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**IN THE SUPREME COURT OF NEVADA**

YOAV EGOSI,

Appellant,

vs.

PATRICIA EGOSI,

Respondent.

Case. No.: 76144

Dist. Ct.

Case. No.: D-16-540174-D

**APPELLANT'S APPENDIX**  
**VOLUME 9 of 10**

...

On Appeal from the Eighth Judicial District Court – Family Division

County of Clark, State of Nevada

Case No. D-16-540174-D

The Honorable Bryce C. Duckworth, District Court Judge

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1 MR. BLACKMON: -- I'm sorry. I -- I have to move to  
2 strike. The question was about the observations between  
3 Benjamin and Patricia

4 MR. GHIBAUDO: No.

5 MR. BLACKMON: And the --

6 MR. GHIBAUDO: I said in general.

7 MR. BLACKMON: -- answer was referring to questions  
8 that Benjamin has asked his father.

9 THE COURT: What's -- what's the evidentiary  
10 objection?

11 MR. BLACKMON: That it's non-responsive.

12 THE COURT: Overruled.

13 BY MR. GHIBAUDO:

14 Q Have you -- in the time that you've observed Ben,  
15 have you noticed him to be sickly or ill?

16 A No.

17 Q Is he healthy?

18 A He's healthy, yes.

19 Q Happy boy?

20 A Very much.

21 Q Okay. Have you had an opportunity to observe -- has  
22 -- has Ms. Egosi ever indicated that Ben was sick while you  
23 were in -- while you were supervising?

24 A Who -- who indicated? I didn't understand.

1 Q Patricia

2 A Yes. Oh, yes. She -- it -- it -- some -- it

3 happened a few times that she would say to me that the -- oh,

4 I think Ben is sick, he has a fever. And I would say really.

5 And I would like touch him and I would say I don't think he

6 has a fever because I -- I touch my grandchildren and I know

7 where -- where does it feel. So I would say to her bring a

8 thermometer and she would say no, I don't have a thermometer

9 but we can check it with a phone and with a phone I said to

10 her I don't think it's -- it's accurate with a phone, you

11 know. You should get a -- a ther -- a thermometer because it

12 happened a few times that she didn't have a thermometer and

13 she thinks he has fever.

14 Q And so the last time that happened for example, do

15 you remember when that was?

16 A When was that, the last time?

17 Q Uh-huh (affirmative).

18 A No.

19 Q Estimate.

20 A I -- I can only guess, but I'm not sure when -- when

21 was it exactly.

22 Q Was it a few months ago? Was it a few weeks ago?

23 A Maybe about a month ago.

24 Q And did -- at that point when you indicated that

1 maybe Ben wasn't -- didn't have a fever, did Patricia move on  
2 or let it go or did she then take any further action?

3 A No, she let it go.

4 Q She let it go. Okay. Do you recall Patricia ever  
5 telling Ben that he's stupid?

6 A Yes. Sometime when she does, it's -- she will ask  
7 him a question and the way she will ask him, Ben doesn't  
8 necessarily an -- will answer her. And then she would say I  
9 don't understand and your age you should have know the answer.  
10 Look at the -- the -- I forgot what's his name. And -- and  
11 boy, does he plays with him a lot, her -- her neighbor. Look  
12 at the -- oh, look at A.J. A.J.'s -- is -- is younger than  
13 you, a year younger than you and he knows the alphabet, he  
14 knows how to count, and you don't know anything. Your father  
15 probably doesn't teach you anything. That's --

16 Q The --

17 A -- I heard her saying.

18 Q When's the -- when is the -- how often does that  
19 occur?

20 A It happened a few time.

21 Q When was the last time it occurred, a few months  
22 ago?

23 A I would say maybe a little bit over a month ago,  
24 yeah.



1 Q Okay. Does Patricia ever have other people over at  
2 her house when she's with Ben?

3 A She does.

4 Q Do you know who these people are?

5 A Not -- not really, but she will say they are friends  
6 of her, but I don't know them if this is the question.

7 Q Do they interact with Ben at all?

8 A Yeah. They talk to Ben.

9 Q Is it appropriate, the conversations they have?  
10 Does it -- does it raise any concerns with you?

11 A Yes.

12 MR. BLACKMON: Objection. I -- I think that calls  
13 for basically like child psychology expert testimony.

14 THE COURT: This witness isn't an expert, so --

15 MR. BLACKMON: Yeah, I --

16 THE COURT: -- it would -- it's more of a  
17 foundational objection. So it's sustained.

18 MR. GHIBAUDO: That's all I have for this witness,  
19 Your Honor. I'll move on.

20 THE COURT: Cross examination?

21 MR. BLACKMON: Briefly.

22 CROSS EXAMINATION

23 BY MR. BLACKMON:

24 Q Ms. Newman, does -- you were hired by the Defendant

1 in this action, Mr. Egosi?

2 A Yes.

3 Q And that was through his prior contact with your  
4 daughter-in-law?

5 A Yes.

6 Q And can you just explain to me briefly the mechanics  
7 of how you were hired? Like --

8 A How --

9 Q -- was there was a contract?

10 A -- was I hired?

11 Q Anything like that?

12 A I think his mother approached the Jewish Association  
13 to ask about the person that can do that type of job. And she  
14 approached to my dau -- my daughter-in-law that she was a  
15 supervisor there and then my daughter-in-law told her I -- I  
16 think my mother-in-law will -- will take that job.

17 Q Okay. And you're paid for that job?

18 A Yes, I am.

19 Q How much are you paid?

20 A It's a -- a hundred and sixty dollar per week.

21 Q Okay. So you're the supervisor and you're paid for  
22 -- by the Defendant.

23 A Yes.

24 Q And you've been supervising visitations for

1 approximately one and a half years you said?

2 A Yes.

3 Q Now in the last year, can you tell me how much  
4 Benjamin has grown?

5 A I'm not sure I understand. Is grown --

6 Q Grown. Has he --

7 A Yeah.

8 Q -- grown taller? Have you --

9 MR. GHIBAUDO: Objection --

10 A Oh, yes.

11 MR. GHIBAUDO: -- Your Honor.

12 A Oh, yes, he did.

13 MR. BLACKMON: I'll wait.

14 THE COURT: What's the objection?

15 MR. GHIBAUDO: I just don't think there's any  
16 objection. Has -- has he measured -- has she measured him?  
17 Has -- has there been like measurements taken of where he  
18 started versus --

19 THE COURT: Well --

20 MR. GHIBAUDO: -- where he's at?

21 THE COURT: -- lay -- lay a foundation. I don't  
22 need much --

23 MR. BLACKMON: Okay.

24 THE COURT: -- but it's sustained.



1 BY MR. BLACKMON:

2 Q Do you remember approximately how big Benjamin was  
3 when you first started supervising his visitation with his  
4 mother?

5 A No, I don't remember.

6 Q You don't remember?

7 A No. I cannot say exactly.

8 Q Well, okay. But if you don't remember, you don't  
9 remember. So -- now do you ever do activities with Patricia  
10 and Ben outside of Patricia's apartment during these  
11 visitations?

12 A If I do activity?

13 Q Yeah, do you got -- do -- as a group --

14 A Yes.

15 Q -- do you go out of the apartment --

16 A No.

17 Q -- and do things?

18 A We go out, but I don't do anything. It's Patricia  
19 with Ben.

20 Q Has she -- has Patricia ever paid for you to  
21 participate in things like shark reef?

22 A Paid, you said? Paid?

23 Q Yes. So you -- you say you go out of the  
24 apartment --

1 A Right.

2 Q -- correct? And activities will be done.

3 A Right.

4 Q And activities will be done.

5 A Right.

6 Q You're saying you don't participate in the

7 activities.

8 A Right.

9 Q Right? But to supervise, you would have to go into

10 some of these places that --

11 A Yes.

12 Q -- they've been --

13 A I do.

14 Q -- to. So have they been to shark reef?

15 A Right.

16 Q Where else have you gone?

17 A To the indoor play, to the bouncing -- and what was

18 the last thing we saw? I forgot the name of it. Oh, the tree

19 where they have the -- the house tree. This was recently

20 yesterday we've been there.

21 Q Oh, can you just tell me a little bit more about

22 that? What's the house tree?

23 A The house tree is a -- a tiny little park there that

24 -- and -- and they have like -- it -- a tree house, that the

1 kids climb on.

2 Q Okay. And did you ever go to the shark reef  
3 aquarium?

4 A Yes, we did.

5 Q And did you go into the shark reef aquarium with  
6 them?

7 A Yes, I did.

8 Q Did you pay for your ticket?

9 A Oh, no, but Patricia pays.

10 Q Okay. So when you guys go and do activities and  
11 you're supervising --

12 A Patricia --

13 Q Patricia --

14 A -- pays.

15 Q -- pays for your --

16 A Right.

17 Q -- part of it.

18 A Correct.

19 Q Okay. Now when you receive your payment of a  
20 hundred and sixty dollars a week --

21 A Right.

22 Q What's the form of payment? Is it a check? Is  
23 it --

24 MR. GHIBAUDO: Objection --

1 Q -- cash?

2 MR. GHIBAUDO: -- Your Honor. I don't see the

3 relevance of this. She said she gets paid. I think that's --

4 THE COURT: Overruled. You may answer the question.

5 THE WITNESS: Answer the question?

6 THE COURT: Yes.

7 THE WITNESS: In the beginning there was time that

8 had been paid by check -- by transfer money or time that's

9 been paying -- get paid by check -- by cash.

10 BY MR. BLACKMON:

11 Q So money would be transferred from one account into

12 yours?

13 A Yes.

14 Q At times? At times?

15 A Yes, it happened. And -- and by cash.

16 Q No checks, ever?

17 A Not that I recall.

18 Q And what -- what bank do you bank with?

19 A Myself?

20 Q Yes.

21 A With Chase Bank.

22 Q Now you -- you testified earlier that Ben's

23 relationship with his mom is not good. There was no

24 elaboration there, so I'm just going to ask you if -- if you



1 can elaborate. Why in your opinion in your observations does  
2 Ben not have a good relationship with this mother?

3 MR. GHIBAUDO: Objection, Your Honor. I think it  
4 was asked and answered. I did ask her why he said that and I  
5 believe her testimony was that she essentially --

6 THE COURT: Well, I don't want the testimony  
7 restated, so --

8 MR. BLACKMON: That was --

9 THE COURT: -- overruled. I'll -- I -- I don't have  
10 a problem with --

11 MR. BLACKMON: That was at -- that was --

12 THE COURT: -- the question being asked.

13 MR. BLACKMON: -- that was following the question  
14 where Ben gets very upset.

15 THE COURT: Right.

16 MR. BLACKMON: So this is --

17 THE COURT: The objection's overruled. You may  
18 answer the question.

19 THE WITNESS: Okay. So the question was again, sir?

20 BY MR. BLACKMON:

21 Q Why would you say that Ben's relationship with his  
22 mother is not good?

23 A Why -- why do I say it's not good?

24 MR. BLACKMON: Actually, Your Honor, I'm sorry. I

1 withdraw that question. I'm going to ask a different one.

2 Q Can you tell me what you define as a good  
3 relationship between a parent and a child?

4 A Okay. A good relationship to me would -- between a  
5 mother and -- and a child, is that what -- the question, sir?

6 Q Yes, ma'am.

7 A Would be that the mother spent time one-to-one with  
8 the child, sit down with him and read a book. I've never seen  
9 her reading a book to him. I've never seen her working with  
10 him with the book works. I've never seen her really talking  
11 with him. It's either it's on the -- on the -- on her phone  
12 -- it's like half of the visitation is on her phone or either  
13 on the computer, because if we go on the -- on the Uber,  
14 whatever we go, he's on the phone. Coming back, he's on the  
15 phone. She's preparing dinner, he's on the phone. He --  
16 she's taking him to the bath, he's on the phone. So to me, I  
17 don't think it's right.

18 Q Okay.

19 MR. GHIBAUDO: And Your Honor, I have no objection,  
20 but I just want to clarify. She says she's -- she sounds like  
21 she's saying he's or is. I -- is -- are you referring to  
22 Patricia --

23 THE WITNESS: I'm sorry.

24 MR. GHIBAUDO: -- who is on the phone? Okay.

1 THE WITNESS: Yes.  
2 MR. BLACKMON: What?  
3 MR. GHIBAUDO: Just to be clear.  
4 MR. BLACKMON: I --  
5 MR. GHIBAUDO: Did you get --  
6 MR. BLACKMON: Nevermind. I --  
7 MR. GHIBAUDO: Oh, I have this --  
8 MR. BLACKMON: -- understood.  
9 Q So you said one thing about a good relationship  
10 would be the mother having one-on-one time in a supervised  
11 situation when you're present at all times. Is it possible  
12 for her to have one-on-one time?  
13 A To -- and can you put the question in a different  
14 way, sir?  
15 Q Yeah, I can try. Patricia's visitation with  
16 Benjamin --  
17 A Okay.  
18 Q -- is supervised by you.  
19 A Okay.  
20 Q So you're always present --  
21 A Right.  
22 Q -- when she's with him. With that said, is it  
23 possible for Patricia to spend alone time, one-on-one time,  
24 with her son?



1       A     I don't know, sir.

2       Q     Okay. Are you -- have you ever been on your cell  
3 phone during these visitations?

4       A     Yes, I have.

5       Q     Have they ever -- has Patricia and Benjamin ever  
6 gone swimming at the pool at the apartment complex where she  
7 lives and do you spend your time outside observing?

8       A     Yes, I do. I sit in the office and -- because there  
9 is no place to sit in the pool there with the shade, sir. And  
10 there was no way I would sit in the -- in the sun for a couple  
11 hours --

12      Q     Okay.

13      A     -- from 4:00 o'clock to 6:00 o'clock.

14      Q     So while --

15      A     So what I do is --

16      Q     -- they're swimming -- it's okay. You can answer.  
17 You can answer. It's okay. But so when they're swimming,  
18 you're inside --

19      A     I am --

20      Q     -- of a building.

21      A     -- inside the office and I can see exactly what  
22 they're doing. I'm in front of the gate and I'm in front of  
23 the swimming pool.

24      Q     Okay. And about how far aware are they from you?



1 A I don't know. And -- and I'm -- I can only say --  
2 Q And estimation --  
3 A -- meters --  
4 Q -- an estimation is --  
5 A -- you know.  
6 Q Meters is fine.  
7 A Yeah? About --  
8 Q Like how much is --  
9 A I would say like five meters.  
10 Q Five meters?  
11 A Yeah.  
12 Q How old are you?  
13 A And from the door to the gate, yeah.  
14 Q How old are you?  
15 A I'm 70, just --  
16 Q 70?  
17 A -- over 70.  
18 Q How fast do you think that you can run five meters?  
19 MR. GHIBAUDO: Objection, Your Honor.  
20 A I don't -- I don't understand.  
21 MR. GHIBAUDO: I don't know the relevance to this.  
22 THE WITNESS: I've never tried. I don't know.  
23 MR. GHIBAUDO: There's no way that's --  
24 MR. BLACKMON: I'm -- I mean, if -- if --

1 THE WITNESS: I didn't try to do that.

2 MR. BLACKMON: If -- if Benjamin's visitation with

3 his mother is being supervised because of safety concerns with

4 his mother, I think it's important to establish this --

5 THE COURT: I -- I would not expect this Witness to

6 tell me how fast she can run the 4K or any race.

7 MR. BLACKMON: I only ask 5K, like five -- five --

8 THE COURT: 5K.

9 MR. BLACKMON: -- meters. I'm sorry, five meters.

10 Five meters.

11 BY MR. BLACKMON:

12 Q How long --

13 A Yeah.

14 Q -- would it take you to --

15 MR. GHIBAUDO: Well, no.

16 Q -- get to that?

17 MR. GHIBAUDO: Wait. Stop. There's no

18 foundation --

19 THE WITNESS: I don't know.

20 MR. GHIBAUDO: -- even laid --

21 THE COURT: Yeah, I --

22 MR. GHIBAUDO: -- that this is even an issue. She's

23 never --

24 THE COURT: It -- it --

1 MR. GHIBAUDO: -- had to --  
2 THE COURT: Listen.  
3 MR. GHIBAUDO: -- do that.  
4 THE COURT: Time -- time is too precious. I'm --  
5 MR. BLACKMON: Okay.  
6 THE COURT: -- sustaining the objection.  
7 BY MR. BLACKMON:  
8 Q Are you being paid to be here today?  
9 A No.  
10 Q So earlier you testified that when Patricia had  
11 mentioned Benjamin may appear ill to her --  
12 A Right.  
13 Q -- and that she -- are you saying that she would  
14 touch him --  
15 A Right.  
16 Q -- and think that he was warm --  
17 A According to --  
18 Q -- or feverish --  
19 A -- what she --  
20 Q -- or cold?  
21 A -- would say, she would go like that (indicating),  
22 oh, he has a fever. Yeah. And I would go okay, let me --  
23 Q And --  
24 A -- touch him.

1 Q -- touch him and you would do the same thing.  
2 A I would -- yeah, I would touch him and I would say I  
3 don't think he has a fever.  
4 Q Okay. So difference of opinion?  
5 A I'm sorry?  
6 Q There's a difference of opinion. She touches him  
7 and she thinks that --  
8 A Yeah.  
9 Q -- he feels warm. You touch him and you don't think  
10 that he feels warm?  
11 A The reason I think that I know more than her is  
12 because I had a problem with my children with very high fever  
13 that they went to. So I've learned and every time when the  
14 nurse used to tell me they don't have fever, I would say  
15 exactly very much how much fever they have, because --  
16 Q Oh, okay.  
17 A -- they were running very, very -- like hundred and  
18 six. So --  
19 Q Have you been --  
20 A -- that's why I knew --  
21 Q I -- I --  
22 A -- about fever.  
23 Q -- understand that and I understand that you've had  
24 some trouble with -- with your own children, but had -- so



1 have you been certified in any way to be able to use your  
2 own --  
3 A No.  
4 Q -- palliations to --  
5 A No.  
6 Q -- detect --  
7 A But --  
8 Q -- a fever?  
9 A -- it's just the way I felt, you know --  
10 Q Okay.  
11 A -- to -- to compare it to --  
12 Q Okay.  
13 A But I know when a child has a fever and when a child  
14 doesn't have fever, I --  
15 Q Okay.  
16 A -- can tell that for sure.  
17 Q For sure?  
18 A Yes, sir.  
19 Q How long are the visits again?  
20 A How long is the visit? For four hours.  
21 Q And during a four hour visit, you described Patricia  
22 as making dinner, preparing a bath --  
23 A Right.  
24 Q -- brushing teeth --

1 A Right.

2 Q -- swimming sometimes for two hours.

3 A Right.

4 Q So some of the factors that you told me about that  
5 would make a good relationship between a mother and a son was,  
6 you know, read a book together, be one-on-one. You said  
7 you've never seen her talking with him. In a four hour period  
8 of time, how much could really be done? I mean, does she have  
9 time to fulfill all of those obligations that you --

10 MR. GHIBAUDO: Objection --

11 Q -- believe --

12 MR. GHIBAUDO: -- Your Honor. He's calling for  
13 speculation.

14 THE COURT: Overruled.

15 BY MR. BLACKMON:

16 Q So during that four hour time --

17 A Yes.

18 Q -- do you think that she had -- do you think that  
19 Patricia has sufficient time to fulfill your definition of a  
20 good mother/son relationship?

21 A Absolutely.

22 Q So it's your testimony that a mother is -- only  
23 needs four hours three times a week to have a good  
24 relationship with their son.

1           A     Oh, no. The -- I'm -- I'm not sure I understand  
2 that. Again --

3           MR. GHIBAUDO: Your --

4           A     -- that --

5           MR. GHIBAUDO: Your Honor, at this point, objection.

6           THE WITNESS: I --

7           MR. GHIBAUDO: Asked and answered. She said  
8 absolutely.

9           MR. BLACKMON: Okay.

10          THE COURT: Okay.

11          MR. BLACKMON: I'm good. Thank you.

12          THE COURT: All right.

13          MR. BLACKMON: Thank you.

14          THE COURT: Any redirect?

15          MR. GHIBAUDO: Very quickly, Your Honor.

16                         REDIRECT EXAMINATION

17 BY MR. GHIBAUDO:

18          Q     You indicated that Patricia does -- doesn't have any  
19 one-on-one time with -- with Ben, correct?

20          A     Correct.

21          Q     When you're supervising, do you interfere at all  
22 with her ability to have one-on-one time with Ben?

23          A     No.

24          Q     What do you typically do when you're supervising?

1 Do you sit down and just --  
2 A I just --  
3 Q -- observe?  
4 A -- sit there. I use my phone and I just sit there  
5 on the -- on the sofa.  
6 Q You said that you -- she cooks for Ben?  
7 A I'm sorry?  
8 Q Does Patricia cook for Ben?  
9 A Kill -- kill --  
10 Q Cook, cook.  
11 A Cook --  
12 Q Cook food.  
13 A -- for Ben. Yes --  
14 Q Okay.  
15 A -- she does.  
16 Q How long does that typically take?  
17 A Oh, maybe around a 20 minute, half -- half an hour,  
18 I would say.  
19 Q And the remainder of the time -- or how much would  
20 -- how long do you think on an average do you estimate that  
21 she spends on her phone or on her -- on her computer and the  
22 time she hasn't been?  
23 A Well, it -- the way I see it, half of the time goes  
24 on the -- on -- on the computer and -- and the phone with --



1 with Ben. Is this is the question you're --  
2 Q Yeah.  
3 A -- asking?  
4 Q Yeah, that's --  
5 A Yeah.  
6 Q That's all -- what I have.  
7 MR. GHIBAUDO: That's all I have, Your Honor.  
8 THE COURT: All right. You may step down. Thank  
9 you for being here.  
10 THE WITNESS: To leave, sir?  
11 THE COURT: Yes. Yes.  
12 (WITNESS EXCUSED)  
13 (COUNSEL CONFER BRIEFLY)  
14 THE COURT: Did you -- did you want to break at this  
15 point?  
16 MR. BLACKMON: I think that -- yeah, it's --  
17 MR. GHIBAUDO: It's 12:00, Your Honor.  
18 THE COURT: Yeah, we're -- we're close.  
19 MR. BLACKMON: You -- we'll make -- we would like to  
20 make it a short break, not --  
21 THE COURT: You tell me.  
22 MR. BLACKMON: -- a 10 minute break. 30 minutes?  
23 Is 30 minutes okay?  
24 THE COURT: Well, do you want to start back up at

1 12:30?

2 MR. GHIBAUDO: That's fine, Your Honor.

3 (COUNSEL CONFER BRIEFLY)

4 MR. BLACKMON: I like that now, because we can just  
5 go get a snack at this little -- the -- the vista bar. I  
6 can't remember what this --

7 THE COURT: So at --

8 MR. BLACKMON: -- this --

9 THE COURT: -- 12:30, that means -- and when we  
10 resume it's two and a half hours. Plaintiff effectively is at  
11 an hour and a half. Defendant's at just over an hour. So  
12 that means the Plaintiff would have one hour remaining.  
13 Defendant would have an hour and a half.

14 MR. GHIBAUDO: I can be done with my case in an hour  
15 and a half.

16 THE COURT: Okay. All right. And you're -- you're  
17 free to leave. This is --

18 MR. GHIBAUDO: Thank you.

19 THE COURT: It'll be secure here, so we'll lock up.  
20 So anything you want to leave here, you're -- you're fine to  
21 leave that.

22 MR. OLIVER: Are you anticipating us doing closing  
23 statements or are we going to be submitting those in written  
24 form, Your Honor?

1 THE COURT: Well, it just depends on how much time.  
2 I mean, if you -- you're welcome. If -- if there's time  
3 available, you can use that for closing. It -- it's up to  
4 you. If you -- if you want to submit written closings --

5 MR. GHIBAUDO: I'd rather have the decision today if  
6 it's at all possible or not.

7 THE COURT: Well, and -- and I'm not sure if that's  
8 possible. And again, it just -- it just depends on the time.

9 MR. GHIBAUDO: All right. Well, I'll try to move  
10 quickly.

11 THE COURT: So okay?

12 MR. GHIBAUDO: Will do so.

13 THE COURT: All right. Thank you.

14 (COURT RECESSED AT 11:55 AND RESUMED AT 12:33)

15

16 \* \* \* \* \*

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

20

21

*Adrian Medrano*

22

23

Adrian N. Medrano

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1 TRANS

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COPY

CLERK OF COURT

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5 EIGHTH JUDICIAL DISTRICT COURT  
6 FAMILY DIVISION  
7 CLARK COUNTY, NEVADA  
8

9 PATRICIA EGOSI, )

10 Plaintiff, )

11 vs. )

12 YOAV EGOSI, )

13 Defendant. )

CASE NO. D-16-540174-D

DEPT. Q

VOL. II

14  
15 BEFORE THE HONORABLE BRYCE C. DUCKWORTH  
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: ALL PENDING MOTIONS

18 FRIDAY, AUGUST 31, 2018  
19  
20  
21  
22  
23  
24



1 APPEARANCES:

2       The Plaintiff:                   PATRICIA EGOSI  
3       For the Plaintiff:           JOHN BLACKMON, ESQ.  
4                                       STEPHEN OLIVER, ESQ.  
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      The Defendant:               YOAV EGOSI  
      For the Defendant:       ALEX GHIBAUDO, ESQ.  
                                  703 S. 8th St.  
                                  Las Vegas, Nevada 89101  
                                  (702) 924-6553

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I N D E X O F W I T N E S S E S

| <u>PLAINTIFF'S</u><br><u>WITNESSES:</u> | <u>DIRECT</u> | <u>CROSS</u> | <u>REDIRECT</u> | <u>RECROSS</u> |
|---|---------------|--------------|-----------------|----------------|
|---|---------------|--------------|-----------------|----------------|

|                  |     |     |     |    |
|------------------|-----|-----|-----|----|
| LIZON BLOCK-LEVY | 207 | 214 | --  | -- |
| PATRICIA EGOSI   | 264 | 280 | 289 | -- |
| BRIAN LORENZ     | 290 | 298 | --  | -- |

DEFENDANT'S  
WITNESSES:

|                      |     |     |     |     |
|----------------------|-----|-----|-----|-----|
| YOAV EGOSI           | 26  | 68  | 129 | 138 |
| VIKTORIN NEWMAN      | 149 | 160 | 177 | --  |
| ILONA KRITZLER       | 186 | 193 | --  | --  |
| YARIV EGOSI (Video)  | 223 | 230 | 245 | --  |
| AYEAET EGOSI (Video) | 253 | --  | --  | --  |

\* \* \* \* \*

1 THE CLERK: We're back on the record.  
2 THE COURT: All right. We are back on the record in  
3 the Egosi matter. We'll resume I -- I believe with  
4 Defendant's next witness.  
5 MR. GHIBAUDO: Yes, Your Honor. I'm going to --  
6 MR. BLACKMON: Can we just let the Court know about  
7 the administrative issue real quick?  
8 MR. GHIBAUDO: I'm going to have one witness that's  
9 going to go now, a live witness, and then John asked that he  
10 have one of his witnesses go right after and I'm going to  
11 resume mine, because his witness has to go early.  
12 THE COURT: Okay. Not a problem.  
13 MR. BLACKMON: Okay.  
14 THE COURT: I appreciate that.  
15 MR. OLIVER: And -- and, Your Honor, Patricia is  
16 getting a little bit cold. I may take off my jacket and offer  
17 it to her.  
18 THE COURT: Not a problem.  
19 MR. OLIVER: And I just want to make sure --  
20 THE COURT: I know it's a --  
21 MR. OLIVER: -- you were --  
22 THE COURT: -- it's a cold courtroom.  
23 MR. OLIVER: I just want to make sure everyone was  
24 aware and there was nothing --

1 THE COURT: Okay.

2 MR. OLIVER: -- can be told about that.

3 MR. BLACKMON: I'd -- I'd be cool if it was cooler,

4 but --

5 THE COURT: We don't want anyone falling asleep.

6 MR. BLACKMON: No. No. No. No.

7 MR. OLIVER: Thank you, Your Honor.

8 THE COURT: So keep it cool. All right. So your

9 next witness?

10 MR. GHIBAUDO: Ilona Kritzler, Your Honor.

11 (WITNESS SUMMONED)

12 THE MARSHAL: Stay standing and raise your right

13 hand.

14 THE CLERK: You do solemnly swear the testimony

15 you're about to give in this action shall be the truth, the

16 whole truth, and nothing but the truth, so help you God?

17 MS. KRITZLER: I do.

18 THE COURT: You may be seated. Counsel, you may

19 proceed.

20 ILONA KRITZLER

21 called as a witness on behalf of the Defendant, having been

22 first duly sworn, testified upon her oath as follows on:

23 DIRECT EXAMINATION

24 BY MR. GHIBAUDO:



1 Q Can you state your name for the record?  
2 A Yes. My legal name is Ilona, I-l-o-n-a, Kritzler,  
3 K-r-i-t-z-l-e-r.  
4 Q Okay. And where are you employed?  
5 A Congregation Ner Tamid.  
6 Q And is that Kantor Elementary School?  
7 A Yes.  
8 Q And what is -- what do you do for school?  
9 A I am the director of education. I oversee the  
10 preschool, the religious school, Hebrew school, and high  
11 school.  
12 Q And how long have you done that for?  
13 A I've been there 11 years.  
14 Q How long have you've known Joe?  
15 A Three years.  
16 Q And how do you know him?  
17 A As a parent of one of our preschool students.  
18 Q What -- what student?  
19 A Benjamin.  
20 Q And that's Joe's son?  
21 A Yes.  
22 Q How long has Ben been a student?  
23 A Three years.  
24 Q Three years.

1           A     This is his third year.

2           Q     Okay. In -- in the time that Ben's been a student  
3 there, have you had an opportunity to interact with Joe in his  
4 -- has he -- has he -- was involved with the school and has he  
5 dropped off Ben and picked him up?

6           A     Yes.

7           Q     How often would you estimate that you had been able  
8 to -- to see -- personally observe Ben with -- or Joe with Ben  
9 and Joe involved in the school?

10          A     Any -- anywhere I would say from a few minutes to a  
11 longer period of time, maybe a half hour to 45 minutes.

12          Q     And -- and how often, daily or --

13          A     I -- I see both of them daily, Ben and Joe. And  
14 often on Friday evenings at Shabbat services.

15          Q     Okay. And how is Ben doing in school?

16          A     He's doing really well.

17          Q     And can you elaborate a little bit?

18          A     Sure. Sure. He is such a happy boy. He comes in  
19 every day wanting to show us something from his personal life  
20 whether it's a toy or a picture or tell us a story. He has  
21 friends in the classroom. He comes in, he engages right  
22 away. He has relationships with all of the teachers. It's  
23 not a very large school, about 70 children, a staff of 11, not  
24 including myself. And we all know and love Ben. He loves to

1 share stories of things that he's done or he's going to do or  
2 where he's going on the weekend. He's just a -- a happy  
3 child.

4 Q How is he doing? Can you describe first the -- what  
5 the curriculum is like with the school?

6 A Sure. We're a play based curriculum. Children  
7 learn through playing through doing. So teachers definitely  
8 will have specific things out if they feel the children need  
9 help to grow in certain hours, but the -- the whole idea is to  
10 observe the child, see where they are. There are so many  
11 different aspects of play that lead to reading. So that's  
12 what we're observing to make sure that the children are going  
13 on the right path, but also to have a really good time  
14 experiment hands on, to get dirty, to learn through doing.

15 Q And do parents -- are to -- parents typically  
16 involved in their curriculum or activities at school?

17 A No, you know, I -- the -- they're -- they're more  
18 than welcome to. We have an open door policy. Parents are  
19 always welcome to come observe their children, be part of the  
20 classroom, but if you are a parent of a young child, you know  
21 that's -- usually that's when Murphy's Law steps in, either  
22 you'll see your kid doing something he or she shouldn't be  
23 doing or -- or vice versa and your heart's bating fast or they  
24 -- they just -- or the kid will fall apart when they see their



1 parent walk in when they've been having a great day. So --  
2 and I think they trust us enough to let us do our -- our job  
3 knowing that their children are well taken care of so they  
4 don't have that need to constantly check in.

5 Q So in your 11 -- 11 years you had an opportunity to  
6 observe other parents and their investigation with their  
7 children and how --

8 A Many.

9 Q -- their -- their children are either thriving or  
10 hurt by their parents' involvement.

11 A Uh-huh (affirmative).

12 Q And you've had an -- an opportunity to observe Ben  
13 and Joe in that capacity, right?

14 A Uh-huh (affirmative).

15 Q How would you say that Joe's involvement with his  
16 child's education?

17 A Joe is an amazing parent. He's so involved. He --  
18 you know, whenever there's one parent involved at -- you know,  
19 you -- you do spend more attention to their family because you  
20 want to make sure that they feel just as engaged in our  
21 program as -- as everybody else.

22 So Joe from day one had made sure that Ben had  
23 everything he needed to be ready for school, make sure that  
24 his diet was correct, that we were helping follow the -- the



1 healthy diet that Ben lives with. Joe doesn't miss a thing.  
2 Every single program, every flyer I sent, and believe me,  
3 there's plenty that I sent home inviting families to come  
4 participate, Joe and Ben are at every single one, that he --  
5 Joe is to make sure that Ben is involved, that he's made  
6 friends, that there's play dates, that relationships are  
7 developing. He's really a -- a wonderful dad.

8 Q Does he specifically inquire with the staff or with  
9 you and follow -- track Ben's development and his involvement  
10 and how he's doing?

11 A Yes. Yes. He is -- he's often asked questions  
12 about Ben. And, listen, Ben was -- started as a two-year-old  
13 and then a three-year-old. And kids, you know, will have a --  
14 a rough day here and there. And we share with parents, you  
15 know, it's like, oh, today, you know, he was more sad today.  
16 I'll use that as an example. And we'll talk about it and then  
17 the next day of course Joe asked how was today. Was today  
18 better. Yes, it was much better because that's how toddlers  
19 and children are.

20 We've never had major concerns where we've had to  
21 call and setup a specific meeting with Joe about Ben.  
22 Everything we've seen is normal --

23 Q Is --

24 A -- development.

1 Q Is Joe in your -- based on your observations, is Joe  
2 the parent and the person that actually drops Ben off at  
3 school and picks him up?

4 A Yes, I've never seen anybody but Joe drop and pick  
5 him up.

6 Q And is this -- and to your knowledge, has his mother  
7 ever called the school, ever been there, ever been involved?

8 A No, she hasn't. And -- and I wish -- we -- you  
9 know, I -- I wish I had met Ben's mom. But no, no  
10 involvement, not a phone call. Nothing.

11 Q In your experience in 11 years as an educator, when  
12 children have this level of involvement with a parent, do they  
13 usually do better than other children in their education and  
14 their development?

15 A You -- I'm -- I'm sorry, you mean when a parent is  
16 this involved?

17 Q Yes. Or is that specific to --

18 A I think --

19 Q -- each kid?

20 A You know, I -- it's very specific to the child, but  
21 what -- what I -- I can say is if there was a child who was  
22 going to have difficulty later on learning or in education  
23 knowing that they have a parent that they can go talk to that  
24 will help them through the rough times is -- is ultimately

1 what I would want to see. Preschool is -- is one very  
2 important piece of their lives, but children need to know that  
3 they have a parent to go to no matter what's going on.

4 MR. GHIBAUDO: I have nothing further for this  
5 witness, Your Honor.

6 THE COURT: All right. Cross examination.

7 CROSS EXAMINATION

8 BY MR. OLIVER:

9 Q Ms. Kritzler, did I say that correct?

10 A Yes, you did.

11 Q Okay. Good. Thank you. Are you aware of the  
12 nature of this case?

13 A A little.

14 Q Have you heard about the high level of conflict in  
15 this case?

16 A No.

17 Q AS -- you -- you indicated that you were the  
18 director of education. As part of that, do you keep and look  
19 at the -- the records for the children?

20 A It's the records that we keep. So if there was  
21 something that I was unaware of, there would be no way that I  
22 would know.

23 Q I guess I'm looking at do you keep -- do you keep --  
24 maintain forms such as emergency contact forms?



1           A     Yes.

2           Q     Things like that?  Have -- are you conversant with

3 Ben's kind -- the -- his file and the contents of information

4 that are contained there?

5           A     Yes.

6           Q     Have you seen the emergency contact information for

7 Ben?

8           A     Yes, I have, but only glanced.

9           Q     Okay.

10          A     If you're asking for something very specific, I --

11          Q     I'm just wondering if --

12          A     -- don't think I can answer.

13          Q     -- you have ever noted Ms. Egosi's name on any of

14 the emergency contact information.

15          A     I couldn't tell you right now.

16          Q     Okay.  In terms of you're saying that -- that

17 Benjamin is doing extraordinarily well, would you say he's

18 been very well integrated into the community?

19          A     Yes.

20          Q     What would you say -- how many other Jewish schools

21 are there in the Las Vegas Valley?

22          A     Oh, that's such a good question.  As far as

23 preschool goes, I -- I would say four or five.

24          Q     What about kind of -- go -- moving up the ranks in



1 terms of elementary schools, middle schools --

2 A As far as Jewish schools go?

3 Q Yes.

4 A There is two or three Orthodox day schools. And

5 there's Adelson day school.

6 Q Do you believe that --

7 A I think that's it.

8 Q -- being -- it's possible to maintain a Jewish

9 heritage here in Las Vegas? Is that part of the goal of

10 the --

11 MR. GHIBAUDO: Objection --

12 Q -- school?

13 MR. GHIBAUDO: -- Your Honor. First of all, I don't

14 think she's qualified to make that. Determination -- and nor

15 has there been an adequate foundation laid that would suggest

16 that she even knows what he's talking about or can even make

17 -- renders that --

18 THE COURT: Well, if you'll lay a foundation.

19 MR. OLIVER: Okay.

20 THE COURT: That's all.

21 BY MR. OLIVER:

22 Q And how long have you been in the -- in the Las

23 Vegas community?

24 A I've been here 11 years.

1 Q Okay. And as a -- as the director of education, is  
2 part of -- who -- is part of your role to foster the Jewish  
3 traditions in the school?

4 A Yes.

5 Q And do you coordinate with other schools in the Las  
6 Vegas Valley and other churches and synagogues to -- for the  
7 vatical?

8 A No.

9 Q Okay. Would you say that your -- the children in  
10 your school are able to maintain the Jewish identity?

11 A Yes.

12 Q Do they do that -- do you -- is their curriculum  
13 designed to help with that?

14 A Yes.

15 Q Okay. And then you -- you had mentioned that there  
16 was schools going up -- up and above -- I'm sorry, up into  
17 elementary and middle school and high school. Are those same  
18 types of traditions taught at each of those levels?

19 MR. GHIBAUDO: Objection, Your Honor. She's not  
20 qualified even to -- I -- there's no foundation as to why she  
21 would be qualified even to make --

22 THE COURT: Well, if the Witness knows.

23 MR. OLIVER: Respectfully, Your Honor, she's been --  
24 I was going to say she's been doing this for 11 years. I

1 would assume she's seen kids move up the ranks and would --

2 THE COURT: The -- the objection's --

3 MR. OLIVER: -- make --

4 THE COURT: -- overruled to the extent the Witness  
5 has that knowledge.

6 THE WITNESS: The -- the day schools, Judaism,  
7 there's dif -- different denominations of Judaism as I would  
8 assume in other religions. So the Orthodox are very  
9 traditional is the word we use where, yes, it's always 24/7.  
10 We are reformed. So in between Orthodox a reform is  
11 conservative. We are reformed. So the reform movement  
12 teaches Judaism. What helps make us the most comfortable to  
13 practice Judaism. So men don't necessarily have to wear skull  
14 caps all the time and before Judaism.

15 BY MR. OLIVER:

16 Q Okay. Thank you. In terms of -- in terms of the  
17 Jewish --

18 A The schools.

19 Q -- traditions, we -- we've --

20 A Yeah.

21 Q -- heard testimony previously and that it is  
22 important in the Jewish tradition for mothers to be involved  
23 in the religious upbringing as well as the educational  
24 upbringing in school, is that correct?



1 A Mother and father in --  
2 Q Yes.  
3 A -- reformed Judaism.  
4 Q Would you -- would you --  
5 A It's also --  
6 Q And --  
7 A -- paternal.  
8 Q And you had mentioned that you had -- you had not  
9 seen Patricia. Would you welcome her participation in Ben's  
10 education?  
11 A Yes.  
12 Q Would you like to see her present in -- in his  
13 education?  
14 A Yes.  
15 Q Just a -- a quick kind of bad question and if you're  
16 not -- if you're not sure about it, then you -- please let us  
17 know. Is -- the -- you mentioned going back briefly there's  
18 the reform movement.  
19 A Uh-huh (affirmative).  
20 Q Is that the -- is that similar to like a  
21 reformationist type movement?  
22 A No.  
23 Q What's the -- can you explain the --  
24 A No.



1 Q -- difference, please?

2 A Yes, so reform came about in the 1800s and it was  
3 where Hebrew wasn't pushed as much, those kinds of things,  
4 getting rid of more of the -- forgiving more of the more  
5 stringent traditions to more Americanize the jews in this  
6 country. So and that's -- that's where we're at. So that's  
7 -- we are -- we practice reform Judaism. But yeah, it's not  
8 reformation.

9 And -- and to answer your question about the  
10 schools, the schools are -- the day schools are Orthodox or  
11 more conservation. I don't believe there is a reform day  
12 school in --

13 Q Okay.

14 A -- town.

15 Q Thank you. Thank you.

16 MR. BLACKMON: Can I --

17 A Sure.

18 MR. BLACKMON: I just want to ask a question.

19 BY MR. BLACKMON:

20 Q When you -- when you referred to the reformationist  
21 movement modernizing the religion for the United States, is  
22 that kind of what you said? What did you say about that?

23 A No. No. No. It's the reform movement.

24 Q The reform one.

1       A     Yeah, it actually started in Europe, but thinking  
2 about people assimilating a little bit more. The -- the  
3 Orthodox of any religion are --

4       Q     They stick --

5       A     -- pretty --

6       Q     -- to the law.

7       A     -- secluded, yeah. And this was to --

8       Q     So does the --

9       A     -- loosen it up a little

10      Q     -- reform movement, what parts -- it -- I guess I'm  
11 just trying to find out, like is it parts of the Mosaic laws  
12 that are being --

13           MR. GHIBAUDO: Your Honor --

14      Q     -- modernized?

15           MR. GHIBAUDO: -- I'm going to object to this line  
16 of questioning. I -- I don't get -- I don't know the  
17 relevance and we're getting into some weird philosophy of  
18 religion that I don't know that it's -- anybody here --

19           MR. BLACKMON: I don't think it's weird --

20           MR. GHIBAUDO: -- is qualified --

21           MR. BLACKMON: -- philosophy --

22           THE COURT: Well --

23           MR. BLACKMON: -- on religion.

24           MR. GHIBAUDO: -- is qualified --

1 THE COURT: Listen.

2 MR. GHIBAUDO: -- to testify on it.

3 THE COURT: I -- well, I -- and I don't know how  
4 much I need of that. And I -- I don't want a lot of time  
5 spent in this regard, but that door certainly was open in the  
6 Defendant's testimony, so I'm going to allow some latitude.  
7 So the objection's overruled.

8 BY MR. BLACKMON:

9 Q Okay. I just want to know what -- is is the Mosaic  
10 laws that have been modernized in the reform --

11 A No.

12 Q -- movement?

13 A No. We --

14 Q Okay.

15 A -- still --

16 Q So what --

17 A -- believe in the Mosaic --

18 Q -- what --

19 A -- laws.

20 Q -- about Judaism has been reformed?

21 A I would say it's more about tradition going to  
22 services, those kinds of things. I mean, we do go to  
23 services, but they're not all in Hebrew. They're in Hebrew  
24 and English.



1 Q Okay.

2 A Women and men sit together, those kinds of things,  
3 wherein the very traditional they don't. So it -- it --  
4 that's the kinds --

5 Q Okay.

6 A -- of things I'm talking about.

7 Q That's what I want to clarify. Thank you very much.

8 A You're very welcome.

9 BY MR. OLIVER:

10 Q And I guess just as a -- as a final note and I -- I  
11 believe I've -- I've asked this, but I may not have. If  
12 Patricia were to reach out and discuss -- to discuss schooling  
13 with you, would you be willing to -- to involve her as a  
14 parent?

15 A Yes.

16 Q Would you welcome that opportunity?

17 A Yes.

18 MR. OLIVER: Thank you. I have nothing further.

19 THE COURT: Any redirect?

20 MR. GHIBAUDO: No, Your Honor.

21 THE COURT: All right. You may step down. Thank  
22 you for being here today.

23 THE WITNESS: Thank you.

24 (WITNESS EXCUSED)



1 MR. BLACKMON: And Your Honor, at this time, Counsel  
2 and I have stipulated to call out of order Ms. Lizon. I think  
3 that's her first name, but that's how I know her.

4 (WITNESS SUMMONED)

5 THE COURT: Okay.

6 MR. GHIBAUDO: And be -- before she even testifies,  
7 Your Honor, I'll just renew the objection that I made in the  
8 motion in limine.

9 THE COURT: In the motion in limine? The Court  
10 notes that, but the -- the Court will allow the testimony.

11 MR. GHIBAUDO: And in addition to that, Your Honor,  
12 she was not listed as a witness on the deadline which was July  
13 20th. It was added only in August --

14 MR. BLACKMON: That was the -- that was the --

15 MR. GHIBAUDO: -- of August 16th.

16 MR. BLACKMON: That was the date for the initial  
17 list of -- of witnesses. We had to find out who would be able  
18 to be available before we could list people.

19 MR. GHIBAUDO: She's listed a month --

20 MR. BLACKMON: So --

21 MR. GHIBAUDO: -- later.

22 MR. BLACKMON: Well --

23 THE COURT: When was the listing?

24 MR. BLACKMON: She has incredibly relevant testimony

1 to offer, so --  
2 MR. GHIBAUDO: August 16th, Your Honor.  
3 THE COURT: August 16th? Was that the --  
4 MR. BLACKMON: I've -- I didn't see -- I thought it  
5 was the 20th.  
6 THE COURT: August 20th?  
7 MR. BLACKMON: I thought the deadline was August  
8 20th.  
9 THE COURT: It was --  
10 MR. GHIBAUDO: July --  
11 THE COURT: -- July --  
12 MR. GHIBAUDO: -- 20th.  
13 THE COURT: -- 20th.  
14 MR. BLACKMON: July -- I'm -- for the initial --  
15 MR. GHIBAUDO: And she wasn't --  
16 MR. BLACKMON: -- list.  
17 MR. GHIBAUDO: -- on the list -- initial list. She  
18 was added later.  
19 MR. BLACKMON: No, and this is because she recently  
20 got a job and this is her boss.  
21 THE COURT: This is the Plaintiff's boss?  
22 MR. BLACKMON: Yes.  
23 THE COURT: So what's -- what's her offer?  
24 MR. BLACKMON: She sees her on a daily basis. She

1 can tell the Court how she's doing.

2 THE COURT: Well, but the concern is that -- of the  
3 late notice.

4 MR. BLACKMON: They have a full opportunity to --  
5 the -- and -- and honestly if it's a give and take, you've got  
6 witnesses appearing on a television set. I think that's even  
7 more serious.

8 THE MARSHAL: If you can stay standing and raise  
9 your right hand.

10 THE COURT: Well, but -- but --

11 MR. BLACKMON: And -- and I'll -- and I'll also --

12 THE COURT: Hang --

13 MR. BLACKMON: -- say this, Your Honor.

14 THE COURT: Hang on. Just -- yeah, just a minute.  
15 We're -- we're still -- ma'am -- and you can be seated.

16 MS. BLOCK-LEVY: Sure.

17 THE COURT: We're -- we're still discussing whether  
18 or not --

19 MS. BLOCK-LEVY: It's okay.

20 THE COURT: -- we're going to proceed.

21 MS. BLOCK-LEVY: No problem.

22 MR. BLACKMON: I --

23 THE COURT: Is it with their --

24 MR. BLACKMON: I was trying not to nitpick on



1 things. Counsel and I stipulated to a date and time that we  
2 would exchange exhibit lists and books and they missed it by  
3 more than a day. So I got their exhibits less than a day and  
4 a half ago, and I'm not making a stink about that, I'm trying  
5 to get to the merits of this case.

6 MR. GHIBAUDO: It's --

7 MR. BLACKMON: So --

8 MR. GHIBAUDO: -- off for one exhibit, but -- and  
9 the reason why I did that is because you could have agreed  
10 that the basic concept of what's at issue that --

11 THE COURT: Well, is -- is this testimony related to  
12 the -- this is not related to the relocation and this is --

13 MR. BLACKMON: This is related --

14 MR. GHIBAUDO: This is their case.

15 THE COURT: -- the supervision.

16 MR. BLACKMON: -- to how the Plaintiff --

17 THE COURT: Okay.

18 MR. BLACKMON: -- is doing now which is what the  
19 Court said it wanted to hear about at our last hearing.

20 THE COURT: Okay. All right. I note the objection  
21 for the record. I am going to allow the testimony --

22 MR. BLACKMON: Okay.

23 THE COURT: -- however.

24 MR. BLACKMON: Thank you, Your Honor.



1 THE COURT: Now you may please stand and raise your  
2 right hand to be sworn.

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

6 MS. BLOCK-LEVY: I do.

7 THE COURT: You may be seated. Counsel, you may  
8 proceed.

9 LIZON BLOCK-LEVY  
10 called as a witness on behalf of the Plaintiff, having been  
11 first duly sworn, testified upon her oath as follows on:

12 DIRECT EXAMINATION

13 BY MR. GHIBAUDO:

14 Q Ma'am, will you state your full name for the record?

15 A Lizon, L-i-z-o-n, Block-Levy -- hyphen Levy.

16 Q Block?

17 A It's hyphenated. Block, B-l-o-c-k, hyphen, Levy,  
18 L-e-v-y.

19 Q Okay. And what's your current occupation?

20 A I'm self-employed.

21 Q It -- you own a business?

22 A Yeah, I own a business.

23 Q What is that business?

24 A It's in the Bally's Hotel.

1 Q Okay. And what -- what's the name of the business?  
2 A Adventures in Paradise.  
3 Q Okay. And do you know the Plaintiff, Patricia?  
4 A Yeah, for four months.  
5 Q How do you know her?  
6 A Through a friend.  
7 Q Does she work at Adventures in Paradise?  
8 A No, she's a very close friends of mine for 30 years,  
9 so I asked her if she knows somebody that would like to work  
10 and she recommended Patricia.  
11 MR. GHIBAUDO: I'm going to --  
12 MR. BLACKMON: Okay.  
13 MR. GHIBAUDO: I'm going to renew my objection --  
14 MR. BLACKMON: I was --  
15 MR. GHIBAUDO: -- at this point Your Honor --  
16 MR. BLACKMON: -- confusing the --  
17 MR. GHIBAUDO: -- because it was offered as a -- the  
18 offer was that she was going -- that she's an employer and was  
19 going to testify about -- about how --  
20 MR. OLIVER: You --  
21 MR. GHIBAUDO: -- she's doing now, but it sounds  
22 like she's not an employer, maybe she's -- maybe a mom --  
23 MR. OLIVER: I think that -- it was confusing. The  
24 person that she knows who introduced her to Patricia.

1 THE COURT: Is not employed. That's how I  
2 interpreted it.

3 MR. OLIVER: Yes.

4 THE COURT: So she's --

5 MR. OLIVER: But Patricia is employed.

6 THE COURT: Is employed.

7 MR. OLIVER: Yes.

8 THE COURT: And that's how I interpreted --

9 MR. OLIVER: The --

10 THE COURT: -- it.

11 MR. OLIVER: It was not.

12 MR. BLACKMON: Yeah.

13 THE COURT: Yeah.

14 MR. BLACKMON: She owns a company that Patricia  
15 works in.

16 THE COURT: But a friend who's not employed there --

17 MR. BLACKMON: Introduced.

18 THE COURT: -- referred the Plaintiff. That's how I  
19 interpreted the --

20 MR. BLACKMON: Because I asked --

21 THE COURT: -- testimony.

22 MR. BLACKMON: -- how she knew her.

23 BY MR. BLACKMON:

24 Q Okay. So Patricia works at Adventures in Paradise.



1 A Right.

2 Q And that's started approximately four months ago?

3 A Yes.

4 Q And how has she been doing as a worker, satisfactory  
5 or unsatisfactory?

6 A I think she's excellent. She's excellent. That's  
7 why she got the promoted --

8 MR. GHIBAUDO: I'm going to --

9 A -- a month ago.

10 MR. GHIBAUDO: I'm going to object, Your Honor. I  
11 just want her -- I think he needs to lay a little more  
12 foundation about how often she works and for how long and how  
13 many days.

14 MR. BLACKMON: Okay. Sure.

15 THE COURT: All right. Sustained.

16 BY MR. BLACKMON:

17 Q How often does Patricia work at Adventures in  
18 Paradise?

19 A How often?

20 Q How many days per week?

21 A Five days.

22 Q Okay. And what hours, do you know?

23 A Well, it's varied. Sometimes she works a day shift,  
24 sometimes she works the -- the afternoon shift, the evening.



1 MR. GHIBAUDO: Objection, non-responsive.

2 THE COURT: Overruled.

3 BY MR. BLACKMON:

4 Q And on those five days that she works, does she work  
5 a full eight hours?

6 A Sometimes yes, sometimes no. It all depends.

7 Q Depends. Does -- sometimes work more than eight  
8 hours?

9 A Sometimes, yes, she works --

10 Q Okay.

11 A -- more than eight hours. Sometimes she works less  
12 than eight hours --

13 Q Okay.

14 A -- because it is two shifts.

15 Q And earlier I asked you how she was doing. You said  
16 that she was excellent?

17 A Excellent.

18 Q And has her employment status at Adventures in  
19 Paradise changed recently?

20 A No, that that I know of.

21 Q Has she been promoted?

22 A Yes.

23 Q Okay. That's what I meant by that. And what  
24 position was she promoted to?

1           A     To a manager.

2           Q     And would a manager's duties at Adventures in  
3 Paradise be important duties?

4           A     Of course.

5           Q     So take somebody from your perspective that is very  
6 trustworthy and very reliable to put in that position.

7           A     You -- you have to repeat that and speak a little  
8 louder.

9           Q     Sure. Sure. For you to decide to put somebody in a  
10 managerial position, some qualities they would need would have  
11 to be reliability and what else?

12          A     She didn't -- she did improve herself. She did  
13 prove herself.

14          Q     She proved herself?

15          A     Yes.

16          Q     She's been reliable?

17          A     Very reliable, always on time.

18          Q     Okay. And what -- how does she get along with --  
19 with others at the company?

20          A     Very good.

21          Q     And how does she get along --

22          A     And no complaints.

23          Q     How does she get along with the customers?

24          A     I think she does good, because she does very good

1 sales and -- and I watched her because in the beginning I had  
2 to be with her training her and showing her what to do.

3 Q Yeah.

4 A She was fine.

5 Q And I know you don't know a lot about the -- the  
6 history of this case, but you -- you've heard a little bit  
7 about how kind of contentious it's been. And was that a  
8 surprise to you to hear that it was contentious?

9 A Oh, you have to repeat that. I don't understand  
10 what you're saying.

11 Q Were you surprised to hear that Patricia was  
12 involved in a -- a contentious situation?

13 A Well, yes and no. Yes, no, because she already told  
14 me part of the hill and her story. She -- she told me the  
15 truth. She told about a very -- almost everything.

16 Q Okay. So she told you what you're now saying is the  
17 truth.

18 A Yes.

19 Q And from your observations, has there been any signs  
20 that she's anything other than a normal person, comes to work,  
21 does their job --

22 A No.

23 Q -- any indication of any problems?

24 A No, not to me.

1 Q Have you ever seen her use drugs?  
2 A No.  
3 Q Have you ever seen her be violent?  
4 A No. She's a very calm person as far as I know. I  
5 watched her quite a few days. Sometimes I worked with her.  
6 Q Okay. And she works more closely I think with your  
7 -- is it with your son who is more involved in the day-to-day?  
8 A Well, my son, yes.  
9 Q Okay.  
10 A She doesn't -- she close to me or my son, the same  
11 thing. Sometimes my son was there, sometimes my -- my son and  
12 -- make sure that they have enough merchandise.  
13 Q Okay.  
14 A He makes all the orders, and I take --  
15 Q Okay.  
16 A -- care of the rest.  
17 Q And has anybody ever complained about Patricia to  
18 you?  
19 A No.  
20 MR. BLACKMON: Okay. That's all I have.  
21 THE COURT: Any cross examination?  
22 MR. GHIBAUDO: Yes, Your Honor.  
23 CROSS EXAMINATION  
24 BY MR. GHIBAUDO:



1 Q You indicated that Patricia told you the truth about  
2 her?  
3 A Yeah.  
4 Q Does she tell you that she suffers from a severe  
5 drugs addiction?  
6 A She suffered from what?  
7 MR. BLACKMON: Objection.  
8 Q Severe drug addiction.  
9 MR. BLACKMON: Objection, Your Honor. Assumes facts  
10 not in evidence.  
11 MR. GHIBAUDO: Actually, the facts are in evidence.  
12 That's the report -- Paglini's report indicates that she has a  
13 severe drug addiction and remission at the time the report  
14 was --  
15 MR. BLACKMON: It's old.  
16 MR. GHIBAUDO: -- was entered.  
17 MR. BLACKMON: The question was posed as to the  
18 present.  
19 THE COURT: Well, as the present, there's -- it  
20 assumes facts not in evidence. So the -- the objection's  
21 sustained.  
22 BY MR. GHIBAUDO:  
23 Q Has she -- does Patricia -- what has Patricia told  
24 you about her current situation?

1 A That her and her husband used drugs together.  
2 Q And how often did she say that they used drugs? And  
3 what drugs does she say they use?  
4 A How often? I don't know. She didn't tell me all of  
5 it.  
6 Q Did she -- did she blame Joe for that?  
7 A Did she blame who?  
8 Q Joe, her ex.  
9 A I don't recall.  
10 Q Well, okay. Well, let's talk about -- how did that  
11 topic come up?  
12 A She just used to talk to me and tell me about her  
13 problems.  
14 Q All right. So what have you -- when she said that  
15 her and her ex used drugs together, what else did she say?  
16 A I don't remember. No, sir. I don't remember about  
17 the drugs.  
18 Q Did she say anything negative about her ex?  
19 A No, not that I know. She said that she loved him.  
20 Q She said she loved him?  
21 A Yeah.  
22 Q Did she say she still loves him?  
23 A Yeah.  
24 Q Okay. Did she blame him for anything?

1 A No, not that I know of.

2 Q Can you describe then what is she -- what did she

3 tell you about her current situation specifically aside from

4 -- because it sounds like you're just saying that she said

5 that they used drugs together and that was it.

6 A The only thing --

7 Q But there's got to be --

8 A -- she said --

9 Q -- more to that conversation.

10 A -- she would love to have her son back. That's all.

11 Q Okay. Did she say why she lost her son?

12 A What -- no -- she said that she -- why she lost her

13 son? Yeah.

14 Q What did she say?

15 A I remember saying that she was violent for some --

16 Q She said she was violent.

17 A Yeah, she did say that.

18 Q What did she say that she -- what -- in what way

19 were she violent, towards --

20 A When she --

21 Q -- Joe?

22 A -- found out that he -- he made up with his -- with

23 her maid she got really pissed.

24 Q And what did she do according to her?



1       A     I don't remember what she did. I don't remember.  
2 Just cursed him, whatever.  
3       Q     Did she tell you that she hit him?  
4       A     No, that I don't remember telling that she hit him.  
5       Q     Did she tell you that she went to jail?  
6       A     No.  
7       Q     She didn't tell you that she went to jail.  
8       A     No, the -- her attorney told me.  
9       Q     Okay. Did she indicate that she's having any  
10 struggles now?  
11      A     That she's what?  
12      Q     Struggling with anything now or did she tell you  
13 that she's --  
14      A     Yeah --  
15      Q     -- perfectly fine?  
16      A     -- she's struggling to have her son back.  
17      Q     No, I'm talking about personal struggles. Does she  
18 -- did she tell you --  
19      A     No.  
20      Q     -- that she's suffering from any personal problems  
21 now?  
22      A     No. No. She didn't tell me --  
23      Q     So she tells you she's perfectly fine?  
24      A     Yeah, she told me she's fine. I -- I don't ask her



1 questions. If she's -- was -- whatever she volunteers, she  
2 talks about it.

3 Q Does she volunteer to you that now she's perfectly  
4 fine?

5 A Yeah.

6 MR. GHIBAUDO: Okay. I have nothing further.

7 THE COURT: Any redirect?

8 MR. BLACKMON: No, Your Honor.

9 THE COURT: All right. Thank you for your  
10 appearance. You may step down. You're excused.

11 THE WITNESS: Can I leave?

12 MR. BLACKMON: Yes, you can leave. Thank you.

13 THE WITNESS: Okay. See you later.

14 (WITNESS EXCUSED)

15 MR. BLACKMON: Judge, I need 30 seconds. My eyes.

16 THE COURT: Oh, okay. That's fine. That's fine.

17 MR. GHIBAUDO: And Your Honor, can we take a five  
18 minute -- I've seen to have thrown my backup during the break.

19 THE COURT: That's fine. Yeah, let's -- let's go  
20 ahead --

21 MR. GHIBAUDO: I need to stretch up.

22 THE COURT: -- and take a break.

23 (COURT RECESSED AT 1:04 AND RESUMED AT 1:14)

24 THE COURT: Please be seated.

1 THE CLERK: And we're back on the record.  
2 THE COURT: We are back on the record in the Egosi  
3 matter. All right. Your next witness.  
4 MR. GHIBAUDO: I'm going to call  
5 (COUNSEL AND CLIENT CONFER BRIEFLY)  
6 MR. GHIBAUDO: David Egosi, Your Honor. Yariv  
7 Egosi.  
8 (WITNESS SUMMONED)  
9 THE COURT: Is that one of our -- is he here?  
10 MR. GHIBAUDO: No, it's on -- on the BlueJeans. And  
11 I --  
12 THE COURT: Okay.  
13 MR. GHIBAUDO: I'm done with all the live witness.  
14 MR. BLACKMON: He's your re -- is that -- is that --  
15 MR. GHIBAUDO: That's his dad, yeah. So I -- I  
16 guess we're going to need -- I've never done this BlueJeans  
17 thing, Your Honor, so --  
18 THE COURT: Well, I think we'll -- we'll initiate  
19 here. As long as they're waiting.  
20 THE CLERK: He's ready to go.  
21 THE COURT: Is he ready to go?  
22 MR. GHIBAUDO: Yes, I -- I just spoke with him. And  
23 I --  
24 THE COURT: Okay.

1 MR. GHIBAUDO: -- know if I can address him  
2 directly.  
3 THE CLERK: And is -- is his name -- is his name  
4 actually Yar --  
5 MR. GHIBAUDO: Yariv, yeah.  
6 MR. EGOSI: Yariv, yes.  
7 THE COURT: Can you -- can you spell that?  
8 MR. EGOSI: Y-a-r-i-v.  
9 (COURT AND CLERK CONFER BRIEFLY)  
10 MR. BLACKMON: And Your Honor, we're going to forego  
11 the presentation of our videos for expediency purposes.  
12 THE COURT: Okay.  
13 MR. BLACKMON: I don't think that they helped.  
14 We've -- the testimony that's been elicited.  
15 THE COURT: Okay.  
16 MR. BLACKMON: I think is fine, so --  
17 THE COURT: Okay. So that'll expedite.  
18 MR. BLACKMON: Yes.  
19 THE COURT: Okay.  
20 MR. BLACKMON: Yeah. Are we on the record?  
21 THE COURT: We are on the record.  
22 MR. BLACKMON: Okay. Then I won't say --  
23 THE COURT: We're just having some technical issues.  
24 MR. BLACKMON: I just won't say anything off color.



1 THE COURT: All right.  
2 MR. BLACKMON: That's all.  
3 THE COURT: We're just trying to get some technical  
4 support.  
5 (COURT AND CLERK CONFER BRIEFLY)  
6 MR. Y. EGOSI: Hello? (Speaking Hebrew).  
7 THE COURT: Okay. Hello. Can you hear us?  
8 MR. Y. EGOSI: Yes, we hear you.  
9 THE COURT: Okay.  
10 MR. Y. EGOSI: Good to see you, Your Honor.  
11 THE COURT: Good to see you. I need to swear you  
12 in. If you can raise your right hand to be sworn.  
13 THE CLERK: You do --  
14 MR. Y. EGOSI: My right hand. Yes, sir.  
15 THE CLERK: You do solemnly swear the testimony  
16 you're about to give in this action shall be the truth, the  
17 whole truth, and nothing but the truth, so help you God?  
18 MR. Y. EGOSI: Yes.  
19 THE COURT: Okay.  
20 MR. Y. EGOSI: For me to make the -- to tell the  
21 truth, so help me God.  
22 THE COURT: Okay. All right. Counsel, you may  
23 proceed.  
24 YARIV EGOSI



1 called as a witness on behalf of the Defendant, having been  
2 first duly sworn, testified upon his oath as follows on:

3 DIRECT EXAMINATION

4 BY MR. GHIBAUDO:

5 Q Can you state your name for the record, please? Can  
6 you hear me?

7 THE COURT: And it --

8 A Yariv -- Yariv Egosi, Y-a-r-i-v, E-g-o-s-i.

9 Q And do you go by --

10 THE COURT: And --

11 Q -- David?

12 THE COURT: And Counsel, your -- your voice is  
13 probably --

14 MR. GHIBAUDO: Oh, I'm sorry.

15 THE COURT: Got to be -- so I think the closer to  
16 that microphone -- and actually, once -- once the sound is  
17 triggered with that, he'll see you --

18 MR. GHIBAUDO: Okay.

19 THE COURT: -- from this camera. Just so you're  
20 aware. I know -- I know we're looking there, which is fine.

21 Q Do you -- can you hear me now?

22 A I hear you, sir.

23 Q Okay. Do you go by David?

24 A Yes, sir. I go by David.

1 Q All right. And now can I call you David?  
2 A Yes, sir. Go ahead.  
3 Q All right. Where do you reside right now, David?  
4 A I'm residing in Israel right now.  
5 Q What city?  
6 A In -- it's Tuval. This is a -- a small village.  
7 Q Okay. What do you do there employment?  
8 A Well, I'm at some business I run and I also right  
9 now volunteer to the police force and police officer trooper.  
10 Q And how long have you been a trooper?  
11 A The last 10 years.  
12 Q And how often do you do that?  
13 A Once a week.  
14 Q Okay. And has that been -- have you done that more  
15 in the past or is that how it's always been for the last 10  
16 years?  
17 A Well, actually I've been more -- I'm a commander in  
18 the army and uniform have a full duty there. I then move to  
19 the state for 20 years and I came back in 2008. And from  
20 there on I volunteer on -- on an individual basis.  
21 Q Okay. Now so do you have knowledge of crime rates  
22 and -- and the safety issues and the -- Tuval kibbutz?  
23 A Yeah. I -- I met -- I work with close -- a city  
24 police station. I have my patrol car and I'm very involved in

1 the CD security and law enforcement.

2 Q All right. Is there any violent crimes in that  
3 city?

4 A Violent -- violent crime, normally disturbing  
5 public, noise disturbance, car accidents, some domestic  
6 violence, and rarely a very low type of robbery. That's about  
7 it.

8 Q Okay. Now you indicated you were a commander in the  
9 Israeli Army?

10 A Yes, sir. I did.

11 Q Are you familiar with the security situation in  
12 Israel?

13 A I am very familiar. I am also involved in the  
14 committee security committee in my village. I've been in the  
15 head of the committee for some years. I am on top of security  
16 on a daily basis, very involved in any aspect in the army,  
17 police, and my local community.

18 Q And what is your estimate of -- of Israel's security  
19 situation currently?

20 A Israel is -- is very secure. As far as -- as far  
21 terror activity, it is -- it is very minor. And we have  
22 trouble of homicide. About a hundred and ten people homicide  
23 in here. Children are very secure, school very secure. There  
24 has never, ever been a shooting in the school in my existence.



1 MR. BLACKMON: Your Honor --  
2 A -- never been --  
3 MR. BLACKMON: Your Honor -- may I -- may I  
4 interject real quick?  
5 THE COURT: Hang on.  
6 MR. GHIBAUDO: Is there any objection?  
7 THE COURT: Is there any objection?  
8 MR. BLACKMON: The objection -- I don't know what  
9 the objection would be, but it appears from viewing the  
10 witness that he's reading from something. I see his eyes  
11 moving back and forth from another screen. It really appears  
12 that he's reading something.  
13 THE COURT: Sir, are you reading from anything?  
14 THE WITNESS: I have some notes on dates that I've  
15 been -- dealing with the states and some statistic notes that  
16 I have, but nothing more than that.  
17 MR. BLACKMON: But he can't do that.  
18 THE COURT: Okay. You just -- and unless -- unless  
19 there's lost recollection on something, you shouldn't be  
20 referring to any notes at the moment.  
21 THE WITNESS: Okay.  
22 THE COURT: If you need to --  
23 THE WITNESS: Nevermind.  
24 THE COURT: If you need to refer to notes at some

1 point, you can let the Court know, but at this point we  
2 just --

3 THE WITNESS: Yes, sir.

4 THE COURT: -- want your live testimony without  
5 reference to any notes.

6 THE WITNESS: I will do, sir. Thank you.

7 BY MR. GHIBAUDO:

8 Q David, have there been any incidents of terrorism in  
9 the city or kibbutz where you guys are at now in the last five  
10 years?

11 A Never, ever. Not in my community and not in my  
12 dohter (ph) which is the bigger community. Never been a  
13 terror, never been a homicide, ever.

14 Q No, how --

15 A In -- yes, sir.

16 Q Go ahead. Finish. I'm sorry.

17 A Actually, there was one homicide in a village, but  
18 it's very, very, very uncommon. There are no homicides, no  
19 murders here whatsoever, never.

20 Q Okay. Now I want to talk about your relationship  
21 with Ben. How often do you get to see Ben personally?

22 A I've been involved in Ben since right after he born.  
23 I visit him 10 days after he born. He born on January 14,  
24 2014. I've been there on the 24th of January 2014 for months.

1 And since that I've been there perhaps five times overall  
2 about one year. If I can an exact for my recollection, 235  
3 days I've been with them traveling from Israel especially for  
4 him.

5 Q And do you see Ben when he travels to Israel?  
6 And --

7 A If I saw him outside Israel?

8 Q No. Did -- have you visited with Ben when he's  
9 traveled -- when Ben has traveled to Israel with Joe?

10 A Oh, yeah. Sure. He's been at my home. Yes, sir.  
11 I did.

12 Q And can you -- do you have any recollection of how  
13 often that's occurred?

14 A One time.

15 Q What's time? Can you say that again?

16 A It was one time, sir.

17 Q Okay. Do you talk --

18 A It was -- we -- we -- it was Patricia, Yoav, and Ben  
19 visit us for a couple of weeks, maybe three years ago.

20 Q Okay. Do you talk to Ben on the phone?

21 A Daily.

22 Q Okay. What is your relationship with Ben? Would  
23 you -- what would you say it is? Is it --

24 A Well, I wish him to be like his father. I wish him



1 really to be a -- a mature kid, a respectful kid, a knowledge  
2 kid -- a knowledge -- knowledgeable kid.

3 Q Well, hang on, David. My question is what do you --  
4 what is your relationship with Ben like? How would you  
5 characterize your --

6 A Oh.

7 Q -- relationship --

8 A Oh.

9 Q -- with Ben?

10 A Well, I am his grandfather and in a way I'm as well  
11 a kind of a role model for him because I met him so many times  
12 and being with him. And I think that we have a great  
13 relationship.

14 Q Now if Joe is allowed to relocate with Ben to  
15 Israel, are you going to allow Joe and Ben to reside at your  
16 -- at your home?

17 A No doubt. We already have a place ready for them.  
18 Yes, sir.

19 Q And do you have --

20 A I already registered -- yes, sir.

21 Q Go ahead. Finish.

22 A I already make a place for him, my wife and me,  
23 anxiously waiting for them. I -- we're already starting for a  
24 pre-K school. You know, everybody excited just to see him

1 here, his cousin, his aunt, and so forth. So yeah, we are --  
2 we are really excited.

3 Q Are you -- are you going to be available to take  
4 care of Ben when Joe needs you to take care of him if he's  
5 working or otherwise?

6 A If I want to be -- spend my time with him when he's  
7 here?

8 Q When you have the time to spend with him if -- if  
9 Joe needs you to take care of him when Joe's working or --  
10 or --

11 A One question asked, sir. If I can just swear -- 200  
12 and -- you know, 30 -- whatever days from here, I definitely  
13 will be here for him whenever necessary.

14 Q Okay.

15 A No question about it. I will be fully available for  
16 him.

17 MR. GHIBAUDO: The Court's indulgence.

18 (COUNSEL AND CLIENT CONFER BRIEFLY)

19 MR. GHIBAUDO: I have nothing further for this  
20 Witness, Your Honor.

21 THE COURT: Cross examination?

22 CROSS EXAMINATION

23 BY MR. OLIVER:

24 Q Mr. -- Mr. Egosi, can you hear me?

1           A     Yes, sir. I hear you well.

2           Q     Okay. You have just said that you went to the  
3 United States for 235 days. How long was that time period?  
4 Was that over the last two years?

5           A     Can I look at my notes? I have my travel note here.  
6 Can I look for a second?

7           Q     Has that -- how about -- well, me clarify. Has that  
8 been since -- just since Benjamin was born?

9           A     Oh, how many times since he's born?

10          Q     Let me rephrase. You had mentioned that you had  
11 spent 235 days in the United States. Was that --

12          A     Yes.

13          Q     Was that period of time during when Benjamin was  
14 alive?

15               MR. GHIBAUDO: No, I -- objection, Your Honor.

16 He's --

17          A     He is --

18               MR. GHIBAUDO: -- mischaracterizing the testimony.

19          A     I -- I didn't think days up --

20               MR. GHIBAUDO: Hang on, David. Hang on, David.  
21 He's mischaracterizing the testimony. I believe what he said  
22 is that if he had to add up all the time that he has  
23 physically spent with him since --

24               THE COURT: Well, I --



1 THE WITNESS: Yes, sir.

2 THE COURT: I don't know.

3 THE WITNESS: I -- I --

4 THE COURT: I mean, it's a fair question. The --  
5 the objection's overruled.

6 BY MR. OLIVER:

7 Q So I guess -- just -- I'm just checking. You -- you  
8 have mentioned that you've spent 235 days with Benjamin in the  
9 United States, correct?

10 A Correct.

11 Q If Joe was not allowed to relocate, would you  
12 continue to travel to the United States to see Benjamin?

13 A Well, I didn't been there for a year, because, you  
14 know, I had some other issues here with my mother death and  
15 some other family issues. But if I will need to, I will be  
16 there tomorrow, but I -- I didn't been there for a year. And  
17 I've been there before because of the issues and which I help  
18 as a supervisor and also have drove with the parliament in the  
19 house and -- but whenever they will need me, I will -- I will  
20 be there. I -- I will -- I can not do it on a -- on a very  
21 second basis like I did before because now he's secured with  
22 his father. So, you know, I mostly see him now on -- on  
23 internet, on Skype, and on the phone.

24 Q So you -- you had mentioned that you see Ben every