

Alex Ghibaudo, Esq.
Bar No. 10592
ALEX B. GHIBAUDO, PC.
703 South 8th St.
Las Vegas, Nevada 89101
T: (702) 978-7090
F: (702) 924-6553
Email: alex@abgpc.com
Attorney for Appellant

Electronically Filed
Aug 23 2019 11:16 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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 10 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

...

INDEX TO APPELLANT'S APPENDIX

Date Filed	Document Description	Location
08.13.2008	Prenuptial Agreement	Volume: 1 Bates: 1-14
07.14.2017	Transcripts: Evidentiary Hearing – 06.13.2017 (Re: Prenuptial Agreement)	Volumes: 1-3 Bates: 14-193
07.14.2017	Transcripts: Evidentiary Hearing – 06.14.2017 (Re: Prenuptial Agreement)	Volumes: 3-6 Bates: 194-405
09.04.2018	Findings of Fact, Conclusions of Law, and Order (Re: Prenuptial Agreement)	Volume: 6 Bates: 406-416
09.20.2017	Order from 09.08.2017 Evidentiary Hearing (Re: Sole Legal and Sole Physical Custody)	Volume: 6 Bates: 417-418
02.07.2019	Transcripts: Evidentiary Hearing – 08.31.2018 (Re: Relocation)	Volumes: 6-10 Bates: 419-730
09.07.2018	Findings of Fact, Conclusions of Law, and Order (Re: Relocation)	Volume: 10 Bates: 731-746



1 day over Skype; is that correct?

2 A I talk with the him on the phone every day. Not
3 always Skype.

4 Q Every -- oh, on the phone. Okay. And do you think
5 that that has helped you maintain a good relationship wit him?

6 A Not really.

7 Q What -- what have you noticed has been different?

8 A Because he don't see me in -- in front of me. I
9 don't see his -- his body -- his -- his body language. I -- I
10 cannot hug him. I -- I cannot be with him. I an like for him
11 like a voice.

12 Q So --

13 A And -- and this is very frustrating.

14 Q So you think the -- the distance between Israel and
15 the United States has eroded your relationship with Benjamin.

16 A In a way, yes.

17 Q Do you think that the same would be true with his
18 mother?

19 A Well, if sho'll allowed to be here to come here for
20 the months and I'll be able to respect her and give her -- you
21 know, ready to leave and you can be here in -- it's a nice
22 place. Usually can be here for whole months and it should be
23 great.

24 Q But that -- but you have just admitted that your

1 relationship has eroded. Don't you think the same would be
2 true for Patricia as --
3 MR. CHIBAUDO: Objection --
4 Q -- well?
5 MR. CHIBAUDO: -- Your Honor. Asked and answered.
6 MR. BLACKMON: He didn't get an answer.
7 THE COURT: Overruled.
8 MR. OLIVER: I'll -- I'll restate that -- I'll --
9 I'll ask the question again.
10 BY MR. OLIVER:
11 Q Do you -- you have mentioned that your relationship
12 with Benjamin has eroded because of the distance. Do you
13 believe the same would be true for Patricia?
14 A I -- I cannot -- I cannot, you know, speak for --
15 for her. I can only speak for -- for me.
16 Q Okay. And for you though, to be clear, your -- your
17 relationship with Benjamin has eroded because you have not
18 been able to see him in person.
19 A Well, I'd like to see him more.
20 Q Okay. You -- how big is the country of Israel?
21 A The -- say it again, sir?
22 Q How -- how large is the country of Israel? If we're
23 going to say kilometers, how far are you from the border?
24 A It -- it's 500 kilometers.

1 Q 500 kilometers. Is that pretty close?

2 A It's about 3300 miles.

3 Q When -- when you look at the -- do you watch the
4 news very much, keep abreast of what's going on in the
5 country?

6 A Oh, yeah. I'm very involved, sir, very involved
7 in --

8 Q Okay.

9 A -- it and always ever, ever.

10 Q Are you aware that -- are -- are you aware -- you --
11 you had mentioned earlier that you understood the security of
12 the country well. Do you have concerns about your safety
13 should other countries attack?

14 A Well, we always have a concern, like -- like the
15 U.S., like everybody else, yes.

16 Q And Benjamin when he turns 18, would he be expected
17 to enter the military?

18 A If he will be 18 and if he will be an Israel
19 citizen, he should -- he should -- yeah, he should go to duty.
20 Yes, sir.

21 Q And do you think going into the military is a
22 dangerous thing for -- for Benjamin?

23 A Not more than cross the street.

24 Q Okay.

1 (COUNSEL CONFER BRIEFLY)

2 Q So you think that Benjamin fighting as a soldier is
3 as safe as him walking across the street?

4 MR. GRIBAUDO: Objection, Your Honor. It assumes
5 the facts that are not in evidence.

6 MR. OLIVER: That's what he just said.

7 MR. GRIBAUDO: It was just --

8 THE WITNESS: It's not --

9 MR. GRIBAUDO: -- an example that he's going to
10 fight a war.

11 THE COURT: Sus -- Sustained. It assumes facts not
12 in evidence.

13 MR. OLIVER: Okay.

14 THE COURT: He's indicated that he would be in the
15 military, but --

16 MR. BLACKMON: And he said the --

17 THE WITNESS: Right.

18 MR. BLACKMON: I thought homework said the danger
19 would be akin to walking across the street.

20 THE COURT: Just being a member of the military.

21 MR. BLACKMON: Yeah.

22 THE COURT: The question though was if he was
23 engaged in war.

24 MR. BLACKMON: Okay.

1 THE WITNESS: Oh, I --
2 THE COURT: I believe that was -- or some --
3 MR. OLIVER: I'm sorry.
4 THE COURT: So that --
5 MR. OLIVER: If I need to re -- I -- I don't --
6 THE COURT: Yeah.
7 MR. OLIVER: -- believe I need to --
8 THE COURT: It just needs to be restated. Yeah.
9 MR. OLIVER: Okay.
10 BY MR. OLIVER:
11 Q Do you believe that being in the -- you -- you do
12 not believe then that being in the military is a dangerous
13 thing for -- for any of the people there?
14 A Well, unless it be a war, sir.
15 Q Okay. Do you know of the --
16 A It's --
17 Q And are you familiar with the group Hamas?
18 A Yes, I do.
19 Q Do they launch rockets into your country?
20 A Say -- say it again?
21 Q Are you aware of whether they launch rockets and
22 other explosives in your country?
23 A Yes, I'm aware. They -- they last -- brought it in
24 the last four months rockets and two people injured so far.

1 Q Okay. Do you -- has there been conflict with
2 Palestinian settlers in Israel?

3 A Yes, sir.

4 (COUNSEL CONFER BRIEFLY)

5 MR. BLACKMON: Okay. Your Honor, I'm going to
6 follow up now, if that's question.

7 THE WITNESS: What is the question?

8 BY MR. BLACKMON:

9 Q Okay. Mr. Egozi, I'm going to ask you a couple
10 questions now. My name is John Blackmon. Are you -- are you
11 familiar with a brigade within the Israeli Defense Force
12 called the Golani Brigade?

13 A Yes, sir.

14 Q And how far away is your home from a city called
15 Karmiel?

16 A Is it called --

17 Q Karmiel.

18 A Karmiel? Oh -- oh, yeah. It's about five miles.

19 Q And are you aware that the Golani Brigade is going
20 to be performing war exercises in Karmiel in a week?

21 A Well, this will be not the Golani. It's going to be
22 -- an -- an area -- that will be part of -- of time to time
23 exercise. Yes, sir.

24 Q Yes. Yeah. From what I understand --

1 MR. GHIBAUDO: Objection, Your Honor.

2 Q -- this is --

3 MR. GHIBAUDO: Counsel is about to testify.

4 THE WITNESS: But sir it's -- it's nothing --

5 THE COURT: And you --

6 THE WITNESS: -- to do with Karmiel.

7 BY MR. BLACKMON:

8 Q Do they -- do the military exercises take place in

9 Karmiel?

10 A No, sir.

11 Q Do you read the Jerusalem Post?

12 A It was a -- it was a celebration for Malany (ph) 70

13 years. In Karmiel it was a party. Nothing to do with

14 exercise. Exercise is not done in the city, sir.

15 Q Okay. Now you said that you were familiar with the

16 Israeli Defense Force and the happenings of the military and

17 Herbolah, neighboring countries. Now what is Israel's

18 position on the possibility that a conflict breaks out in the

19 northern part of Israel?

20 MR. GHIBAUDO: Objection, Your Honor.

21 A The possibility --

22 MR. GHIBAUDO: I don't think he's qualified to speak

23 to those kinds of geopolitical issues. He's a member of the

24 military, but there's -- he's not a -- a member of cabinet

1 level decisions concerning security. I think it's irrelevant.
2 MR. BLACKMON: Your Honor, he testified --
3 MR. GHIBAUDO: He's not qualified.
4 MR. BLACKMON: -- that he follows the happenings of
5 the military. He's also a high ranking individual in the
6 military.
7 THE COURT: The objection's sustained.
8 THE WITNESS: Sir, yeah, no --
9 MR. GHIBAUDO: David, you don't have to answer.
10 MR. BLACKMON: It's okay.
11 THE WITNESS: I can just make a comment on security
12 --
13 MR. GHIBAUDO: No.
14 THE WITNESS: -- if you want.
15 MR. GHIBAUDO: No. David, don't say anything.
16 THE WITNESS: Oh, okay.
17 BY MR. BLACKMON:
18 Q When -- do you know when the last time there was a
19 conflict in Israel with Hezbollah?
20 A 10 years ago, eight years ago.
21 Q And do you now how long that conflict lasted?
22 A From 50 -- 50 days.
23 Q And do you know how many casualties there were?
24 A As far as civilian, as in the last conflict I just

1 guess, 15.

2 Q What about military service members?

3 A A couple hundred.

4 Q Okay. If we assume that the Israeli Defense Force
5 is the strongest military in the Middle East, which I would
6 say it is, what -- what would be --

7 A I --

8 Q -- the second most powerful military force in the
9 Middle East?

10 MR. GHIBAUDO: Objection, Your Honor. It -- it
11 assumes facts not in evidence that Israel is in fact the
12 strongest power or that he even would know that that's the
13 case or what's the relevance of that?

14 THE COURT: Yeah, what -- what is the relevance
15 here?

16 MR. BLACKMON: We're talking about a relocation to
17 Israel.

18 THE COURT: No, I --

19 MR. BLACKMON: I just --

20 THE COURT: -- I get that.

21 MR. BLACKMON: I mean, I --

22 THE COURT: But I -- I just -- well --

23 MR. BLACKMON: This is --

24 THE COURT: -- and perhaps --

1 MR. BLACKMON: This is --
2 THE COURT: -- you'll need to lay a foundation with
3 this Witness. I don't know if he's qualified to answer
4 that --
5 MR. BLACKMON: Okay.
6 THE COURT: -- question.
7 BY MR. BLACKMON:
8 Q I apologize, Mr. Egozi. I don't mean to confuse
9 you. I'm going to go back to a question that I asked earlier
10 that you may not have heard. Do you read the Jerusalem Post?
11 A Yes, sir.
12 Q And do you believe that to be a reliable source of
13 news?
14 A One of them.
15 Q Okay. There was an article published today and it
16 says that --
17 MR. CHIBAUDO: Objection, Your Honor. That's not a
18 question. It sounds like the Counsel is testifying.
19 MR. BLACKMON: I'm laying the --
20 THE COURT: You need to ask it in the form --
21 MR. BLACKMON: Yeah.
22 THE COURT: -- of a question.
23 MR. BLACKMON: Okay.
24 BY MR. BLACKMON:

1 Q Mr. Egosi, did you read the Jerusalem Post for
2 August 31st, 2018?

3 A Yes, I do.

4 Q Now in the Jerusalem Post, August 31st, 2018, do you
5 remember reading that the Israeli Defense Force is the most
6 powerful military in the Middle East?

7 A Can you repeat it, please?

8 Q Do you remember reading in the Jerusalem Post that
9 the --

10 A Yes.

11 Q -- Israeli Defense Force is the most powerful force
12 in the Middle East?

13 A I agree.

14 Q Okay. Now in the same --

15 MR. GHIBAUDO: I'm sorry. Objection, Your Honor. I
16 don't think he answered the question. I think he agreed to
17 the idea that -- that the IDF is the most powerful military,
18 but not that he actually read that in the Jerusalem Post on
19 August 31st.

20 MR. BLACKMON: I think I asked him if he read it.

21 THE COURT: Yeah.

22 MR. BLACKMON: And he said he did.

23 THE COURT: He said he did.

24 MR. GHIBAUDO: He said he read the post.

1 THE WITNESS: Yeah.

2 MR. GHIBAUDO: I don't think the specific --

3 THE WITNESS: No, I -- I -- excuse me. I said

4 agree. I didn't --

5 THE COURT: Okay.

6 THE WITNESS: -- read it. I -- I said agree.

7 THE COURT: Okay. All right. Your next question.

8 BY MR. BLACKMON:

9 Q Okay. So according to the Jerusalem Post from

10 August 31st, 2018, what's the second most powerful military

11 force in the Middle East?

12 A The second most powerful? I'm not sure. It's a --

13 the around here. You have Cocure (ph) around here. You have

14 Iran, you have Iraq, you have --

15 MR. GHIBAUDO: I'm going to object, Your Honor.

16 A -- you have --

17 MR. GHIBAUDO: I think the question was what is a --

18 I'm sorry, David, stop. The question was what does the post

19 say. What did it say on August 31st. I think he's rendering

20 an opinion based on his own knowledge. I don't think he's

21 specific. I -- I don't think he --

22 THE COURT: The --

23 MR. GHIBAUDO: -- read --

24 THE COURT: The objection's sustained. I'm not

1 getting a -- an answer --
2 MR. BLACKMON: Okay.
3 THE COURT: -- to the question.
4 MR. BLACKMON: Okay.
5 BY MR. BLACKMON:
6 Q Mr. Egosi, this is my last question and thank you
7 for testifying today. Do you --
8 A You're welcome.
9 Q Would you agree that there are many forces that
10 threaten Israel?
11 A There are -- there are threats. They're part of the
12 global threat which is a part of the global threat, the same
13 in Saudi Arabia, United States, and every -- almost every
14 country in the world.
15 Q Okay. Thank you, sir.
16 THE COURT: Any --
17 A You're welcome, sir.
18 THE COURT: -- redirect?
19 MR. GHIBAUDO: Yes, Your Honor.
20 REDIRECT EXAMINATION
21 BY MR. GHIBAUDO:
22 Q I'm just going to ask you a question about your
23 military service, David. How long were you in the military
24 exactly?

1 A I -- I step in -- in '70 and I've been there for
2 three years -- so I been there even -- in -- in reserve for 20
3 years.

4 Q And what rank did you obtain?

5 A Excuse me?

6 Q What rank did you obtain as a member of the Israeli
7 Defense Force?

8 A What is my rank?

9 Q What was your highest rank?

10 A Rank? Rank? Okay. I've been a -- a first
11 lieutenant actually, promote for captain, but I've been in the
12 states where I've been promoted. So let's leave it as first
13 lieutenant.

14 Q And as a member of the IDF in -- in the capacity as
15 an officer, were you familiar with Israel's relationship --
16 military relationship with the United States?

17 A Yes, I do.

18 Q And you're familiar with the conflicts that the
19 United States has engaged in in that time where you were a
20 member of the IDF?

21 A It was Desert Storm, but, I mean, U.S. never been
22 involved actively with Israel in -- in any war.

23 Q Well, I'm asking you if you're familiar with U.S.
24 military investigation around the globe from the perspective

1 of an IDF officer.

2 A Yeah, of course. I know NATO and I know some other
3 coalition that are working -- that are around the globe and
4 around this area. Yes, sir.

5 Q So when you initially enlisted in the IDF and you
6 said 1970, correct?

7 A 1970. Correct, sir.

8 Q How many military engagements were was the United
9 States involved in at that time?

10 A The United States engage in -- in this region?

11 Q No, let me ask you it this way. Was the United
12 States --

13 A Oh, global --

14 Q -- military engaged in Vietnam at the time?

15 MR. BLACKMON: Objection. It seems like quiz.

16 THE WITNESS: Okay. I -- I noticed that --

17 THE COURT: Well -- well --

18 THE WITNESS: -- you're asking --

19 MR. CHIBAUDO: No, it's not --

20 THE COURT: Hang on.

21 MR. CHIBAUDO: It's fine.

22 THE COURT: State -- state the evidentiary
23 objection.

24 MR. BLACKMON: I'm just saying objection, it just

1 sounds --

2 THE COURT: Well --

3 MR. BLACKMON: -- irrelevant, one, we're talking

4 about Vietnam. It also just sounds like he's quizzing him --

5 MR. GHIBAUDO: Well, here's --

6 MR. BLACKMON: -- to find out what he may know.

7 MR. GHIBAUDO: Here's what I'm --

8 THE COURT: Well, the -- the objection really is one

9 of relevance. And I -- I don't know how much I need on this.

10 I'll -- I'm going to provide --

11 MR. GHIBAUDO: To --

12 THE COURT: -- some latitude. So I overrule the

13 objection.

14 MR. GHIBAUDO: But the -- so to the extent that if

15 this Court's willing to acknowledge -- take judicial notice of

16 the fact the U.S. is far more involved in military affairs and

17 engagements through the --

18 THE WITNESS: The --

19 MR. GHIBAUDO: -- course of time --

20 THE WITNESS: Okay.

21 MR. GHIBAUDO: -- than --

22 THE WITNESS: You like --

23 MR. GHIBAUDO: -- than Israel --

24 MR. EGOSI: Wait a minute.

1 MR. GHIBAUDO: -- has that it's -- that it suffered
2 far more casualties, that there was far more violence due to
3 military conflict in the United States than in Israel, than
4 I'm -- I'm not going to have to ask him the que -- I think you
5 can take judicial notice of that. Because basically what
6 they're trying to say is Israel is an incredibly dangerous
7 place because Israel has a lot of enemies. Well, guess what?
8 The United States does too, a lot more. And a lot more people
9 die in military conflicts in the United States --
10 MR. BLACKMON: We also --
11 MR. GHIBAUDO: -- than they do in --
12 MR. BLACKMON: -- have --
13 MR. GHIBAUDO: -- Israel.
14 MR. BLACKMON: We also have a military 26 times but
15 larger than the next largest military.
16 MR. GHIBAUDO: And -- and --
17 MR. BLACKMON: I mean, it's --
18 MR. GHIBAUDO: -- they also have a nuclear -- a
19 nuclear --
20 THE COURT: Listen.
21 MR. GHIBAUDO: -- arsenal.
22 THE COURT: The objection's overruled.
23 THE WITNESS: And I --
24 THE COURT: You may -- you may ask the questions.

1 MR. GRIBAUDO: I have no more questions for this
2 witness, Your Honor. I'll reserve that for closing argument.
3 MR. BLACKMON: Can we get --
4 THE COURT: Okay.
5 MR. BLACKMON: -- an update on --
6 THE COURT: So --
7 MR. BLACKMON: -- time?
8 THE COURT: -- are we --
9 MR. GRIBAUDO: We're good with him.
10 THE COURT: We can disconnect?
11 MR. GRIBAUDO: Yes, Your Honor.
12 MR. EGOSI: He can stick and get my mom. I'm sorry
13 to interrupt.
14 THE WITNESS: I have another --
15 THE COURT: Do you have another witness on the same
16 line?
17 MR. EGOSI: Yeah.
18 MR. GRIBAUDO: Yes. That's -- yes. So we have his
19 -- his wife and Joe's mother is -- is on the same line.
20 MR. BLACKMON: Well --
21 THE COURT: So do you want to --
22 MR. BLACKMON: -- where has she been? Has she been
23 in the room?
24 MR. GRIBAUDO: No, she's not in the room.

1 THE WITNESS: No, she's -- she's in the living room.
2 I can call her.
3 MR. BLACKMON: This is my problem, Your Honor. I
4 don't know if she's been able to hear what he's been saying.
5 MR. GHIBAUDO: Well, I told her --
6 THE COURT: Is she able to listen to the testimony?
7 THE WITNESS: She is behind closed door.
8 THE COURT: Does she have access to a computer that
9 could listen to what you --
10 THE WITNESS: No, sir.
11 THE COURT: -- just said?
12 THE WITNESS: No.
13 MR. GHIBAUDO: And Your Honor --
14 THE WITNESS: No, sir. She looking TV with my
15 daughter waiting for the testimony after I finish then will
16 step in when I call her --
17 MR. GHIBAUDO: And I --
18 THE COURT: Okay.
19 THE WITNESS: I will --
20 MR. GHIBAUDO: -- informed --
21 THE WITNESS: -- call her.
22 MR. GHIBAUDO: -- then that that would be
23 inappropriate and that that's how it's got to be and that's
24 why it's the way --

1 THE COURT: Okay.

2 MR. GRIBAUDO: -- it is.

3 THE COURT: And I don't have a problem if you want
4 to voir dire the Witness at the outset to ask questions in
5 that regard. So --

6 MR. BLACKMON: No, I'm not going to do that, Your
7 Honor. I just --

8 THE COURT: I -- I get it. All right. So we're --
9 who is next?

10 MR. BLACKMON: Can we have a time update?

11 THE COURT: You are at two hours and an hour and a
12 half.

13 MR. BLACKMON: We're at 2, 1.5?

14 THE COURT: Yeah.

15 MR. GRIBAUDO: We'll call Ayeaet Egosi.

16 THE COURT: You've got an hour and fifteen minutes.
17 So you need to -- is that his wife?

18 MR. GRIBAUDO: Yes, Your Honor.

19 THE COURT: Oh, so -- so if you would go get your
20 wife.

21 THE WITNESS: Okay. Do you want me to call her?

22 THE COURT: Yes.

23 THE WITNESS: Okay. I step out in front of you.
24 Hold on.

1 (WITNESS EXCUSED)
2 (WITNESS SUMMONED)
3 THE COURT: Hello, can you --
4 MS. A. EGOSI: Hello?
5 THE COURT: -- hear us?
6 MS. A. EGOSI: Yes, I can hear you.
7 THE COURT: If you would please raise your right
8 hand to be sworn.
9 THE CLERK: You do solemnly swear the testimony
10 you're about to give in this action shall be the truth, the
11 whole truth, and nothing but the truth, so help you God?
12 MS. A. EGOSI: I do.
13 THE COURT: All right. You may proceed, Counsel.
14 AYELET EGOSI
15 called as a witness on behalf of the Defendant, having been
16 first duly sworn, testified upon her oath as follows on:
17 DIRECT EXAMINATION
18 BY MR. GHIRAUDO:
19 Q Can you state your name for the record, please?
20 A My name is Ayelet Egosi.
21 THE COURT: Could you spell that, please?
22 A A-y-e-a-e-t. And my last name is E-g-o-s-i.
23 Q And where do you currently reside, Ms. Egosi?
24 A In -- in Israel in --

1 Q And what --
2 A -- Tuval.
3 Q Tuval. And what -- where are you employed there?
4 A I'm employed in the University of Haifa in the
5 Faculty of Education.
6 Q And how long have you worked there?
7 A The last 10 years.
8 Q And what do you do in that capacity?
9 A I'm a lecturer for police service teachers and in
10 service teacher and also I am a head of a -- a center, a
11 research center -- center.
12 Q So are you familiar with the Israeli education
13 system?
14 A Very much. That's what I do almost all my life.
15 Q Can you -- Are you familiar with the school that Ben
16 would be going to if you relocated there?
17 A Close. Close.
18 Q And what school is that?
19 A It's a -- the school -- well we live in Tuval and
20 it's a very warm and caring school. It -- we have actually
21 have three teachers on 20 kids. It's -- it's very nurturing
22 environment. They take a lot of walks and trips. And, you
23 know, we live in a -- in a village, so they walk on trips
24 during the day. They play outside and they learn. The system

1 is very, very well, because when the kids go to school later
2 on they're very successful.

3 Q And can you -- can you describe for the Court the --
4 what the educational system is like in Israel? So in other
5 words, how do kids progress through the school system in -- in
6 grades and -- and such?

7 A Okay. The education system in Israel is based on
8 teach the kids by is -- in -- and -- by the things that is
9 good. It's mean that let's say that you are a musician,
10 you're very skilled in music, in Israel they will do anything
11 that they can to develop the skills. Of course, they will
12 teach you math and English and all the rest, but they want to
13 develop the skills that you're good. And beside that, they
14 are -- they want to develop students with open mind. They
15 want them to be collective, to think out of the box, and to
16 build somebody that can look at what it's doing and be able to
17 criticize what it's doing and learn from it's mistakes.

18 Q Now is there a grading system there as there is here
19 in the United States?

20 A There is a grading system, but well -- really there
21 is special -- actually, the new grading system. The new
22 grading -- you can say that you don't give the kids a number
23 because they cannot learn nothing from the number. You
24 actually given improvement. It's like a reflection on what it

1 did. Usually the reflection comes from the kids, from the
2 student, from the parents, and from the educator. So kids
3 don't get let's say 90 in English, which is a number that have
4 no meaning for the kids. Instead of that, it get a -- they
5 get a comment telling, you know, to work very well, but maybe
6 you -- you don't understand what you're learning so well, so
7 you need to read more, you need to do that, and you need to do
8 the other. We're very specific on the way we evaluate our
9 student. We -- we don't just give them the number.

10 Q And -- and here in the United States, they have
11 kindergarten, elementary school, junior high, high school.
12 For example, is that how it's structured in Israel?

13 A Oh, the -- the same way.

14 Q The same way.

15 A The same when --

16 Q And --

17 A -- you -- you go to a preschool and then elementary
18 school, middle school, and high school.

19 Q And then from high school --

20 A And then --

21 Q -- you go to -- I'm sorry?

22 A And in Israel, actually, you know, that the -- the
23 graduate of -- you know, one of my research earlier is
24 innovation. And Israeli student are very known all over the

1 world and it's very creating. You know, it's like it's been
2 called the startup nation because of the -- the activity and
3 the skill that the kids get in school.

4 Q So that was the question I was going to ask you. Do
5 Israeli students generally get admitted to high --
6 universities, world class universities in the United States
7 and Europe and -- and in Israel?

8 A Correct. Correct.

9 Q Do you -- do you have any information as -- in your
10 experience as a lecturer and a researcher about the rate of
11 Israel high school students that go on to college either in
12 Israel, Europe, or the United States?

13 A I don't have the correct number, but, you know, at
14 least in where we live we say that 90 percent of the kids go
15 to higher education.

16 MR. OLIVER: Objection, Your Honor. She had just
17 testified that she didn't know.

18 MR. CHIBAUDO: Well, she didn't know about Europe
19 and the United States, but she -- he -- I think she's
20 qualified to -- to say --

21 THE COURT: Well, lay a foundation, Counsel. So
22 sustained.

23 BY MR. CHIBAUDO:

24 Q All right. So within Israel, students that graduate

1 from an Israeli high school in your area, let's say in Tuval
2 or in Haifa, do you have any knowledge of how many of those
3 students go on to higher education in Israel?

4 A I can tell you only about where I live, Tuval. In
5 Tuval, 90 percent of the kids go to university. About Haifa,
6 I cannot give you the exact percentage.

7 Q Okay. And Haifa University, can you -- how many
8 universities are there in -- in Israel?

9 A In -- I think there is seven big university and I
10 think there are a hundred college, even more. I don't know
11 all the exact number, but people are -- I would say that the --
12 again, I don't want to say percentage, but a lot of people go
13 to higher education, because to get a job in Israel, a good
14 job, you need to have a degree.

15 MR. BLACKMON: Can we stipulate to this and move on?

16 Q And -- and is the education free?

17 A Education is free. You know, when you finish -- until
18 you finish in high school in the university and it cost if I
19 -- I -- if I will cite in the dollars, it cost merely a --
20 tuition cost 200 and 4500, but if you're a good student, you
21 get a standing.

22 Q Now let's talk about your relationship with Ben.
23 How often do you get to talk to Ben?

24 A And I speak to him. I -- I would say both times a

1 week, maybe five times a week.

2 Q And would you characterize your relationship with
3 Ben as a good relationship?

4 A Very good relationship? Every talk that we have he
5 said to me, you know, I'm coming over. Actually, in this last
6 visit they had a good time that they didn't want to go back.

7 Q When --

8 A They wanted to stay with us because it was -- you
9 know, they had so much fun going outside, going to the park,
10 and you know where we live, we -- we don't -- you know, it can
11 -- we can walk anywhere by fun. He can play in the yard no
12 problem at all. So in fact, no problem. He met a lot kids,
13 so he just had a wonderful time. And since then, you know, he
14 call and say -- will then say when I'm coming to visit you
15 again or please come to visit me and so on.

16 Q Okay. And you said the last time he came to visit,
17 When was that?

18 A In -- it was -- I think years -- I mean, I saw him
19 last summer in Vegas. And before that, he came for Rosh
20 Hashanah. I think it was in 2017 he came for -- for the holy
21 day, for the high holy day.

22 Q Which is when?

23 A In September. I think it was 2000 --

24 UNIDENTIFIED VOICE -- (Indiscernible).

1 THE WITNESS: -- seven -- '17.
2 MR. OLIVER: Your Honor, there's other people who
3 are giving her the information. You can hear --
4 THE COURT: Yeah, I --
5 MR. OLIVER: -- them --
6 THE COURT: -- I heard -- I heard voices. Is any --
7 who else is in the room?
8 THE WITNESS: Nobody. I am by myself.
9 MR. BLACKMON: I don't believe it. I just don't.
10 And I -- and, I mean, I can see in --
11 THE COURT: Well, I heard --
12 MR. BLACKMON: -- in --
13 THE COURT: -- something.
14 MR. GHIBAUDO: I --
15 MR. BLACKMON: Yeah, we did too.
16 MR. GHIBAUDO: I mean, it didn't --
17 MR. BLACKMON: And I can al --
18 MR. GHIBAUDO: -- sound like it was anybody
19 talking --
20 MR. BLACKMON: I can also see --
21 MR. GHIBAUDO: -- though.
22 MR. BLACKMON: -- in David's --
23 MR. GHIBAUDO: It was sound.
24 MR. BLACKMON: -- glasses that there were human

1 figures in the background. And I -- this should end.
2 THE WITNESS: Nobody --
3 MR. BLACKMON: This should end.
4 THE WITNESS: Okay. Okay. The -- nobody is in the
5 room and I'm in the room by myself.
6 BY MR. GHIBAUDO:
7 Q Can you pan the -- can you pan the video? Can
8 you --
9 THE COURT: Can you --
10 Q Can you turn the camera?
11 THE COURT: -- turn the video camera around?
12 A Oh, yeah. I can. No problem at all.
13 MR. GHIBAUDO: And there's no room for anybody to be
14 there.
15 MR. BLACKMON: Well, there's a hallway right there.
16 THE COURT: Okay.
17 MR. BLACKMON: I'm -- I'm sorry, Your Honor. I just
18 can't -- I can't -- I -- as long as the objection is noted, I
19 believe that there were people in the room. I heard the
20 voices too and I think that this testimony should --
21 MR. GHIBAUDO: I have --
22 MR. BLACKMON: -- cease.
23 MR. GHIBAUDO: -- nothing more for her --
24 THE COURT: Well --

1 MR. GHIBAUDO: -- anyway.

2 THE COURT: -- listen. The -- the objection's
3 noted. But certainly you're entitled to cross examination.
4 So I don't think you want to just end it now. But --

5 MR. BLACKMON: Well --

6 THE COURT: -- how much -- how much more do you
7 have?

8 MR. GHIBAUDO: I'm sorry, Your Honor.

9 MR. BLACKMON: And we --

10 THE COURT: Okay.

11 MR. BLACKMON: -- don't want to cross. We thought
12 that this was repetitive. We know that Mr. Joe Egosi had
13 testified to almost the exact same thing that --

14 THE COURT: Okay.

15 MR. BLACKMON: -- his mother just testified to. So
16 that's why.

17 THE COURT: You don't have any questions?

18 MR. BLACKMON: No, we have no questions for --

19 THE COURT: Okay.

20 MR. BLACKMON: -- her.

21 MR. GHIBAUDO: Well, I'm -- I have no more questions
22 for her, Your Honor.

23 THE COURT: Okay. All right. That concludes the
24 examination?

1 (WITNESS EXCUSED)
2 THE COURT: Your next witness?
3 MR. GHIBAUDO: Okay. I -- I know I have a lot of
4 time and I'm -- I'm not going to use all of it. Can we take a
5 quick break so that I can consider --
6 THE COURT: Do you want to take a break?
7 MR. GHIBAUDO: Yes, please.
8 THE COURT: We'll -- we'll take a break. Okay.
9 MR. GHIBAUDO: 10 minutes, Your Honor.
10 THE COURT: Yeah, that's fine.
11 (COURT RECESSED AT 1:57 AND RESUMED AT 2:07)
12 THE CLERK: We're back on the record.
13 THE COURT: We are back on the record in the Egosi
14 matter. Your next witness?
15 MR. GHIBAUDO: I have no more witnesses, Your Honor.
16 We pass the case to --
17 THE COURT: Okay.
18 MR. BLACKMON: And Your Honor --
19 THE COURT: And your --
20 MR. BLACKMON: -- I'm going to waive an opening --
21 THE COURT: Okay.
22 MR. BLACKMON: -- and call the Plaintiff Patricia
23 Egosi as our first --
24 THE COURT: Okay.

1 MR. BLACKMON: -- witness.

2 THE COURT: All right.

3 (WITNESS SUMMONED)

4 THE COURT: And --

5 MR. BLACKMON: And could you remind me, I'm sorry,
6 one more time, my time?

7 THE COURT: You're both -- you've both used almost
8 -- almost exactly the same amount of time. So you each --
9 it's almost 2:10, so you each have 25 minutes remaining.
10 Please raise your right hand to be sworn.

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

14 MS. EGOSI: Yes.

15 THE COURT: You may be seated. And Counsel, you may
16 proceed.

17 MR. BLACKMON: Thank you, Your Honor.

18 PATRICIA EGOSI
19 called as a witness on her own behalf, having been first duly
20 sworn, testified upon her oath as follows on:

21 DIRECT EXAMINATION

22 BY MR. BLACKMON:

23 Q Mrs. Egosi, can you state your full name for the
24 record?

1 A Patricia Elis Egosi.
2 Q And can you spell that?
3 A P-a-t-r-i-c-i-a, Elis is E-l-i-s, Egosi, E-g-o-s-i.
4 Q And do you go by any other names?
5 A No.
6 Q So have you ever -- nobody has ever called you
7 Patricia Lee Woods?
8 A No.
9 Q Ever?
10 A Never ever.
11 Q Okay. So when you see that name on pleadings, what
12 does it make you think?
13 A It's a setup.
14 Q Okay. But it's just -- it's not your name?
15 A No.
16 Q Okay. You started the Options patch program when?
17 A Beginning of 2017 I guess was March or April.
18 Q Okay.
19 A Or something other than -- I'm very bad with dates.
20 I'm sorry.
21 Q And in the beginning, what were the test results of
22 your patches?
23 A The first patch was -- came with the crystal meth
24 and alcohol --

1 Q Okay.

2 A -- but my pee test came clean.

3 Q Okay. And then as you had more patches tested, did

4 the drug levels that were detected --

5 A No.

6 Q -- go up or down?

7 A Down.

8 Q They went down?

9 A It was all clean.

10 Q Okay. Have you used drugs since that time?

11 A No.

12 Q And are you in counseling right now?

13 A I'm doing counseling with Mr. -- Mr. David Member

14 (sic). I don't know his last name so far.

15 Q I -- I think just for the record, it's Abrams.

16 A Okay. And Ms. Sarah -- I just start like counselor

17 with Ms. Sarah Moff (ph).

18 Q Okay. And approximately how long have you been

19 involved in individual counseling?

20 A Within David since 2000 -- January 2017 and Sarah

21 since the same -- November 2016 then stopped counseling with

22 her and recently I went back.

23 Q And when was that you went back to her?

24 A Two weeks ago.

1 Q Okay. Now can you explain to the Court your
2 understanding of why you were incarcerated last year?

3 A For sending -- for giving this -- this love letter
4 to my husband.

5 Q And -- and you sent -- how did you get that letter
6 to him?

7 A By FamilyWizard.

8 Q Okay. And what -- what did the Criminal Court judge
9 tell you not to do?

10 MR. GHIBAUDO: Objection Your Honor. That's hearsay
11 -- well, calling for hearsay testimony.

12 THE COURT: Sustained.

13 BY MR. BLACKMON:

14

15 Q Okay. Did the Criminal Court judge allow you to
16 continue to use OurFamilyWizard?

17 A She said just to talk --

18 MR. GHIBAUDO: Objection --

19 A -- about --

20 MR. GHIBAUDO: -- Your Honor. Calling -- again,
21 it's hearsay.

22 THE COURT: Sustained.

23 THE WITNESS: She -- she said just to --

24 MR. GHIBAUDO: Objection, Your Honor.

1 MR. BLACKMON: I'm sorry.

2 BY MR. BLACKMON:

3 Q You know, was it your understanding at the time that
4 you were still allowed to use OurFamilyWizard to talk about
5 your child?

6 A On the time I don't know that I was supposed to only
7 talk about then.

8 Q So you --

9 A Nobody told me anything.

10 Q You thought that you could communicate with Joe for
11 any reason through OurFamilyWizard?

12 A Yes.

13 Q Okay. But then you found out that was not true.

14 A Uh-huh (affirmative). When --

15 Q Correct?

16 A -- I was in jail already.

17 Q Okay. And how long were you sentenced to be
18 incarcerated?

19 A Six months.

20 Q And how long were you incarcerated?

21 A Four.

22 Q Why did you get out before six months?

23 A It actually is automatic only -- when you do
24 booking, automatically give you two months off of your

1 sentence.

2 Q Okay.

3 A But since I was inside without to do anything and I
4 hear about that work was better to pass the time faster, I
5 assigned myself to do work in the laundry for four months.

6 Q Okay. So while --

7 A And I did it.

8 Q So while you were incarcerated, you worked?

9 A Yes.

10 Q While you were incarcerated, did you attend any
11 programs for drug treatment?

12 A Every -- everything -- every single one.

13 Q Okay. And how -- about how many classes did you go
14 to?

15 A I did not make much because my schedule on the
16 laundry was kind of crazy. Sometimes I went to my unity
17 early. Sometimes I stay on the laundry to later nights, work
18 like 19 hours of work and laundry.

19 Q Did you do any other types of counseling in -- while
20 you were incarcerated other than drug treatment?

21 A Yeah, I did a parents. I did a drugs. I did an
22 anger management. And since I was not Jewish like rabbi over
23 there, I went to -- to some kind of bible study like Christian
24 kind of thing just to --

1 Q Okay.

2 A -- you know --

3 Q But being exposed to the Christian bible did not
4 cause you to change your Jewishness, right?

5 A No.

6 Q Okay.

7 A Not that --

8 Q When were you released from incarceration?

9 A December 15th, 2006 -- '17.

10 Q Okay. And have you wanted to get back on the patch
11 to prove that you're not using?

12 A Definitely I want.

13 Q And come you haven't gone back on the patch?

14 A I don't have the money for it.

15 Q Okay. Now when you are with Benjamin during your
16 supervised visitation, just give me a couple of things that
17 you do most often with him.

18 A My time with Ben is all about quality time, like
19 rolling on the floor, jump, rolling around, peek-a-boo, catch
20 me. He -- Joe is a little fish. He love to swim and we go a
21 lot to the pool. And after like -- we play -- we go back
22 home. My limited time I see you like giving him some food,
23 like dinner, giving him bath, shower, and the -- brushing his
24 teeth, you know, make sure that he's ready for -- to go to bed

1 like 8:00 o'clock when he go home.

2 Q To go back with his father?

3 A Yes. Yes. And Joe knows that because I advised the

4 -- the supervisor --

5 Q Patricia?

6 A -- to let him know --

7 Q I'm sorry, I have to cut you off. I didn't ask you

8 a question. So --

9 A Okay.

10 Q -- try not to -- try not to ramble. You were in the

11 court order earlier when the supervisor said that she believed

12 your time spent with Benjamin was not good time, that you yell

13 at him and things like that. Is that true?

14 A I never yell to my son. I sometimes have to be a

15 little tough with him, because then like a lot of time come to

16 my place very aggressive like beating me up, like slap my

17 face, tell me things, and for sure I have to be a little tough

18 with him, you know, but it's not yelling or anything like --

19 he's just that --

20 Q An -- how do you react when he behaves that way?

21 A my first reaction is saddenings for sure. But, you

22 know, I try to tell him that I'm his mother, show him love,

23 you know. And then when I see that the love is not working,

24 then I be tough with him a little bit and tell him listen, I'm

1 your mother, you know. You have -- you cannot do that.

2 Q So when you mean tougher, be specific. Do you mean

3 you just raise your voice?

4 A Yes, like, you know, be a little bit more like --

5 Q Okay.

6 A -- not like Ben, don't do this, I mean, like listen.

7 I am your mother, you know.

8 Q Okay. And -- you physically discipline Ben?

9 A No.

10 Q No? Now earlier again the supervisor testified that

11 you guys do -- you guys being you, Benjamin, and the

12 supervisor. And I think the supervisor said sometimes there's

13 other people that are -- that are there. Are you going -- do

14 activities?

15 A Oh, yeah.

16 Q Is that correct?

17 A A lot.

18 Q So you go to the mall?

19 A Mall, shark tank, aquarium, expositions --

20 Q Okay.

21 A -- all those kind of things.

22 Q Now backup to the first one. The mall. Now when

23 you go to the mall, does the supervisor follow you and keep an

24 eye on you the whole time?

1 A No.

2 Q What does she do?

3 A She's sitting somewhere like a coffee place or like
4 a fast food place. And I said like listen, we don't want to
5 be here. We're going to walk around. And she's like okay,
6 I'm here. And we spend like an hour walking around in the
7 mall with like little cars or whatever. And an hour later we
8 come back.

9 Q And during that time when -- when the supervisor was
10 not present, how many times did Benjamin get injured?

11 A No.

12 Q Okay. How many times did you hit Benjamin outside
13 the presence of the supervisor?

14 A No.

15 Q Okay. So you -- nothing bad's ever happened?

16 A No.

17 Q When you go swimming at your apartment complex with
18 Ben, the supervisor testified that she sits inside. How far
19 away from you is the supervisor when she's inside?

20 A Yes, there's something about like seven, 10 meters,
21 but where she sits, she cannot see the pool.

22 Q Okay. So she testified that she could -- so you're
23 saying you don't believe that she can?

24 A No, she cannot see the pool. She can see like a

1 little piece of the pool, but not where we are, like inside
2 the pool. She see like the desk of the pool. And, by the
3 way, my pool have cabanas, shades, that she can sit there and
4 watch us for sure.

5 Q Okay. You are working at -- what's the name of the
6 company?

7 A Adventures in Paradise.

8 Q Adventures in Paradise. And you were just recently
9 promoted to be a manager. Are you also seeking other
10 endeavors on your own? Are you trying to create a business?

11 A Yeah, I tried to create my own business. They're
12 called Brazil Maids (ph). It's a housekeeping service. I
13 just started. I have a few clients. It's only me. But my
14 goal is, you know, have people work for me and get them more
15 clients, you know --

16 Q Okay.

17 A -- trying to survive the best way as possible.

18 Q Okay. And do you have a car yet?

19 A No.

20 Q So how do you get around?

21 A Sometimes with the bus, with the Uber.

22 Q Uber? You -- taxi services type -- type things?

23 A Taxi and Uber. I have Uber --

24 Q Okay.

1 A -- app.

2 Q Since you were released from being incarceration,
3 have you gotten in any trouble at all?

4 A Not at all.

5 Q Not at all?

6 A It was a big lesson of my life.

7 Q And we also heard testimony earlier that you had not
8 been actively participating at Benjamin's school. Can you
9 explain why?

10 A I even know that I don't have a TPO in place. I
11 don't know that. And so -- and I'm afraid of -- do anything.
12 I don't want to end up in jail again.

13 Q So you thought that there was a TPO in place?

14 A I thought so, yes.

15 Q You thought so. And then what was the next thing
16 that you said?

17 A I don't want to end up -- end up in jail again.

18 Q And why would you be worried that you would end up
19 in jail again?

20 A I don't know. Like be in jail just to tell him
21 forgiveness isn't love. I don't know what this man can do for
22 me --

23 Q Is --

24 A -- anymore. I'm kind of like scared.

1 Q Is it fair to say that you just feel uncomfortable
2 potentially being around --

3 A Yeah.

4 Q -- Joe?

5 A Yeah.

6 Q Okay.

7 A Definitely.

8 Q Now during your -- during your marriage, we -- we
9 know that you have admitted to having committed acts
10 constituting domestic violence against Joe. Has Joe ever
11 committed acts of domestic violence against you?

12 A Yes.

13 Q How many --

14 A I sent picture to you, yeah.

15 Q On how many occasions?

16 A Every time we fight.

17 MR. GHIBAUDO: Objection, Your Honor. There is no
18 relevance to this. Yeah, she gets to testify that maybe she
19 -- but what -- what is the relevance? The custody isn't at
20 issue. It's her visitation that's at issue.

21 THE COURT: What's -- what's the offer --

22 MR. BLACKMON: So --

23 THE COURT: -- of proof as it --

24 MR. BLACKMON: -- Your Honor, the statute for best

1 interest could preclude a perpetrator of domestic violence
2 from even being considered as a joint physical custodian. So
3 by clear and convincing evidence, I believe that my client has
4 to overcome that presumption and that's what I'm trying to do
5 is by offering testimony --

6 MR. GHIBAUDO: Okay. That's an --

7 MR. BLACKMON: -- that it's -- that's a quid pro --
8 that it was a quid pro quo activity.

9 THE COURT: The objection --

10 MR. GHIBAUDO: The initial custody determination is
11 when that becomes at issue, Your Honor.

12 THE COURT: Well --

13 MR. BLACKMON: We're talking about visitation too --

14 THE COURT: -- no, visitation.

15 MR. BLACKMON: -- which is -- which is --

16 THE COURT: Yeah.

17 MR. BLACKMON: -- also relevant.

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

20 THE WITNESS: What is the question again?

21 BY MR. BLACKMON:

22 Q How many times do you think Joe hits --

23 MR. GHIBAUDO: Your Honor --

24 Q -- you?

1 MR. GRIBAUDO: -- if -- if I may, before that
2 question though, let me just renew my objection. Even if it
3 was pre quo -- quid pro quo, the presumption is hers to
4 overcome. It -- and to get joint custody. Again, we're not
5 even talking about joint physical custody here. It's my
6 understanding --

7 THE COURT: Understand.

8 MR. GRIBAUDO: -- that supervision --

9 THE COURT: It's for visitation, but I'll -- I'll
10 allow the examination. Overruled.

11 THE WITNESS: How many times? Every time that we
12 fight, like last year we in the house like almost every day.

13 BY MR. BLACKMON:

14 Q So the -- your last year in the marital residence it
15 was almost every day?

16 A Yes.

17 Q Now did -- when -- when you became pregnant with
18 Benjamin, was that when you -- was it -- okay. You were using
19 drugs. You were partying. Then you got pregnant.

20 A Right.

21 Q Did you decide to continue to use drugs and alcohol
22 when you were pregnant?

23 A No.

24 Q How did that affect your relationship?

1 A When things come -- came apart.
2 Q That's when things came apart?
3 A Uh-huh (affirmative).
4 Q And -- but why is that? Because you wouldn't use
5 drugs?
6 MR. GHIRAUDO: Objection --
7 Q And because --
8 MR. GHIRAUDO: -- Your Honor. And what is the
9 relevance to this?
10 THE COURT: Overruled.
11 THE WITNESS: Because I was not able to follow him,
12 buddies, strip clubs, doing drugs, bring girls home.
13 Actually, when I was pregnant, I complete stop the treat some
14 things. Not until I breast -- stop -- finished breastfeed
15 Ben.
16 BY MR. BLACKMON:
17 Q Okay. And do you think that if Benjamin is living
18 in Israel that you'll be able to maintain reasonable contact
19 with him?
20 A For sure not. His grandfather answered that. For
21 sure not.
22 MR. BLACKMON: Okay. I'll pass the witness, Your
23 Honor.
24 THE COURT: Cross examination.

CROSS EXAMINATION

BY MR. CHIRBAUO:

Q Do you take responsibility for anything?

A I do.

Q What does -- what responsibility do you have to --
for the predicament that you're in right now?

A Excuse me? Can you speak a little bit slower?

Q Predicament that you're in right now which is to say
that you have very little time with your child, are you at
fault at all for that?

A I don't understand the question.

(COUNSEL CONFERS BRIEFLY)

Q You clearly have visitation four hours a day, three
days a week, correct?

A Right.

Q And you're not happy with that, right?

A No, for sure not.

Q Whose fault is that?

A Whose fault is that? I don't know. This is a good
question. I -- I can take the blame.

Q You can take the blame?

A I take it, yesh.

Q What blame do you have?

A I don't know. Maybe -- I -- that's a good question.

1 I don't know.

2 Q Do you think maybe you could have controlled your
3 anger?

4 A I -- I could not.

5 Q So you were angry.

6 A I was.

7 Q And in that anger, what did you do to Joe?

8 A Fight with him all the time.

9 Q Did you throw a safe against the door when he was
10 hiding inside the office once?

11 A He locked me out of the -- the room.

12 Q And you were doing, what, throwing a safe against
13 the door, correct?

14 A Not the safe. I kicked the door.

15 Q Okay. What else did you do to him out of your
16 anger?

17 A So many things, sir. So many --

18 Q For example?

19 A -- things.

20 Q For example?

21 A Telling to him, tell him that I'm going to kill him,
22 all the things.

23 Q And you had a temporary protective order issued
24 against you, correct?

1 A I -- I don't know.
2 Q You don't know?
3 A Tell me.
4 Q You -- why did you go to jail?
5 A I think I was --
6 MR. BLACKMON: That was asked and answered on -- she
7 explained --
8 THE COURT: Well --
9 MR. BLACKMON: -- why she went to jail.
10 THE COURT: No, I understand, but Counsel can ask.
11 THE WITNESS: What --
12 BY MR. GHIBAUDO:
13 Q So you -- you realized -- is it fair to say that you
14 realize you have a major issue with anger, correct?
15 A In the past.
16 Q You don't anymore.
17 A Think it was not.
18 Q Okay. Did you have a major issue controlling your
19 jealousy?
20 A I'm not married anymore. I mean, I'm married but I
21 don't have a relationship.
22 Q Is it fair to say that you had a problem controlling
23 your impulses?
24 A In the past.

1 Q In the past. You don't anymore.

2 A No, I'm good.

3 Q Okay. What did you do overcome that? Can you

4 explain that to the Court?

5 A I stopped doing drugs was the major thing. You

6 know, the drugs driving you like really, really crazy. And I

7 did the anger management class by the Court's order, was

8 amazing. I learned so many things about anger control. And I

9 also do the therapy with Dr. David, acceptance, acceptance,

10 and commitment therapy is helping me of -- control my thoughts

11 and how to deal with my feelings.

12 Q Let's talk about what you specifically learned in

13 your anger management courses. How many hours of courses did

14 you take?

15 A I completed the 28 class. Yeah. I completed the 28

16 classes ordered by the Court.

17 Q You're talking about domestic violence counseling.

18 A Yes, I did.

19 Q Okay. What did you learn there?

20 A Hm?

21 Q What did you learn in those classes?

22 A Like the main thing is the second thought. What is

23 very helpful. Before you take any action, think twice.

24 Q What else?

1 A I'm -- I know also about relationship, like the red
2 flags and I was so blind on mine. And now next one for sure
3 I'm going to be more -- more aware.

4 Q Well, what do you -- what do you say you're blind
5 to? Are you -- you're saying that Joe was to blame to
6 something?

7 A So, I don't blame him on anything. I call myself
8 blind.

9 Q Blind to what?

10 A Blind of the red flags.

11 Q What red flags?

12 A His narcissist, specifically.

13 Q So he's at fault for your actions.

14 A No, he's not fault. I'm the -- the wrong one
15 because I was blind. How many times I have to answer that?

16 Q Do you think you were the wrong one because you hit
17 him and threaten to kill him and --

18 A I have never tried to to kill --

19 Q -- violated --

20 A -- my husband.

21 Q -- orders to stay away from him? Did you threaten
22 to kill him?

23 A I threat him, yes, but --

24 Q You did?

1 A -- I never did anything to kill him.
2 MR. BLACKMON: Just objection, asked and answered.
3 BY MR. CHIBAUDO:
4 Q In the acceptance --
5 THE COURT: Sustained.
6 Q -- therapy, what is the purpose fo acceptance
7 therapy?
8 A It's to -- and to staying a little bit more about
9 your mind, you know, what are your mind telling you. And
10 assume you'll end -- how -- what your mind telling you and
11 then you're able to control your feelings.
12 Q And what does your mind tell you that you have to
13 accept?
14 A A lot of things, like accepted the way that I was
15 reject. There was put in street as a trash bag. The
16 rejection was demanding -- what made me go to this therapy
17 because I was like very sad, depression, you know, so --
18 Q Depression for -- what reason -- rejection from
19 what? I'm sorry.
20 A Depression for my husband.
21 Q Your husband. So --
22 A Just --
23 Q -- Joe's at fault again?
24 A No, it's not his fault, sir.

1 MR. BLACKMON: Yeah, objection --
2 A Let's --
3 MR. BLACKMON: -- Your Honor.
4 MR. CHIBAUDO: How long have you been using --
5 MR. BLACKMON: He's trying to --
6 MR. CHIBAUDO: -- drugs for?
7 MR. BLACKMON: He's trying to impute testimony to
8 her that she is not saying.
9 THE COURT: Sustained.
10 BY MR. CHIBAUDO:
11 Q How long have -- how -- when was the first time you
12 -- you started using drugs?
13 A On my 15th -- yeah, when I was 15.
14 Q And how long did you do drugs for? Did you do drugs
15 consistently throughout your life?
16 A Yeah. A -- a time of my life I stopped doing drugs
17 for 10 years by my own. No therapy, nothing. By my own.
18 And --
19 MR. BLACKMON: and Your Honor --
20 A -- I was using the worst drug ever.
21 MR. BLACKMON: Your Honor, I just want to note that
22 all of this information is in Dr. Paglini's report. She was
23 very up front about all of this details, dates, drug use.
24 THE COURT: Right.

1 MR. BLACKMON: Do we --
2 THE COURT: No.
3 MR. BLACKMON: Do we need it?
4 THE COURT: No, I under -- I understand that.
5 MR. GRIBAUDO: All right. I just have a --
6 MR. BLACKMON: We don't have much --
7 MR. GRIBAUDO: -- a couple more questions --
8 MR. BLACKMON: -- time left.
9 MR. GRIBAUDO: -- Your Honor.
10 THE COURT: Right.
11 BY MR. GRIBAUDO:
12 Q So -- so you did -- so just to clarify, you have not
13 restarted the Options program, correct?
14 A No, I did not.
15 Q And your testimony was because you didn't have any
16 money, right?
17 A I have no money. It was \$18,000 --
18 Q For --
19 A \$18000 for the whole program. 560 per week.
20 Q Did you have money to pay your lawyer?
21 A I don't.
22 Q You don't?
23 A No.
24 Q Who pays your lawyer?

1 A Huh?

2 Q Who pays your lawyer?

3 A My family and friends.

4 Q You don't think it would be important to ask your
5 family and friends to pay for your Options program?

6 A How much more money I have to ask these people, sir?

7 Q 60 more dollars a week, maybe?

8 A Are you -- seriously?

9 Q Yeah.

10 MR. BLACKMON: Objection, Your Honor.
11 Argumentative. This is silly.

12 THE COURT: Sustained.

13 BY MR. CHIBAUDO:

14 Q How much do you earn right now?

15 A I have no idea. I try not to think about.

16 MR. BLACKMON: I'm not sure she understood the
17 question.

18 MR. CHIBAUDO: Yeah, I have nothing more for this
19 witness, honestly.

20 MR. BLACKMON: Okay.

21 THE COURT: Okay.

22 MR. BLACKMON: A quick redirect.

23 THE COURT: All right.

24 REDIRECT EXAMINATION

1 BY MR. BLACKMON:
2 Q Patricia, do you have any feelings at all of anger
3 now?
4 A The only feeling that I have now is sadness.
5 Q Okay. And because of your therapy, the programs
6 that you've gone through, do you feel that you would ever
7 threaten to kill somebody again?
8 A No.
9 Q Do you believe that you've become pretty much a new
10 person going through this?
11 A Yes. Besides of the therapies, I think the jail was
12 my big lesson. I don't want to go back there.
13 Q Going to jail helped you a lot?
14 A Yes.
15 MR. BLACKMON: Okay. I'm good. That'll be all,
16 Your Honor. We're --
17 THE COURT: Okay. All right. You may step down.
18 THE WITNESS: Thank you.
19 (WITNESS EXCUSED)
20 THE COURT: Do you have any other witnesses?
21 MR. BLACKMON: One more, Your Honor.
22 THE COURT: Okay.
23 MR. BLACKMON: I've got me having about nine minutes
24 left.

1 THE COURT: That's -- that's about right.

2 MR. BLACKMON: Okay. The -- our next witness is a
3 man named Brian Lorenz.

4 MR. CHIRBAUDO: And I again renew my objection made
5 in the motion in limine, Your Honor.

6 THE COURT: So noted. And I'll allow the testimony.

7 (WITNESS SUMMONED)

8 THE MARSHAL: Please remain standing and raise your
9 right hand for me.

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

13 MR. LORENZ: I do.

14 THE CLERK: You may be seated. Counsel, you may
15 proceed.

16 BRIAN LORENZ
17 called as a witness on behalf of the Plaintiff, having been
18 first duly sworn, testified upon his oath as follows on:

19 DIRECT EXAMINATION

20 BY MR. BLACKMON:

21 Q Mr. Lorenz, would it be okay if I call you Brian for
22 today's purposes?

23 A Yes.

24 Q Okay.

1 THE COURT: And if you can spell your last name.
2 THE WITNESS: L-o-r-e-n-z.
3 Q Do you live in Las Vegas?
4 A I do.
5 Q And do you have a business here?
6 A I do.
7 Q What is that business?
8 A 702 Helicopters. We're a flight school tour
9 company, helicopter --
10 Q Okay.
11 A -- airplane.
12 Q So you have strong ties to this community.
13 A Very.
14 Q And how do you know Patricia?
15 A I've met Patricia with Joe.
16 Q And --
17 A Probably around --
18 Q -- when you say you met Patricia with Joe, what does
19 that mean?
20 A Well, Patricia is married to Joe. Have been for
21 years. I've known Joe for a long, long time, since before
22 they were married. And so Joe introduced me to Patricia when
23 they got married.
24 Q Do you remember when you met Joe?

1 A It would have been -- it was a long time ago,
2 probably 2006, 2007, somewhere around there. Somewhere around
3 that time.

4 Q And what types of things did you do with Joe?

5 A All kinds of stuff. We were really good friends.
6 We would go out, spend a lot of -- back then it was before I
7 had the helicopter business. I was in it. So we had a lot in
8 common. And we would go out and go to night clubs and hang
9 out.

10 Q And did you guys ever used drugs together?

11 MR. GHIBAUDO: Objection, Your Honor, to the extent
12 that this is asking for testimony that occurred prior to the
13 last order in this case. It's irrelevant.

14 MR. BLACKMON: What?

15 MR. GHIBAUDO: It's the -- the last custody order
16 was September 20th of 2017. We're talking about events that
17 occurred 10 years ago?

18 THE COURT: And this is something we're -- it is
19 tied just to the visitation request, I presume.

20 MR. BLACKMON: It's tied to the relocation request,
21 the credibility of the Defendant, and -- the lack of
22 credibility of the Defendant and the credibility of the
23 Plaintiff. And I thought that the Court said that the
24 credibility of the parties would be an important factor in

1 this determination.

2 MR. GHIRAUDO: And I don't see where there's -- and

3 it sounds like he's asking for rebuttal testimony. I don't

4 see any testify where Joe is denying using drugs.

5 MR. BLACKMON: Your Honor --

6 MR. GHIRAUDO: I don't --

7 MR. BLACKMON: -- he --

8 MR. GHIRAUDO: -- see what -- and I don't see the

9 offer of proof. I don't see what the relevance is.

10 THE COURT: That is -- that is part of the record,

11 so --

12 MR. BLACKMON: Yeah, I was going to say --

13 THE COURT: Your objection's overruled.

14 THE WITNESS: Could you restate the question,

15 please?

16 BY MR. BLACKMON:

17 Q Did you use drugs with Joe Egosi?

18 A We have.

19 Q What types of drugs did you use?

20 A Cocaine, ecstasy.

21 Q And did you guys do that together regularly?

22 A May back when. Pretty -- pretty often. About every

23 weekend.

24 Q Okay. And are you aware that Joe has told Dr.

1 Paglini that he never used drugs, ever?

2 A I -- I've heard that.

3 Q And your response to that would be what?

4 A It's not true.

5 Q Okay.

6 A It's very not true.

7 Q Now you -- you said that you started out being

8 friends with Joe. You met Patricia through Joe. Are you

9 friends with Patricia now?

10 A Yes.

11 Q And have you seen her in Las Vegas since this case

12 started?

13 A I have.

14 Q And from your observations, has her behavior changed

15 in the last year and a half?

16 MR. GHIBAUDO: Objection, Your Honor. Foundation.

17 I -- I -- there's no foundation been laid about all --

18 THE COURT: Sustained.

19 MR. GHIBAUDO: -- of these --

20 THE COURT: Sustained.

21 BY MR. BLACKMON:

22 Q How often do you see Patricia?

23 A I see Patricia probably, I don't know, every --

24 probably two or three months or so.

1 Q Okay. And going back how far would that be
2 consistent?

3 A Since I've known her pretty much. The only time
4 that we had a -- a lapse there, it was a time where obviously
5 she was incarcerated and there was a time where she was out of
6 time for some time, but I've known her pretty regularly.

7 Q Okay. So you know that, you know, she was a drug
8 user as well and that there were problems in the home?

9 A Yes.

10 Q Correct? In the last -- just in calendar year 2018
11 when you have seen her, has she been different than she was
12 before?

13 MR. GHIBAUDO: Objection, Your Honor. I still don't
14 -- I'm still not understanding how often he's seen her this
15 year and for how --

16 MR. BLACKMON: He said every --

17 MR. GHIBAUDO: -- long --

18 THE COURT: He said the same --

19 MR. BLACKMON: -- three months --

20 THE COURT: -- I think.

21 MR. BLACKMON: -- going back since they moved here.

22 THE COURT: Yeah.

23 MR. GHIBAUDO: Right. But in the -- every three
24 months for what, two weeks, three weeks, a day, two hours? I

1 don't know. I'm not sure what --
2 THE COURT: Sustained.
3 MR. BLACKMON: Okay.
4 THE COURT: Sustained.
5 BY MR. BLACKMON:
6 Q About how long do you spend with Patricia each time
7 you -- you visit with her?
8 A Three or four hours.
9 Q Okay. So and what types of things do you do when
10 you actually do see her?
11 A She'll come over and visit with the kids. We went
12 -- we would go out and have dinner with my wife.
13 Q So you have kids.
14 A Yes.
15 Q How many kids do you have?
16 A Four.
17 Q And would you trust Patricia to be alone with your
18 kids?
19 A Absolutely.
20 Q Has that ever happened? Have you ever asked her to
21 babysit?
22 A I don't think so. My wife's very possessive, so --
23 Q Okay.
24 A -- we won't --

1 Q Okay.

2 A -- trust just anybody, but I wouldn't --

3 Q Okay.

4 A -- I wouldn't hesitate.

5 Q Okay. So every few months you saw her three or four

6 hours at a time going back to when you -- everybody was here

7 at the same time, correct?

8 A Uh-huh (affirmative).

9 Q With that in mind, has her behavior changed now as

10 compared to 2017, 2016?

11 MR. CHIRBAUDO: Objection, Your Honor. And the

12 objection is this. This -- his testimony is completely

13 irrelevant because by my calculation based on his testimony,

14 this year he's seen her for a total of about 12 hours all

15 year. I don't think anything that he says about Ms. Egosi is

16 a -- is of any relevance or value.

17 THE COURT: It goes to the weight. Overruled.

18 BY MR. BLACKMON:

19 Q Have you noticed a change in her?

20 A I've noticed change in her, yeah. Sure.

21 Q And are -- have you remained friends with the

22 Defendant Joe Egosi?

23 A I'd like to think so. We've had our disagreements

24 in the past, but we don't -- I haven't spoken to him in

1 awhile.

2 Q Would it surprise you to know that he testified
3 earlier that you guys are not friends and never have been
4 friends?

5 A Yes.

6 Q Okay. This year when you've spent time with
7 Patricia, have you seen her or observed her using drugs?

8 A No.

9 Q Have you seen or observed her being violent?

10 A No.

11 Q Have you seen or observed her doing anything that
12 would be considered unusual?

13 A No.

14 MR. BLACKMON: Okay. That's all I have.

15 THE COURT: Cross examination?

16 MR. CHIBAUDO: I have just one question, Your Honor.

17 CROSS EXAMINATION

18 BY MR. CHIBAUDO:

19 Q When was the last time that you actually spoke to
20 Mr. Egesi, Joe, before today?

21 A Last time I spoke with Joe? From my recollection,
22 he came to my office and I'm a CCW instructor as well, so he
23 asked me to --

24 Q That -- I'm not -- that -- the question was when was

1 it?

2 A Oh.

3 Q Date --

4 A What was --

5 Q Date, a month, and year.

6 A I would say it was probably a year and a half, two
7 years ago. I don't recollect the exact year or date.

8 Q And before that?

9 A Before that? Probably before that was when we went
10 over to his house for dinner and we went to his birthday party
11 -- his son's birthday party, invited my wife and the kids and
12 everybody.

13 Q What year and what month?

14 A It was his son's first birthday party, so --

15 Q So four years ago.

16 MR. GHIRAUDDO: All right. I have nothing more, Your
17 Honor.

18 THE COURT: All right. You may step down.
19 (WITNESS EXCUSED)

20 MR. BLACKMON: Thank you Brian for that.

21 MR. LORENI: Yeah.

22 THE COURT: All right.

23 MR. BLACKMON: Your Honor --

24 THE COURT: I -- I believe that concludes the --

1 MR. BLACKMON: I -- I got two minutes.
2 THE COURT: You got one minute.
3 MR. BLACKMON: I got a minute and --
4 MR. OLIVER: A minute and 50 seconds.
5 MR. BLACKMON: I -- by my count, yeah, a minute and
6 fifty seconds. I'll take one --
7 THE COURT: Okay.
8 MR. BLACKMON: -- minute.
9 THE COURT: You may be right.
10 MR. BLACKMON: I'll take one minute.
11 THE COURT: Okay.
12 MR. BLACKMON: This is -- it's his case in chief
13 first, so do you want to make a close?
14 MR. GHIRAUDO: Yeah.
15 MR. BLACKMON: You want to make a close?
16 MR. GHIRAUDO: No, I'm closed.
17 MR. BLACKMON: Okay. I think it's appropriate that
18 the moving party close first.
19 THE COURT: Oh, that's what you're asking for in
20 terms of closing.
21 MR. BLACKMON: Yes.
22 MR. OLIVER: Yeah.
23 THE COURT: Okay. And -- and you have a few more
24 minutes.

1 MR. GHIBAUDO: Yeah, it's 2:41 now, Your Honor. Can
2 we take a quick break just to kind of evalu -- I've just got
3 to get my thoughts together? Just a quick break. Five
4 minutes?

5 THE COURT: Let's take a five minute break.

6 MR. GHIBAUDO: We'll be done by 3:00.

7 THE COURT: Okay.

8 MR. GHIBAUDO: Thank you, Your Honor.

9 (COURT RECESSED AT 2:41 AND RESUMED AT 2:49)

10 THE CLERK: We're back on the record.

11 THE COURT: Okay. We are back on the record in the
12 Egoel matter. We'll entertain brief closing statements. I'm
13 going to start with the Defendant.

14 MR. GHIBAUDO: I'm just going to make some brief
15 remarks, Your Honor.

16 THE COURT: Okay.

17 MR. GHIBAUDO: First, I'm not going to go through
18 every single solitary element of every claim. I'm just going
19 through the mini -- I'm sure that you're going to make the
20 appropriate decision.

21 The way that I see the relocation basically get a
22 good faith for the move, reasonable alternative visitation
23 schedule and it's in the best interest of the children and you
24 get to relocate. The pretrial memorandum that I submitted, I

1 indicated that there is no higher standard of proof that needs
2 to be met or other factors when it's an international
3 relocation. So the analysis has to be the same as it is if
4 somebody is relocating within the United States.

5 I also indicated, one, the issue or concern raised
6 by Counsel in one of the hearings was the idea that if you go
7 to Israel that you'll never see the kid again because Israel
8 somehow doesn't comply with the Hague. I actually have a
9 report from the State Department that was issued last year,
10 2017, on compliance with the Hague in individual countries and
11 in fact Israel is a model country with compliance with the
12 Hague. And I have that here if you want to look at it, if you
13 want to consider it. It's a one page -- it's a pretty
14 extensive big report and it goes country by country.

15 And in my review of it, it was pretty clear that
16 Israel is completely compliant and cooperative and the
17 incidents of abductions and the cooperation of Israeli
18 government has with the government here is it's a high level.
19 It's at the maximum, in fact. And in fact, they even provide
20 monetary support for petitioners here in the United States, if
21 they need it, if there's not a legal aid for example provided
22 in the United States for their -- to pursue or litigate those
23 issues. So, again, I have that report if you want to see it
24 or if you want to take my word for it, I don't know.

1 As far as the good faith ben -- good faith reason
2 for the move, you heard my client testify today that he has no
3 family support here in the United States. He's a single
4 parent who is -- who is carrying a pretty hefty load. He does
5 all the transportation and he's very involved with his child,
6 whether it be at home or with his school. And that doesn't
7 afford him the opportunity to work full-time.

8 And so going to Israel is going to provide him that
9 opportunity because he's got family there that's prepared to
10 help him out. The state of Israel is actually going to
11 prepare to help him out financially. So there is pretty
12 clearly based on the testimony and the evidence presented
13 today that he -- there is a good faith reason for leaving.

14 The alternative visitation schedule that was
15 provided is actually better than what she has now. And that
16 is that it was -- it would be -- the offer was two weeks in
17 the summer, one week during the -- the Jewish holiday in
18 December and then every other month. I believe it was two to
19 three days. And he would provide a social work for
20 supervision if that's necessary and assist with -- and arrange
21 flights and such.

22 I don't see what difference it is whether the
23 supervision or the visits occur here or in Israel. I -- she's
24 got to maintain contact with her child. And I'll add also to

1 that and what didn't come out in testimony is that the offer
2 is also that when she doesn't have her child she gets to see
3 or visit with the child via FaceTime at least three times a
4 week. So by all accounts given what she has now, what she
5 currently enjoys, that's more than a reasonable offer. It's
6 -- it's a -- it's a superior visitation schedule than what she
7 enjoys right now.

8 As far as best interest factors, you'll note that
9 the testimony that you heard today from whether it be the
10 teachers or -- particularly the teachers and the other people
11 that testified, Joe's very involved in the child's emotional
12 and development well-being. So that factor favors and I think
13 pretty, pretty greatly.

14 The -- the fostering, close, and continuing
15 relationship between the child and the other parent, there has
16 been no testimony that he's frustrating her visits at all. He
17 provides them. He -- he even facilitates them. He drives
18 there, picks them up, because she doesn't have a car even
19 though she's made no effort to get a car even though she
20 probably should. And he still helps her out and does
21 everything that he can.

22 As far as cooperation and co-parenting, there has
23 been no testimony that my client interferes with her parenting
24 time or tries to keep her from the child. In fact, what you

1 heard today was that she takes no initiative. She does
2 nothing to try to get involved, to try to either reach out to
3 Joe or reach out to the child -- the -- the child's care
4 providers or educators to see what's going on.

5 And her explanation for that was pretty threadbare.
6 She essentially said I'm scared to get arrested again and I
7 thought I had a TPO. That's just not a good excuse why you
8 don't make an attempt or an effort to -- to take the
9 initiative to try to get involved in your child's life. And
10 she doesn't have a TPO. She hasn't had one forever. She
11 makes no effort to do anything with regard to the child's care
12 and development and she doesn't reach out to Joe about
13 anything concerning the child.

14 Then finally, I think what needs to be considered is
15 mental health. I think that the reports that are -- have
16 already been admitted into evidence, I don't think anybody's
17 going to deny today, that the Plaintiff has some pretty
18 significant issues to overcome, specifically, you have
19 domestic violence issues, you have drug issues, and you have
20 actual mental health issues.

21 And what she's offered today as proof that she's
22 better are essentially sessions of ACT therapy with a social
23 worker, a couple of classes in jail, and that's it. But
24 what's important to note is that she's not done the Options

1 program. She went late to the first drug test and she's done
2 nothing to get involved in Options. You've got to presume
3 that she's dirty at this point given her history.

4 The explanation that she had was, well, I don't have
5 the money. The testimony was it cost \$40 a week. But she
6 pays her lawyer. She has another money to get an Uber. She
7 has enough money to do everything but get a drug test. The
8 one thing that's probably going to be holding her back, she
9 can't do it.

10 I think you have to take from that and presume that
11 she's dirty again. She has a long history of drug abuse. And
12 she's been in this court before and she's told evaluators for
13 a month -- for example, that she's clean and the subsequently
14 test dirty. She's al -- she's done that repeatedly throughout
15 this litigation. And as she's saying it again and what we
16 have to support that is nothing. We have the opposite of
17 support. We have that she's not gone to Options. So before
18 any supervision is lifted, I think that at the bare minimum
19 she has to do that.

20 Domestic violence that she's taken, mandatory
21 through the courts, I don't think are sufficient. And I'll
22 rest on my reply brief because I think I want into some detail
23 concerning what she did and what she should probably should be
24 doing on that score.

1 But overall, I think the testimony that you heard
2 today demonstrates the good faith reason for the move, that
3 there's a reasonable alternative visitation schedule provided.
4 It's in the best interest of the child to move to Israel. So
5 I'll rest --

6 THE COURT: Thank you --

7 MR. GHIRAUDO: -- on that.

8 THE COURT: Thank you, Counsel. All right.
9 Briefly, Mr. Blackmon.

10 MR. BLACKMON: Yes, Your Honor. Thank you. So
11 today I think we went for about four and a half hours total,
12 five hours. There was never any testimony elicited from
13 anybody that the Defendant has met the initial burden of a
14 sensible good faith reason to go to Israel. The Defendant
15 offered no evidence to suggest what efforts he had made to get
16 employment in Las Vegas or in the area, none. He's made no
17 efforts, actually.

18 Since we don't get to the sensible good faith
19 reason, I don't know if we get to everything else, but I'm
20 going to go through it. There was no actual advantage for the
21 child associated by any witness here. In fact, the
22 Defendant's own witness, the -- the head of the school that
23 little Benjamin is going to says that he is thriving here.
24 She also testified that as Benjamin gets older he will be able

1 to continue to have his Jewish heritage supported through
2 adulthood, that there's a large Jewish community here. So
3 that doesn't make sense about the school.

4 The grandfather testified that he's had a hard time
5 maintaining any type of relationship with Benjamin because
6 it's so long distance. So his own witness is testifying that
7 our client is going to have a hard time maintaining a
8 relationship with her child.

9 Right now Mom is doing great. She testified to it.
10 There's no evidence to suggest that she's not doing great.
11 She was not late for her last drug test, by the way. We
12 didn't get the proof until too late, but she showed up at the
13 facility at 1:57 p.m., then she waited in the lobby. She was
14 tested on time. She cannot be presumed dirty.

15 What's also come about at this trial is that the
16 Defendant has no credibility whatsoever. The idea that
17 celebrating American holidays dilutes somebody's Judaism is to
18 be absurd on its face.

19 When Patricia says that she doesn't go to the school
20 because she's afraid of conflict, she has good reason for that
21 because every time she interacted with the Defendant before
22 something bad happened. So she was just protecting everybody.
23 But now that she knows that she can do it, I guarantee you
24 Mom's going to be involved in school whether Dad likes it or

1 not.

2 Counsel's argued that she has many issues to
3 overcome. She has no more issues to overcome. She has a
4 personality now to maintain so that she can continue to
5 thrive. She got a job. She's been promoted to manager. Her
6 boss loves her, says that she's fantastic.

7 The reason that she hasn't continued options is
8 because the Defendant has refused to pay despite the fact that
9 he was ordered to pay for it.

10 MR. GHIBAUDO: Your Honor, I'm going to object to
11 that.

12 MR. BLACKMON: You don't get to --

13 MR. GHIBAUDO: It's just not --

14 MR. BLACKMON: -- object --

15 MR. GHIBAUDO: -- a fact --

16 MR. BLACKMON: -- to that.

17 MR. GHIBAUDO: Well, you know what, it's just not a
18 -- it's not a fact. He wasn't ordered to pay for it. And nor
19 -- nor was there any --

20 MR. BLACKMON: He wasn't?

21 MR. GHIBAUDO: -- evidence to -- to suggest that she
22 showed up at 1:57. The report said she was taken at 2:10.
23 But anyway, I'll -- I'll leave --

24 THE COURT: All right.

1 MR. CHIRAUDDO: -- it at that. That's why rebuttal.
2 MR. BLACKMON: If we can, Your Honor, I would like
3 to be able to submit that electronic evidence that shows that
4 she arrived at the testing facility at 1:57 p.m. on that day.
5 THE COURT: I -- at -- at this point, I don't -- I
6 don't -- that's unnecessary. All right. Here's -- here's
7 what we're going to do. I -- I am looking at setting a
8 decision hearing for -- because we are out of time, for
9 September 10th at 8:30. You can check your calendars. That
10 is a week from Monday. So it's not -- it's not far off.
11 (COUNSEL CONFER BRIEFLY)
12 THE COURT: Any -- any conflicts?
13 MR. BLACKMON: September 7th at what time?
14 THE COURT: At 8:30.
15 THE CLERK: September 10th.
16 MR. BLACKMON: September 10th.
17 THE COURT: September 10th. Did I say --
18 THE CLERK: Yeah, you said 7th.
19 THE COURT: Yeah.
20 MR. BLACKMON: September 10th --
21 THE COURT: September 10th.
22 MR. BLACKMON: -- at 8:30 at 10:00
23 THE COURT: 8:30.
24 MR. BLACKMON: September 10th at 8:30.

1 THE COURT: Yeah.

2 MR. BLACKMON: I'm fine.

3 MR. GRIBAUDO: I'll do it, Your Honor.

4 THE COURT: All right. Okay. All right.

5 MR. GRIBAUDO: Oh, no, Your Honor, if you want --

6 and -- and I don't know. I -- I mentioned the reports from

7 the State Department concerning the Israel --

8 THE COURT: I don't need that.

9 MR. GRIBAUDO: -- reports.

10 THE COURT: No, I -- I appreciate the --

11 MR. BLACKMON: And never --

12 THE COURT: -- representations.

13 MR. BLACKMON: -- offered them into evidence anyway.

14 THE COURT: I -- well, and I -- I get that. I -- I

15 recognize just as a legal -- as a -- as conclusion that Israel

16 is a signatory to the Hague Convention. I don't think that's

17 in dispute.

18 MR. BLACKMON: No, we only argue that they were

19 reluctant.

20 THE COURT: So --

21 MR. BLACKMON: And that was all.

22 THE COURT: All right. So we have that hearing set

23 and the matter is under advisement. There were no documentary

24 exhibits admitted, so --

1 MR. BLACKMON: No, everybody decided against it.

2 THE COURT: We'll -- we'll return -- have your
3 binder back. That's a hefty binder. Okay. All right.
4 Thank you for your appearances.

5 MR. EGOSI: Thank you, Your Honor.

6 MR. GHIRAUDO: Thank you, Your Honor.

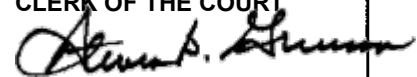
7 (PROCEEDINGS CONCLUDED AT 3:01:59)
8
9

10 * * * * *

11 ATTEST: I do hereby certify that I have truly and
12 correctly transcribed the digital proceedings in the above-
13 entitled case to the best of my ability.
14

15 *Adrian Medrano*

16 _____
17 Adrian N. Medrano
18
19
20
21
22
23
24



1 ORDR
2
3
4

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 PATRICIA EGOSI,)

8 Plaintiff,)

9 v.)

CASE NO. D-16-540174-D

DEPT NO. Q

10 YOAV EGOSI,)

11 Defendant.)

Date of Evidentiary Hearing:
August 31, 2018

12
13
14 FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDERS
15

16 This matter came before this Court on August 31, 2018 for an evidentiary
17 hearing on the issue of relocation and Plaintiff's visitation with the parties' minor child,
18 Benjamin Egosi, born January 14, 2014. The papers giving rise to these proceedings
19 included Defendant's Motion to Relocate with the Minor Child and for Attorney's Fees
20 and Costs (Jun. 6, 2018) (hereinafter referred to as Defendant's "Relocation Motion"),
21 and Plaintiff's Opposition to Defendant's Motion to Relocate with the Minor Child
22 and for Attorney's Fees and Costs and Countermotion for a Restoration of Plaintiff's
23 Legal Custody; an Expansion of Her Physical Custodial Timeshare; Information
24 Regarding the Child's Travels with Defendant; an Order Appointing a Guardian Ad
25 Litem for the Child; for an Independent Medical Evaluation for the Minor Child; and
26 for Attorney's Fees and Costs (Jul. 3, 2018) (hereinafter referred to as Plaintiff's
27
28

1 "Countermotion"). Plaintiff, Patricia Egosi, appeared personally, and by and through
2 her attorneys, John R. Blackmon, Esq., and Stephen Oliver, Esq. Defendant, Yoav
3 Egosi, appeared personally and by and through his attorney, Alex Ghibaud, Esq.
4

5 Upon review of the record, this Court finds and concludes as follows:
6

7 I. PROCEDURAL HISTORY

8 This matter was initiated with Plaintiff's filing of her Complaint for Divorce
9 (Sep. 26, 2016). The issue of custody was adjudicated on September 8, 2017. Plaintiff
10 did not appear at the evidentiary hearing due to her incarceration. At the time of the
11 custody evidentiary hearing, Plaintiff was in the midst of sweat-patch drug monitoring
12 through Options. The Court's Order (Sep. 20, 2017) from the evidentiary hearing
13 awarded sole legal and sole physical custody to Defendant. *See* Order (Sep. 20, 2017)
14
15 2. Further, upon her release from incarceration, Plaintiff's supervised visitation would
16 resume. *Id.* The Order (Sep. 20, 2017) is *not* a temporary custody order. In fact, upon
17 review of the hearing, the Court expressly declared it did not intend to issue temporary
18 orders as to physical custody. Although the Court was open to such a label regarding
19 legal custody, the final Order (Sep. 20, 2017) did not make such orders temporary in
20 nature. Accordingly, these proceedings are not intended as initial custody proceedings.
21 Rather, the issues before the Court are limited to Defendant's request to relocate with
22 the child to Israel and Plaintiff's request to modify visitation (and to eliminate the
23 requirement of supervision).
24
25
26
27
28

...

1
2 II. CONCLUSIONS OF LAW

3 A. RELOCATION

4 NRS 125C.006 provides as follows:

5
6 1. If primary physical custody has been established pursuant to an
7 order, judgment or decree of a court and the custodial parent intends to
8 relocate his or her residence to a place outside of this State or to a place
9 within this State that is at such a distance that would substantially impair
10 the ability of the other parent to maintain a meaningful relationship with
11 the child, and the custodial parent desires to take the child with him or
12 her, the custodial parent shall, before relocating:

13 (a) Attempt to obtain the written consent of the
14 noncustodial parent to relocate with the child; and

15 (b) If the noncustodial parent refuses to give that
16 consent, petition the court for permission to relocate with
17 the child.

18 2. The court may award reasonable attorney's fees and costs to the
19 custodial parent if the court finds that the noncustodial parent refused to
20 consent to the custodial parent's relocation with the child:

21 (a) Without having reasonable grounds for such
22 refusal; or

23 (b) For the purpose of harassing the custodial parent.

24 3. A parent who relocates with a child pursuant to this section
25 without the written consent of the noncustodial parent or the permission
26 of the court is subject to the provisions of NRS 200.359.

27 In 2015, the Nevada Legislature enacted NRS 125C.007, "**Petition for**
28 **permission to relocate; factors to be weighed by court.**" Prior thereto, the law
regarding relocation was guided by case-law precedent, beginning with *Schwartz v.*
Schwartz, 107 Nev. 378, 812 P.2d 1268 (1991) and its progeny. NRS 125C.007
codifies factors that the Court is required to consider in adjudicating a request to

1
2 relocate with a child. NRS 125C.007 provides as follows:

3 1. In every instance of a petition for permission to relocate with
4 a child that is filed pursuant to NRS 125C.006 or 125C.0065, the
5 relocating parent must demonstrate to the court that:

6 (a) There exists a sensible, good-faith reason for the
7 move, and the move is not intended to deprive the
8 non-relocating parent of his or her parenting time;

9 (b) The best interests of the child are served by
10 allowing the relocating parent to relocate with the child;
11 and

12 (c) The child and the relocating parent will benefit
13 from an actual advantage as a result of the relocation.

14 2. If a relocating parent demonstrates to the court the provisions
15 set forth in subsection 1, the court must then weigh the following factors
16 and the impact of each on the child, the relocating parent and the
17 non-relocating parent, including, without limitation, the extent to which
18 the compelling interests of the child, the relocating parent and the
19 non-relocating parent are accommodated:

20 (a) The extent to which the relocation is likely to
21 improve the quality of life for the child and the relocating
22 parent;

23 (b) Whether the motives of the relocating parent are
24 honorable and not designed to frustrate or defeat any
25 visitation rights accorded to the non-relocating parent;

26 (c) Whether the relocating parent will comply with
27 any substitute visitation orders issued by the court if
28 permission to relocate is granted;

(d) Whether the motives of the non-relocating parent
are honorable in resisting the petition for permission to
relocate or to what extent any opposition to the petition for
permission to relocate is intended to secure a financial
advantage in the form of ongoing support obligations or
otherwise;

(e) Whether there will be a realistic opportunity for
the non-relocating parent to maintain a visitation schedule
that will adequately foster and preserve the parental
relationship between the child and the non-relocating
parent if permission to relocate is granted; and

(f) Any other factor necessary to assist the court in determining whether to grant permission to relocate.

3. A parent who desires to relocate with a child pursuant to NRS 125C.006 or 125C.0065 has the burden of proving that relocating with the child is in the best interest of the child.

With respect to the best interest factors, NRS 125C.0035 provides, in pertinent part, as follows:

4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.

(b) Any nomination of a guardian for the child by a parent.

(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.

(d) The level of conflict between the parents.

(e) The ability of the parents to cooperate to meet the needs of the child.

(f) The mental and physical health of the parents.

(g) The physical, developmental and emotional needs of the child.

(h) The nature of the relationship of the child with each parent.

(i) The ability of the child to maintain a relationship with any sibling.

(j) Any history of parental abuse or neglect of the child or a sibling of the child.

(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.

(l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

1 The controlling custody Order (Sep. 20, 2017) provides Defendant with sole
2 legal and sole physical custody of the parties' child. NRS 125.006 refers to a primary
3 physical custody arrangement. This Court concludes that the same factors should be
4 weighed in considering Defendant's relocation request based on the impact his
5 proposed relocation would have on Plaintiff's visitation rights. Indeed, Defendant
6 relied on and argued the same factors and analysis in his Relocation Motion and his
7 Pretrial Memorandum (Aug. 29, 2018). Thus, this Court concludes that it is
8 Defendant's burden to satisfy the elements of relocation based on the factors set forth
9 in NRS 125C.007.
10

11
12
13 B. MODIFICATION OF VISITATION
14

15 As noted previously, custody previously was established by way of this Court's
16 Order (Sep. 20, 2017). Pursuant thereto, Defendant was awarded sole legal and sole
17 physical custody of the parties' child. This Court concludes that Plaintiff has the
18 burden to demonstrate that there has been a substantial change of circumstances and
19 that a modification of Plaintiff's visitation with the child is in the child's best interest.
20
21 *See Ellis v. Carucci*, 123 Nev. 145, 161 P.3d 239 (2007).
22

23 III. FINDINGS OF FACT
24

25 A. RELOCATION
26

27 Based on the testimony offered in the evidentiary hearing, this Court finds as
28 follows with respect to the statutory factors set forth in NRS 125C.007(1):
...

1
2 (a) *There exists a sensible, good-faith reason for the move, and the move is not intended*
3 *to deprive the non-relocating parent of his or her parenting time.*

4 The “sensible, good faith reason[s] for the move,” as offered by Defendant, are
5 family connections in Israel (and his religious heritage), as well as economic
6 opportunities through employment. With respect to family connections, Defendant’s
7 entire family resides in Israel except for a sister. Defendant also testified that the
8 parties’ child would lose his Jewish identity if he continued to live in Las Vegas,
9 Nevada. Although a relocation to “home” (be it another state or country) is an
10 attractive motivation, Defendant himself has not lived in Israel since he was twelve
11 years of age. (Defendant is currently 41 years of age. Thus, he has lived outside Israel
12 for the past 29 years.) Moreover, Plaintiff has not lived in Israel, there is no evidence
13 that she has family there, and “home” for the child has always been Nevada.
14

15
16 With respect to economic opportunities, Defendant testified that he will be
17 earning employment income of approximately the equivalent of \$5,000 per month.
18 Although he testified that he earns only \$3,000 per month currently, his current
19 Financial Disclosure Form (Jul. 10, 2018) reflects average gross monthly income of
20 \$5,750. Moreover, his prior Financial Disclosure Form (Mar. 22, 2017) reflected
21 average gross monthly income of \$8,933. Apart from employment income, Defendant
22 testified of government benefits that he will be entitled to receive upon relocating to
23 Israel (including a grant, rent subsidies, free education and insurance). Defendant’s
24 testimony in this regard was un-controverted. Such income and benefits, however, are
25 not superior (and certainly not materially superior) to the income Defendant reported
26
27
28

1 throughout the majority of this litigation. As it is each party's burden to file updated
2 Financial Disclosure Forms upon a change in their financial situation, the Court
3 presumes that Defendant's average gross monthly income was \$8,933 *until* he filed his
4 updated Financial Disclosure Form (Jul. 10, 2018).
5

6 Although the Court finds that Defendant's reasons for relocation are in good
7 faith, the Court does not find that the reasons are sensible. The Court is not persuaded
8 that the financial benefits are materially superior to his historical earnings, or that it
9 is sensible to move the child thousands of miles from the only place the child has
10 known as home to be nearer to Defendant's family. The child appears to be thriving
11 in his environment in Las Vegas, Nevada, and is not in danger of losing his Jewish
12 identity. Moreover, this Court is unable to find that the move is not intended to
13 deprive Plaintiff of her parenting time. In this regard, this Court recognizes that
14 Plaintiff's current visitation is limited in time. Thus, the amount of visitation time
15 proposed by Defendant may indeed exceed quantitatively her current visitation.
16 Defendant's proposed visitation schedule for the foreseeable future, however, would be
17 limited to Plaintiff traveling to Israel.¹ The schedule proposed by Defendant is not
18 practical.
19
20
21
22
23
24
25

26 ¹The Relocation Motion referenced Defendant contributing to the costs of trans-
27 portation, offset from Plaintiff's child support obligation. Defendant testified that he would
28 "set-up" a place in Israel for Plaintiff while she visited. There is nothing in the record, however,
that provides the Court with information regarding the total costs associated with each visit
or indication that all costs (including any cost that might exceed Plaintiff's child support)
would be covered by Defendant.

1
2 Although this Court finds that Defendant has not met his burden to satisfy this
3 first element, this Court nevertheless analyzes the remaining elements of NRS
4 125C.007.

5 (b) *The best interests of the child are served by allowing the relocating parent to*
6 *relocate with the child; and*

7 With respect to the best interest factors, this Court reviews the factors set forth
8 in NRS 125C.0035(4). This review is in the context of Defendant's relocation request
9 and recognizes that this is not an initial custody determination:
10

11 (1) *The wishes of the child if the child is of sufficient age and capacity to form*
12 *an intelligent preference as to his or her physical custody.*

13 Benjamin is four years of age. This factor is not applicable.

14 (2) *Any nomination of a guardian for the child by a parent.*

15 This factor is not applicable
16

17 (3) *Which parent is more likely to allow the child to have frequent associations*
18 *and a continuing relationship with the non-custodial parent.*

19 The focus of the Court is, in the context of a relocation to Israel, whether the
20 Court trusts that Defendant will foster Plaintiff's relationship with the child from a
21 distance. Early in this case, this Court expressed that it did not trust either party as
22 a parent. See November 29, 2016 Videotape at 8:46. Plaintiff's existing relationship
23 is limited to regular supervised visitation consisting of three four-hour visits per week.²
24 The parties' relationship is fraught with conflict with minimal flexibility. Defendant
25
26
27

28 ²Defendant complained that even the limited four hour visits enjoyed by Plaintiff were
disruptive to the child's schedule and routine.

1 proposes that Plaintiff's visitation be supervised and take place entirely in Israel for the
2 foreseeable future. The visits would include: a two-week block *in Israel* consisting of
3 four hours each day supervised; four days during Hanukkah consisting of four hours
4 each day supervised *in Israel*; and supervised visits of four hours during two days every
5 two months *in Israel*. Upon Plaintiff satisfying certain milestones, Plaintiff could
6 petition the Court for expanded time. Although there were legitimate bases previously
7 established for the implementation of supervision, this Court finds that Defendant
8 would not voluntarily expand Plaintiff's time with the child without Plaintiff seeking
9 a court order for a modification. This Court is unable to find that Defendant would
10 "allow the child to have frequent associations and a continuing relationship" with
11 Plaintiff from such a distance.
12

13
14
15
16 (4) *The level of conflict between the parents and the ability of the parents to*
17 *cooperate to meet the needs of the child.*

18 The level of conflict between the parents is extremely high and there is no
19 evidence that the parties are able to cooperate to meet the needs of the child. The
20 parties' conflict is epitomized by the heightened amount of litigation in this matter,
21 From November 1, 2016 through August 31, 2018, there have been 28 hearings
22 scheduled in this matter – an average of more than one hearing every month.³ This
23 does not bode well for the maintenance of a relationship from thousands of miles away.
24 The inability to cooperate and the high level of conflict is not in the child's best
25 interest and does not support a relocation.
26
27
28

³This includes scheduled discovery hearings.

1
2 (5) *The mental and physical health of the parents.*

3 Apart from concerns that are already part of the record, there is nothing new
4 upon which findings can be based. Plaintiff offered testimony, primarily associated
5 with her request to modify visitation, regarding her participation in various programs
6 and completion of training. As of the evidentiary hearing, however, Plaintiff still has
7 not completed the Options sweat-patch testing. Plaintiff's employer testified regarding
8 Plaintiff's employment. While this Court finds that Plaintiff has made improvements
9 and maintains regular employment, the Court remains without regular testing to assist
10 in confirming that she has adequately addressed any possible addiction issues.
11

12
13 (6) *The physical, developmental and emotional needs of the child.*

14 The parties child needs a healthy and safe relationship with both parties.
15 Notably, Defendant's father acknowledged in his testimony that his relationship with
16 his grandson (the parties' son) has deteriorated as a result of the geographic distance
17 between Israel and Las Vegas, Nevada. The child's relationship with his mother will
18 similarly suffer if the child relocates. This will be detrimental to his physical,
19 developmental and emotional needs.
20
21

22 (7) *The nature of the relationship of the child with each parent.*

23 The child has a strong bond and relationship with his father. The child's
24 relationship with his mother is much more tenuous. A relocation to Israel will preclude
25 any realistic opportunity for the child to maintain a relationship with his mother.
26
27

28 (8) *The ability of the child to maintain a relationship with any sibling.*

 This factor is not applicable.

1
2 (9) *Any history of parental abuse or neglect of the child or a sibling of the child.*

3 There was no new credible evidence offered regarding this sub-factor.

4 (10) *Whether either parent or any other person seeking physical custody has*
5 *engaged in an act of domestic violence against the child, a parent of the*
6 *child or any other person residing with the child.*

7 Other than references to prior incidents between the parties (which were part of
8 prior proceedings), no new credible evidence was offered regarding this sub-factor.

9 (11) *Whether either parent or any other person seeking physical custody has*
10 *committed any act of abduction against the child or any other child.*

11 There was no new credible evidence offered regarding this sub-factor.

12 (c) *The child and the relocating parent will benefit from an actual advantage as a*
13 *result of the relocation.*

14 Defendant submits that the "actual advantage" resulting from the relocation
15 centers around family connections and being immersed in Jewish culture. Defendant
16 and the child would benefit from the family connections that exist in Israel. Such
17 connections do not exist in Las Vegas, Nevada. Although Defendant also offered that
18 the child would benefit from exposure to the Jewish culture, both Defendant and the
19 child are immersed in the Jewish community in Las Vegas, Nevada. This includes the
20 child's current enrollment in a highly regarded school (which Defendant labeled as the
21 "best") where he has excelled. Ilone Kritzler, the Director of Education at Cantor
22 Elementary School where the child attends school, was called as a witness by
23 Defendant. She testified that the child is very well integrated into the Jewish
24 community and that those at her school are able to maintain their identity.
25
26
27
28

1
2 If the foregoing elements of NRS 125C.007(1) have been satisfied, "the court
3 must then weigh the following factors and the impact of each on the child, the
4 relocating parent and the non-relocating parent, including, without limitation, the
5 extent to which the compelling interests of the child, the relocating parent and the
6 non-relocating parent are accommodated." NRS 125C.007(2). Again, although this
7 Court finds that Defendant has failed to meet his burden, the Court nevertheless
8 analyzes the remaining sub-factors. These sub-factors include:
9

10
11 (a) *The extent to which the relocation is likely to improve the quality of life for the child*
12 *and the relocating parent*

13 Defendant's quality of life may improve as a result of his proximity to family
14 members. This Court is not persuaded that the relocation will improve the quality of
15 life for the child and Defendant from an economic perspective. Defendant's monthly
16 income will be less than the average monthly income he reported throughout the
17 majority of this litigation.
18

19 (b) *Whether the motives of the relocating parent are honorable and not designed to*
20 *frustrate or defeat any visitation rights accorded to the non-relocating parent*

21 Although the motive of being near family and a return to a heritage (albeit 29
22 years later) are honorable, this Court is unable to find that the relocation will not
23 frustrate or defeat Plaintiff's visitation rights. In this regard, this Court does not find
24 that Plaintiff realistically will be able to maintain a relationship with the child — which
25 already appears strained and not well-bonded — from such a distance.⁴
26
27

28
⁴There was a fair amount of testimony elicited regarding the relocation destination of Israel, and alleged safety considerations. This Court notes that Israel is a signatory to The Convention on the Civil Rights Aspects of International Child Abduction, done at the Hague

1
2 (c) *Whether the relocating parent will comply with any substitute visitation orders*
3 *issued by the court if permission to relocate is granted*

4 There have been occasions when Defendant withheld visitation from Plaintiff.
5 See November 29, 2016 videotape of hearing (at which time Defendant acknowledged
6 that he “knowingly violated the order,” but offered justification therefor). Based on
7 the entire record before this Court, and taking into account this Court’s determinations
8 regarding demeanor and credibility, this Court is unable to find with confidence that
9 orders will be complied with from such a distance.
10

11 (d) *Whether the motives of the non-relocating parent are honorable in resisting the*
12 *petition for permission to relocate .*

13 This Court finds that Plaintiff’s motives in resisting the request for permission
14 to relocate are honorable. At a time when Plaintiff’s relationship with the child is
15 strained, a relocation at such a distance likely will preclude the establishment or
16 maintenance of a bonded relationship between parent and child.
17

18 (e) *Whether there will be a realistic opportunity for the non-relocating parent to*
19 *maintain a visitation schedule that will adequately foster and preserve the parental*
20 *relationship between the child and the non-relocating parent if permission to*
21 *relocate is granted*

22 As noted previously, as part of his relocation request, Defendant proposes that
23 Plaintiff’s visitation for the foreseeable future consist of limited visits that consist of
24 four-hour supervised visits in Israel. The proposed schedule ultimately includes visits
25 spanning two days every two months of four hours in duration *in Israel*. This Court
26

27
28 _____
25 October 1980 (“Hague Convention”). Although the United States may not be susceptible
to military advances from a neighboring country (i.e., Mexico or Canada), it would be reckless
for this Court to engage in qualitative safety analyses that Las Vegas, Nevada is “safer” than
Tuval, Israel.

1 cannot find that such a schedule “adequately foster[s] and preserve[s] the parental
2 relationship between the child” and Plaintiff if permission to relocate is granted.
3 Indeed, Plaintiff’s ability to maintain a relationship with the child if the child relocates
4 to Israel is not realistic.
5

6
7 In summary, this Court finds that Defendant failed to meet his “burden of
8 proving that relocating with the child is in the best interest of the child.” NRS
9 125C.007(3). The request to relocate should be denied.
10

11 B. MODIFICATION OF VISITATION

12 In addition to Plaintiff’s testimony, Plaintiff offered the testimony of her
13 employer, Lizon Block-Levy, and a friend, Brian Lorenz. Although this Court finds
14 that Plaintiff has made improvements associated with concerns regarding her drug use
15 and stability, this Court still lacks testing that would assist in analyzing addiction
16 concerns. Plaintiff now maintains regular employment and demonstrates greater
17 stability than was shown earlier in this case. This Court previously directed Plaintiff
18 to complete sweat-patch monitoring to help assist in determining the existence of
19 dependency issues. Although Plaintiff started a sweat-patch testing program, her
20 participation was interrupted and she did not resume testing. This is Plaintiff’s burden
21 to complete this process. Accordingly, this Court is not persuaded that Plaintiff has
22 demonstrated a substantial change in circumstances that warrants a modification of
23 visitation.
24
25
26
27
28

...
...

1
2 Based on the foregoing findings and conclusions, and good cause appearing
3 therefor,


4 It is hereby ORDERED that Defendant's Relocation Motion is DENIED.

5 It is further ORDERED that Plaintiff's Countermotion is DENIED.

6
7 It is further ORDERED that the hearing scheduled for September 10, 2018 at
8 8:30 a.m. is VACATED.

9 DATED this 7th day of September, 2018.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



BRYCE C. DUCKWORTH
DISTRICT COURT JUDGE
DEPARTMENT Q