sealed
9 case. There's no such thing as a Gag Order on a case, even in
10 a sealed case. So even if the --

11 THE COURT: There is -- and that was not part of the
12 Order in this case.

13 MS. LEVY: Well, then -- well --

14 THE COURT: There's a Confidentiality --

15 MS. LEVY: -- for some reason there's --

16 THE COURT: -- Order that Mr. Ansell insisted on. And
17 your position is that -- and I have no -- listen, I have no
18 problem with that.

19 MS. LEVY: Well, if you have no problem --

20 THE COURT: I've read --

21 MS. LEVY: -- with it, Your Honor --

22 THE COURT: Well --

23 MS. LEVY: -- then let's say something was said, which it
24 wasn't, but let's say something was said. How does it effect

1 the trial?

2 THE COURT: Well --

3 MS. LEVY: Are you going to call someone up and say, by
4 the way, did they mention Mr. Willick to you?

5 THE COURT: Well, and I --

6 MS. LEVY: How is that --

7 THE COURT: Listen --

8 MS. LEVY: -- an issue in the case?

9 THE COURT: -- and I'm going to get to that. But I need
10 to understand, you're making that offer. I want to hear from
11 Mr. Sanson as to whether or not there was anything discussed
12 about this case, because it ties in to how I approach this
13 case. But you're -- do you acknowledge that he cashed the
14 witness check?

15 MS. LEVY: I'm sorry?

16 THE COURT: Did Mr. Sanson cash the witness check and not
17 show up for his deposition?

18 MS. LEVY: I don't understand what you're saying, Your
19 Honor.

20 MR. SANSON: Twenty-six dollars.

21 THE COURT: He received a twenty-six dollar witness
22 check. Decided I'm not going to show up --

23 MS. LEVY: Mr. Willick --

24 THE COURT: I know it's a small amount --

1 MS. LEVY: -- because --

2 THE COURT: -- but did he --

3 MS. LEVY: -- Mr. Willick was ordered to pay his -- Mr.

4 Willick's fiancé was ordered to pay Mr. Sanson attorney's fees

5 in a case that was recently dismissed. And so Mr. Sanson

6 said, well, this is part of what they owe me.

7 THE COURT: Oh.

8 MS. LEVY: They owe me the rest, too, twenty-six dollars.

9 It's about my gas in --

10 THE COURT: Okay. All right.

11 MS. LEVY: -- in one or two of the --

12 THE COURT: I got it. I got it.

13 MS. LEVY: -- hearings.

14 MR. WILLICK: And --

15 MS. LEVY: But he's owed many thousands more.

16 THE COURT: All right.

17 MS. LEVY: For him it was self-help in taking --

18 THE COURT: Now --

19 MS. LEVY: -- that check.

20 THE COURT: -- now to be very clear, the comment that was

21 made to me out of court that Mr. Sanson has not acknowledged,

22 it was directed at The Court. It involved Mr. Willick. And I

23 get the fact that there's litigation ongoing.

24 MS. LEVY: Yes.

1 THE COURT: And in this --

2 MS. LEVY: Substantial --

3 THE COURT: -- and this case should not be about

4 fostering or advancing that separate litigation. That's not

5 what this case is about.

6 MS. LEVY: Right.

7 THE COURT: This case is between Irina Ansell and Douglas

8 Ansell.

9 But I need to confirm certain things for the record

10 so that I understand exactly what's transpired here. And the

11 comment that was made to me on the phone was, why do you let

12 Mr. Willick get away with so much crap in Doug Ansell's case.

13 It was --

14 MS. LEVY: It's a very --

15 THE COURT: -- it was accusa --

16 MS. LEVY: -- valid question --

17 THE COURT: No. It --

18 MS. LEVY: -- Your Honor (chuckle).

19 THE COURT: Well, and that's why.

20 MS. LEVY: And I --

21 THE COURT: He's --

22 MS. LEVY: -- could tell you just from my own experience

23 in litigating --

24 THE COURT: Okay. So --

1 MS. LEVY: -- with Mr. Willick.

2 THE COURT: -- so we're --

3 MS. LEVY: Not with this case.

4 THE COURT: Listen. We're here --

5 MS. LEVY: So also in this --

6 THE COURT: Okay.

7 MS. LEVY: -- case now.

8 THE COURT: So we're here today. I'm going to ask some

9 questions of Mr. Sanson, because that's what I want to clear

10 up.

11 MS. LEVY: Okay.

12 THE COURT: During that telephone call, as Mr. Sanson has

13 acknowledged --

14 Well, let me ask you this first.

15 MS. LEVY: I also -- if I --

16 THE COURT: Let me --

17 MS. LEVY: -- may make one comment about the legal

18 authority in Nevada. Another Court has made an Order that

19 discovery's to be stayed in that litigation --

20 THE COURT: In the civil litigation.

21 MS. LEVY: -- with Mr. Willick against Mr. --

22 THE COURT: Right.

23 MS. LEVY: -- Sanson and Veterans in Politics. That

24 Order to Stay Discovery in all proceedings is on file with

1 This Court as an attachment to our declarations.

2 It would be beyond the scope of This Court's
3 authority to now order discovery against Mr. Sanson,
4 particularly when you look at the categories of what's being
5 asked for, it feeds right into Mr. Willick's case --

6 THE COURT: Well --

7 MS. LEVY: -- and not this case.

8 THE COURT: -- and, Mr. Levy (sic), if this helps you
9 out, I'm not going to enter any orders today regarding
10 discovery. And I'll get to that point.

11 MS. LEVY: All right.

12 THE COURT: But do you find -- was it appropriate for Mr.
13 Sanson to call me and ask me that question, why do you let Mr.
14 Willick get away with so much crap?

15 MS. LEVY: No, I --

16 THE COURT: Was that appropriate, yes or no?

17 MS. LEVY: Well, I think in response to Your Honor's
18 question to him, he was answering it.

19 THE COURT: Okay. We'll get --

20 MS. LEVY: He doesn't have --

21 THE COURT: -- to that.

22 MS. LEVY: -- the legal acumen that you and I would in
23 thinking, well, is this going to be interpreted that way or
24 this way. And for that I would apologize for my client. But

1 he's not a lawyer, he's not been --

2 THE COURT: But you --

3 MS. LEVY: -- legally trained.

4 THE COURT: -- acknowledge, that's an inappropriate

5 communication?

6 MS. LEVY: Ah, no, I don't a --

7 THE COURT: Oh, you don't?

8 MS. LEVY: -- I don't, because it was in response to Your

9 Honor's question and it didn't --

10 THE COURT: We'll get to that.

11 MS. LEVY: -- have to do with a issue in the case.

12 THE COURT: Well --

13 MS. LEVY: I --

14 THE COURT: -- well, if you --

15 MS. LEVY: -- I am --

16 THE COURT: -- if you --

17 MS. LEVY: -- glad that Your Honor had terminated that so

18 that it wouldn't go any further.

19 THE COURT: Well, that's why I wanted to ask today --

20 because I did abruptly end the conversation because it was --

21 MS. LEVY: Yes.

22 THE COURT: -- inappropriate. I hung up.

23 And I'll read all of the text messages into our

24 record today.

1 But now that we're here on the open record --

2 MS. LEVY: Yes.

3 THE COURT: -- which is where the conversation should

4 take place.

5 MS. LEVY: Yes.

6 THE COURT: I should be influenced only by what happens

7 within these four walls.

8 MS. LEVY: Of course.

9 THE COURT: Nothing that outs -- happens outside this

10 courtroom should influence me.

11 So that being said, Mr. Sanson, what crap -- to

12 finish that conversation -- and that's what I wanted to know,

13 what information in a sealed case with a Confidentiality

14 Order, what crap have I allowed -- to finish that conversation

15 that you initiated with me -- allowed Mr. Willick to get away

16 with in Doug Ansell's case?

17 MR. SANSON: Well, you want me to speak, Your Honor?

18 THE COURT: Yes, I do.

19 MR. SANSON: Okay. What -- what I heard is that Mr.

20 Willick lies, constantly lies, puts it in deposition. He's

21 supposed to be the ul --

22 THE COURT: But I want specific information. What

23 specific --

24 MR. SANSON: No. There -- there was --

1 THE COURT: -- crap did I --

2 MR. SANSON: -- there was no -- there was no specific
3 crap, it's just general.

4 THE COURT: Okay.

5 MR. SANSON: This lawyer over there (indicating) always
6 lies, he throws crap against the wall and hoping something
7 sticks. He's done that in my case, he's done that in several
8 other cases. That's the crap I'm talking about, Judge.

9 THE COURT: Okay. So --

10 MR. SANSON: That -- this -- this lawyer --

11 THE COURT: Stop.

12 MR. SANSON: -- shouldn't even be --

13 THE COURT: Stop.

14 MR. SANSON: -- a lawyer.

15 THE COURT: Stop. Stop. I don't need that.

16 So when you concluded your --

17 Hey, stop it.

18 MR. SANSON: See --

19 THE COURT: Okay. Let the record reflect that the
20 witness is scowling at counsel, directing his venomous anger at
21 counsel, which is completely inappropriate.

22 MS. LEVY: No, I object to that.

23 THE COURT: That behavior is not tolerated in this
24 courtroom. You know better.

1 MR. SANSON: I didn't want to be here --

2 THE COURT: So when you --

3 MR. SANSON: -- Your Honor.

4 THE COURT: I didn't want to be here. You filed the

5 motion. This is your motion.

6 MS. LEVY: Your Honor --

7 MR. SANSON: No, he filed.

8 MS. LEVY: -- Your Honor ordered --

9 THE COURT: No, it's a Motion to Quash.

10 MS. LEVY: It's a Motion to Quash Subpoenas that were

11 sent out by Mr. Willick. And I had asked Mr. Sanson not to

12 come. And then we've -- we read your Order, Your Honor --

13 THE COURT: Let the record --

14 MS. LEVY: -- that said that you wanted --

15 THE COURT: I wanted him here.

16 MS. LEVY: -- all the parties to come.

17 THE COURT: Right.

18 MR. SANSON: And --

19 MS. LEVY: And I note that he is the only one that came

20 (chuckle).

21 THE COURT: So --

22 MS. LEVY: So that would show you his good --

23 THE COURT: When --

24 MS. LEVY: -- faith.

1 THE COURT: -- when you concluded your final text message
2 to me stating, So you can understand what direction we are
3 headed, what kind of veiled threat were you making to The
4 Court? What --

5 MR. SANSON: That wasn't a --

6 THE COURT: -- did you mean by that?

7 MR. SANSON: -- that wasn't a threat, Your Honor. What
8 direction --

9 THE COURT: Wasn't it?

10 MR. SANSON: -- we're headed --

11 Well, I guess you and I think differently, okay?
12 Let me tell you, because I'm the one that wrote the text, I'm
13 thinking what direction I'm headed is how -- is how I'm going
14 to go and -- and look into different court cases -- which I
15 have been. I've been sitting in here in your courtroom on
16 different matters, and that's what I mean. It was not a
17 threat. It was just I wanted to see how you rule on other
18 cases.

19 THE COURT: And in those --

20 MR. SANSON: And how you -- and how you allow the
21 litigants and your attorneys to -- to conduct themselves in
22 your courtroom. That's what I meant.

23 THE COURT: Okay. All right.

24 So here's where I'm at --

1 MR. JONES: Judge, I did have one comment I wanted to
2 make on just a general concept, because this is discovery.
3 And your inquiry of Mr. Sanson about whether Doug may have
4 told him specifics that might violate a sealed file or a
5 Confidentiality Order. I filed a motion that gave you
6 concrete proof that the plaintiff released medical records,
7 obtained in discovery, to a third party who she thought was in
8 the news media and you denied the motion at a hearing. You
9 didn't care. I mean, you gave -- you didn't even give me a
10 hearing --

11 THE COURT: Okay.

12 MR. JONES: -- and I proved that she perjured herself at
13 --

14 THE COURT: No, you --

15 MR. JONES: -- her deposition about it.

16 THE COURT: -- Mr. Jones, you had a hearing. You don't
17 --

18 MR. JONES: No.

19 THE COURT: -- don't --

20 MR. JONES: No, you denied the Motion for Sanctions
21 without a hearing.

22 THE COURT: Well, listen. Here's where we're at.

23 MR. JONES: But how is it relevant now --

24 THE COURT: No. No, I --

1 MR. JONES: -- as it pertains --

2 THE COURT: Listen. I'm --

3 MR. JONES: -- to Doug?

4 THE COURT: -- I'm done. I'm going to make my findings
5 and conclusion. I don't need anything further.

6 MR. WILLICK: Well --

7 THE COURT: I'm finished.

8 MR. WILLICK: -- there is information that you don't
9 have, because it only occurred in the last seventy-two hours
10 that I think you ought to know.

11 We've been conducting depositions. And we now have
12 confirmation from Mr. Toshima (phonetic herein) that there was
13 a breakfast meeting between Mr. Sanson, Mr. Toshima, and Mr.
14 Ansell. It went on for at least twenty minutes. Mr. Toshima
15 didn't want to listen to the discussions about the divorce
16 because he was only there to talk finances and really didn't
17 want to hear all the things that both Doug and Mr. Sanson were
18 saying. So he wasn't able to repeat exactly what was said.

19 But Mr. Ansell has confirmed that he had a stack of
20 documents this big (indicating) and he was going to hand them
21 to Mr. Sanson, and only didn't because Mr. Sanson wouldn't
22 promise not to post them on the internet. And he didn't want
23 that to happen to the documents that he brought to the meeting
24 to discuss with --

1 MS. LEVY: This is --
2 MR. WILLOCK: -- Mr. Sanson.
3 MR. SANSON: There was --
4 MS. LEVY: -- a perfect --
5 MR. SANSON: -- no documents.
6 THE COURT: All right.
7 MR. JONES: This is --
8 MS. LEVY: -- example.
9 THE COURT: Listen --
10 MR. JONES: Judge -- Judge, wait till --
11 THE COURT: Look. No, no --
12 MR. SANSON: This is exactly --
13 THE COURT: -- no, no. Stop.
14 MR. SANSON: -- what I'm --
15 THE COURT: Stop.
16 MR. JONES: (Indiscernible) --
17 THE COURT: Stop.
18 MR. SANSON: -- talking about.
19 THE COURT: No. Stop.
20 MS. LEVY: This is what --
21 THE COURT: Stop.
22 MR. SANSON: This guy's a liar.
23 MS. LEVY: -- we're talking about.
24 THE MARSHAL: All right. Guys. Come on.

1 MS. LEVY: This is it.

2 THE COURT: When you learn to respect -- I'm telling you
3 to shut up -- we'll reconvene.

4 (PROCEEDING TRAILED AT 14:25:59 AND RECONVENED AT 14:26:24.)

5 THE COURT: All right. We're back on the record.

6 No more interruptions. I'm done. I have my
7 decision. I'm going to read it. I'm not making any Orders
8 today.

9 The -- and there's been discussion about Mr. Toshima
10 involved. I've disclosed -- in fact, that hearing after the
11 telephone occurred. I've commented on the fact that Mr.
12 Toshima's my direct ecclesiastical leader. That's created
13 some discomfort for me personally. He's never, and I
14 reiterate, never communicated with me directly about the case.
15 But the inferences obviously are clear. I understand that the
16 plaintiff would look at that in question. Any logical,
17 rational human being would look at that and wonder, hmm, I
18 wonder what's going on with Judge Duckworth's direct
19 ecclesiastical leader, now the CFO of Mr. Ansell's company.

20 In efforts, to be clear, to influence me go beyond
21 what's been stated. I want to be clear about that. And I
22 certainly find myself in a position where I have become a
23 witness, and that effects how I'm going to proceed today.

24 I asked specific questions to get information about

1 the specific crap, using Mr. Sanson's term, that I'll rely on
2 throughout my decision to determine exactly what had been
3 communicated. Again, recognizing this is a sealed file, this
4 -- or confidentially orders -- Confidentiality Orders that Mr.
5 Ansell insisted on.

6 If there are no specific facts -- and I essentially
7 offered the opportunity to finish the conversation that should
8 have been on the record at the very beginning -- then the
9 only, the only possible purpose of that communication with The
10 Court was not to provide information, clearly, because Mr.
11 Sanson's indicating that he had no information to convey to
12 me. The only possible purpose, then, of that call was to
13 influence and intimidate The Court through a --

14 (CELL PHONE BEGINS TO RING.)

15 -- corrupt out-of-court communication.

16 I talked about earlier about whether or not there's
17 any reason to keep this matter sealed under the shroud of
18 secrecy. Sealing is not for me, it's not for The Court. I'd
19 rather complete transparency, and that's why I've allowed
20 individuals into the courtroom. It makes no difference to me.

21 We accommodates litigants routinely when they ask
22 for a closed hearing. We'll clear the courtroom, because I
23 get -- I understand the fact that oftentimes these are private
24 matters that individuals don't like thrown about in front of

1 the general public. And so there are accommodations that are
2 made. But as a general matter, this process should be
3 completely transparent. I have nothing to hide.

4 I find that there has been an effort to influence
5 This Court outside of the four walls of this courtroom. And,
6 given these influences, I find that complete transparency --
7 transparency of these proceedings is in the public interest to
8 maintain confidence in the Judicial System.

9 Based on these findings, This Court orders that the
10 Order sealing the file is set aside as contrary to the public
11 interest in the administration of justice. Further, the
12 Confidentiality Order should be set aside as an Order enforced
13 through The Court's contempt powers. To be clear to the
14 extent the parties have entered into any confidentiality
15 agreements, it is a matter of contract law, and my Order today
16 does not alter contractual agreements of the parties. Rather,
17 my Order specifically relates to the contempt powers of The
18 Court.

19 Mr. Sanson argues that his organization exposes
20 public corruption and injustice. Further, despite the fact
21 that Mr. Ansell designated Mr. Sanson as his witness, Mr.
22 Sanson states with emphasis that neither he nor his
23 organization, "have anything to do with this case." To
24 reiterate for the record, Mr. Sanson has intentionally

1 interjected himself into this matter by communicating with me
2 outside of court.

3 In May, 2017, This Court sua sponte scheduled a
4 hearing after receiving communications outside of court that
5 were attempts to influence The Court in this case. For sake
6 of transparency, I scheduled the hearing immediately to
7 disclose on the record the nature of those communications. At
8 the May 17, 2017 hearing I stated for the record that within
9 the past week I received communication from Mr. Sanson
10 requesting that I call him.

11 Over the last past nine years -- and I related this
12 at the hearing and it's been quoted -- I've spoken with Mr.
13 Sanson on occasion, appeared on his internet program on one
14 occasion, and have chatted with him at various functions.
15 I've been told that from time to time he has written scathing
16 materials about colleagues. I even heard recently at that
17 time in May that he had declared war on the Family Court. And
18 I mentioned that to him in jest that the last time I saw him
19 -- and, again, this is dating back to my May statement --
20 although our communications are neither routine or common,
21 they have been cordial and never involved a pending matter
22 before me. Thus, I had no reason to believe that this request
23 to talk to me would be any different.

24 Our telephone conversation began with Mr. Sanson

1 telling me, as he had told me before, that he thought I should
2 be the presiding Judge. He's told me that a number of
3 different times. It's hard to believe within a matter of
4 twenty-four hours injustice -- injustice is rampant, it's
5 duplicitous. Then, without any prompting or specific
6 question, Mr. Sanson asked me -- not in answer to any question
7 -- he asked a question, why do you allow Mr. Willick to get
8 away with so much crap in Doug Ansell's case.

9 Immediately shocked beyond belief that a pending
10 case was even brought up by someone I trusted knew better, I
11 immediately told Mr. Sanson that I could not talk about the
12 case and I ended the call. For sake of completeness for the
13 record, Mr. Sanson's telephone records and my telephone
14 records will confirm the following in terms of text messages
15 and calls. On May 11th -- and these dates are important --
16 May 11th at eight twenty p.m. Mr. Tanson -- Mr. Sanson texted,
17 "Judge, I need to speak to you," closed quote.

18 On May 12th at six fifty-two a.m. I texted in
19 response, quote, "What do you need to talk about." That was
20 my question, "What do you need to talk about?," closed quote.
21 To which Mr. Sanson responded on May 12th at nine twenty-nine
22 a.m., quote, "Call me at your convenience or we can grab a cup
23 of tea," close quote. Thereafter, I called Mr. Sanson, again,
24 unsuspecting of what was going to be discussed.

1 On May 13th was the date of the telephone call.
2 Again, the call began with pleasantries, I think you should be
3 the presiding Judge. And then without any prompting, the
4 question was posed as to why I allow Mr. Willick to get away
5 with so much crap in Doug Ansell's case.

6 Immediately after the call ended, I texted Mr.
7 Sanson the following, quote, "Please do not ever talk to me
8 again about a pending case before me, I hold you in higher
9 esteem than that, I'm sorry to end the call so abruptly, My
10 integrity means too much to me than to be influenced by others
11 outside of the courtroom, and it shakes the very core of our
12 system when anyone communicates with a Judicial Officer in
13 this fashion, It simply cannot happen, I know that you know
14 that and I have always trusted your judgment in that regard,"
15 closed quote. Mr. Sanson's immediate text response reads,
16 quote, "You asked me a question, Because of our relationship I
17 gave you my on -- my honest answer so you can understand what
18 direction we are headed," closed quote.

19 Now, in his omnibus supplemental declaration, Mr.
20 Sanson alleges that on May 11th he was, quote, "Court
21 monitoring various Family Court courtrooms, including that of
22 Judge Duckworth." Again, that date becomes very important,
23 May 11th. When Mr. Sanson says that he was court monitoring,
24 what he means is he was calling and recruiting disgruntled

1 litigants without any regard for the truth. After all, why
2 let the truth get in the way of a good story.

3 True justice requires the participation of all
4 parties involved in litigation. It is easy to form opinions
5 when you just speak with one party. That's easy. Never
6 getting the other side of the story. As Mr. Sanson conceded
7 in this case, he doesn't check with the other party to
8 ascertain if there's another side to the story that has spoon-
9 fed him -- that has been spoon-fed to him by the disgruntled
10 litigant. He acknowledged he's never met Ms. Ansell. And
11 although he proclaims to have no ill will towards her, he
12 couldn't care less her views of the crap she perceives Mr.
13 Ansell and Mr. Jones have engaged --

14 MS. LEVY: Just for the record I'd --

15 THE COURT: -- in this case.

16 MS. LEVY: -- to object to this entire colloquy, which is
17 based on assumptions and is absolutely wrong. It's based on
18 --

19 THE COURT: Okay. Can --

20 MS. LEVY: -- evidence not presented.

21 THE COURT: Counsel, you can make your record later.

22 MS. LEVY: Lack of foundation.

23 THE COURT: Now I'm -- I'm reading, basically reciting
24 what Mr. Sanson --

1 MS. LEVY: No. You're interpreting --
2 THE COURT: -- stated.
3 MS. LEVY: -- that saying --
4 THE COURT: And he acknowledged --
5 MS. LEVY: -- he has not --
6 THE COURT: -- he acknowledged he's never met --
7 MS. LEVY: -- looked into the case, and --
8 UNIDENTIFIED SPEAKER: He --
9 MS. LEVY: -- that's not true.
10 THE COURT: Well, it's a sealed case and --
11 MS. LEVY: I --
12 THE COURT: -- there's a --
13 MS. LEVY: No.
14 THE COURT: -- Confidentiality --
15 MS. LEVY: No --
16 THE COURT: So are you saying --
17 MS. LEVY: -- in general --
18 THE COURT: -- he does have information --
19 MS. LEVY: No.
20 THE COURT: -- about the case, Counsel?
21 MS. LEVY: What I'm saying is in general, when he
22 publishes articles, he does looking into pleadings that are
23 filed if they are open, and he does look into it. It is not
24 true that he simply speaks to one party --

1 THE COURT: Well --

2 MS. LEVY: -- and then writes an article about it.

3 THE COURT: Does he --

4 MS. LEVY: That is absolutely not true.

5 THE COURT: -- is he aware that Mr. Ansell was the

6 prevailing party in the custody dispute? He asked for joint

7 legal and --

8 MS. LEVY: It's irrelevant. He didn't -- he doesn't know

9 anything about this case.

10 THE COURT: Well, did he look into that? Did he know

11 that of all the parties --

12 MS. LEVY: Of course --

13 THE COURT: -- who were aggrieved of probably what most

14 litigants would say was the most important issue, the most

15 significant issue in the case, that Plaintiff was the losing

16 party. She didn't want joint legal/joint physical custody.

17 That's what Mr. Ansell -- so did he look into that? Did --

18 no, he didn't. I don't --

19 MS. LEVY: That has nothing to do --

20 THE COURT: -- need an answer to that, Counsel.

21 MS. LEVY: -- with Mr. Willick, Your Honor.

22 THE COURT: So despite knowing the full facts of the

23 case, Mr. Declan -- Sanson declares that there's been an

24 injustice, that I've allowed crap.

1 To be clear, both parties clearly understand, given
2 the long history of this matter, that they have engaged in, to
3 borrow Mr. Sanson's term, crap, in that during this case. I
4 repeatedly have chastised both sides of engaging in a practice
5 of hyperbole and exaggeration throughout this case. And both
6 sides understand and clearly know that.

7 Getting back to Mr. Sanson's sworn affidavit. He
8 states under oath that during a break on the morning of
9 May 11th he spoke with me in my courtroom. He further states
10 that under oath that I'd asked him a question about how I was
11 doing. As if that is something that's significant to me that
12 I should care about what the perception is outside of the
13 courtroom.

14 I acknowledge that there was an exchange about this
15 war on Family Court. I don't recall anything else about the
16 conversation nor does my staff.

17 What's important here is the timing, that's what
18 critical here, the timing Mr. Sanson decs -- declaration and
19 the false narrative he attempts to perpetrate. He would like
20 me and anyone who reads this, his declaration, to believe that
21 I started, that I initiated the dialog with him on the morning
22 of May 11th, the same day that the text message confirmed that
23 he asked me to call him. He wants to create a false
24 perception that the ultimate telephone call was somehow

1 related to a question I posed on the same date as in his
2 initiating text message. In this way he could justify in his
3 mind that he was simply answering my question.

4 Mr. Sanson's entire factual premise is a false
5 narrative. In truth and fact, this entire narrative that his
6 statement was connected to a question I asked and that somehow
7 I initiated the entire conversation on May 11th is a factual
8 impossibility. I was not even in court on May 11th, 2017.

9 May 11th, if you look at your calendar, is a
10 Thursday. Thursdays are my chamber-calendar days. I never
11 enter the courtroom.

12 MS. LEVY: It was in chambers --

13 THE COURT: Thus, there was not an --

14 MS. LEVY: -- Your Honor.

15 THE COURT: -- initiating conversation on the date that
16 he initiated contact with me.

17 Now this is not a matter of, oops, I got the date
18 wrong. The entire narrative is premised on the fact that Mr.
19 Sanson's text message was in response to a question that I
20 opposed earlier the same day, and it didn't happen, that it
21 was part of an ongoing conversation that I would have had a
22 connection to or understood what was being asked. The reality
23 is that the way he has described it is a factual
24 impossibility. In fact, I had my staff check all the hearings

1 that took place on the Monday, Tuesday, and Wednesday
2 preceding the day in which Mr. Sanson claimed there was a
3 conversation. And although any conversation would be off the
4 record, look to see if Mr. Sanson was in the gallery at the
5 beginning or conclusion of any of those hearings. And there
6 was no indication. That's not something I verified myself.

7 Mr. Sanson alleges that the FBI is investigating
8 corruption in California's Family Course (sic). I'm not sure
9 what the point of that statement is or if he's attempting to
10 take credit for it, that this matter should be investigated.
11 We should be doing that here. The height of -- it is the
12 height of hypocrisy to decry corruption and then engage in the
13 very practice you claim to be attacking and shedding light on.
14 Communication with a Judicial Officer about a specific case
15 inclusive with veiled threats is corrupt. This is not about
16 some injustice that has been perpetrated against Mr. Ansell in
17 Department Q, as I'm sure it may -- Mr. Sanson may submit it.

18 When I asked Mr. Sanson today about what is this in
19 -- what is the crap, what is the injustice, he had nothing.
20 The argument's not even plausible, as I indicated before, when
21 Mr. Ansell, the aggrieved party where injustice has been
22 committed, is the prevailing party -- party on the most
23 significant issue in this case, unless, as I'm coming to
24 learn, the money's more important.

1 And although I do believe that Mr. Sanson should
2 appear for a deposition -- although I do believe that the
3 document -- I do also believe that the document request served
4 by Mr. Willick is over broad and should be narrowed. And I do
5 believe that Ms. Ansell is entitled to receive records to
6 confirm whether the communications are limited to what I have
7 described. I've stated on the record, I'm not ordering
8 anything today.

9 The suggestion that Mr. Sanson's out-of-court
10 communication was merely an innocuous statement or was not
11 significant enough to warrant a recusal is inaccurate and
12 completely understates the gravity of what we are dealing
13 with.

14 As I stated then in May and I reiterate now,
15 attorneys are frequently referred to as officers of the court.
16 As such, I believe you have a duty as officers of the court to
17 assist The Court to ensure the administration of justice
18 without side in -- without outside influence.

19 Any attempt to influence or sway This Court's
20 decisions outside the four walls of this courtroom should be
21 frightening to counsel and corrupts the administration of
22 justice. It is important that everyone here understands the
23 magnitude of what we're dealing with. This is more than just
24 this case or This Court. In twenty-six years of combined

1 practice and sitting on the bench, I've never been exposed to
2 anything like what's happened in this case.

3 This is about outside interference in the
4 administration of justice through intimidation, threats, and
5 improper influence. This is an attack on our system of
6 justice, justice in which an individual seeks to remove the
7 symbolic blindfold of Lady Justice. This matter should be
8 investigated.

9 MS. LEVY: We --

10 THE COURT: I've com --

11 MS. LEVY: -- we have --

12 THE COURT: -- contemplated --

13 MS. LEVY: -- continued (indiscernible) --

14 THE COURT: -- for sometime --

15 MS. LEVY: -- as to all of this, Your Honor.

16 THE COURT: -- recusing myself from this matter. I treat
17 very seriously my duty to sit. However, I must analyze
18 whether the events that have happened impact my ability to
19 maintain impartiality.

20 The reality is that early in this case Ms. Ansell
21 alleged that Mr. Ansell would win at all costs, that he would
22 try anything to influence This Court. When I hear that
23 testimony generally, and when I heard it from Ms. Ansell that
24 day, I scoffed. Not -- perhaps not openly, but when I hear

1 that it sounds so implausible that it was unbelievable. I
2 scoffed at the notion.

3 Interestingly, this all started after custody had
4 been resolved, the most important issue. And, again, I
5 reiterate, the issue I'm -- the -- an issue in which Mr.
6 Ansell was the prevailing party. Yet, there have been efforts
7 to influence me. Thus, any decision I make in any way that
8 favors Mr. Ansell is perceived by Ms. Ansell as being
9 influenced by something that has happened outside of this
10 courtroom. This perception is understandable given everything
11 that has happened, not just the facts I've referenced today.

12 Similarly, Mr. Ansell may have the perception that,
13 because of the open disgust and disdain that I've expressed
14 about these outside influences, that I'm overcompensating the
15 counter Ms. Ansell's perception. This is unfair to both
16 parties. I also face the reality that I now have become a
17 witness to events that have transpired outside of court in
18 light of Mr. Sanson's efforts to influence me. Because of
19 this conflict, I do find that it is appro -- it is appropriate
20 at this time that I recuse myself from this case.

21 To the extent it is possible and the only Orders I'm
22 making from this case today is unsealing this file so that it
23 is available because it's something that does need to be
24 looked at and looked into. To the extent it is possible, I

1 would recommend -- not that that has necessarily any sway --
2 the preference would be to have a Senior Judge try the issue
3 to avoid any further efforts to influence another Court.
4 That's subject to random re-assignment and whether the powers
5 that be can coordinate having it heard in that fashion.

6 I recognize there is a Motion to Continue that has
7 been filed that is not -- obviously I'm not hearing that
8 because I'm recusing myself from this matter at this time --
9 and so those dates must necessarily be moved anyway. I'm not
10 sure how that's going to impact it, how far out. But you'll
11 receive notice from whatever Court ultimately receives the
12 case.

13 Thank you for your attendance today.

14
15 (THE RECORDING ENDED AT 14:44:17.)

16 * * * * *

17 ATTEST: I do hereby certify that I have truly and
18 correctly transcribed the digital proceedings in the above-
entitled case to the best of my ability.

19
20 
21 _____
SHELLY AJOUB,
22 Transcriber II
23
24