

IN THE SUPREME COURT OF THE STATE OF NEVADA

GRADY EDWARD BYRD

Appellant

V.

CATERINA ANGELA BYRD

Respondent

) Supreme Court No. 80548

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Clerk of Supreme Court

**APPELLANT’S APPENDIX TO OPENING BRIEF – VOLUME VIII**

Submitted by:

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## **CERTIFICATE OF SERVICE**

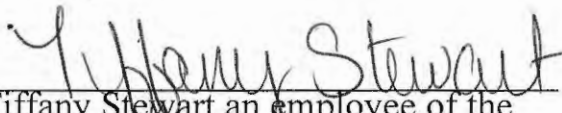
I HEREBY CERTIFY that on the 6<sup>th</sup> day of July, 2020, I caused to be served the instant **APPELLANT'S APPENDIX TO OPENING BRIEF- VOLUME VIII** to all interested parties as follows:

**BY MAIL:** Pursuant to NRCP 5(b), I caused a true copy thereof to be placed in the U.S. Mail, enclosed in a sealed envelope, postage fully prepaid thereon, address as follows:

Anita A. Webster, Esq.  
WEBSTER & ASSOCIATES  
6882 Edna Avenue  
Las Vegas, Nevada 89146  
Attorneys for Respondent

**XX BY ELECTRONIC MAIL:** Pursuant to EDCR 7.26 and NEFCR Rule 9, I caused a true copy thereof to be served via electronic mail, via Odyssey, to the following e-mail address:

Anita Webster, Esq. - anitawebster@embarqmail.com

  
Tiffany Stewart an employee of the  
MILLS & ANDERSON

The index of Appellants Appendix to Opening Brief is as follows:

DOCUMENT	BATES NO.
Decree of Divorce filed on June 5, 2014	AA001-012
Notice of Motion and Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDRO's, and for Attorney's Fees and Costs filed on October 16, 2018	AA013-034
Exhibit Appendix for Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDRO's, and for Attorney's Fees and Costs filed on October 16, 2018	AA035-063
Plaintiff's Errata to Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide a Newly Discovered Asset, to Execute QDRO's, and for Attorney's Fees and Costs filed on October 29, 2018	AA064-068
Order Striking Exhibits filed on November 14, 2018	AA069
Plaintiff's Opposition to Defendant's to Defendant's Ex Parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide Newly Discovered Asset, to Execute QDRO's and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs filed on December 19, 2018	AA070-091
Reply to Opposition and/or Countermotion filed on December 28, 2018	AA092-096
Transcript Re: Motion – January 23, 2019 filed on May 13, 2020	AA097-138
Order From the January 23, 2019 Hearing filed on April 5, 2019	AA139-147
Notice of Entry of Order From the January 23, 2019 Hearing filed on April 5, 2019	AA148-158
Defendant's Motion for Reconsideration filed on April 8, 2019	AA159-177
Appendix to Defendant's Motion for Reconsideration filed on April 8, 2019	AA178-198
Plaintiff's Opposition to Defendant's Motion for Reconsideration and Countermotion filed on April 23, 2019	AA199-237

Transcript Re: Status Check – May 2, 2019 filed on May 13, 2020	AA238-252
Defendant's Reply and Opposition filed on May 14, 2019	AA253-278
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Countermotion filed on May 17, 2019	AA279-308
Transcript Re: All Pending Motions – May 22, 2019 filed on May 13, 2020	AA309-353
Order of the Court filed on June 26, 2019	AA354-359
Notice to Appear Telephonically filed on June 27, 2019	AA360-361
Order From the July 18, 2019 Hearing filed on August 9, 2019	AA362-365
Notice of Entry of Order From the July 18, 2019 Hearing filed on August 9, 2019	AA366-371
Transcript Re: All Pending Motions – July 18, 2019 filed on May 13, 2020	AA372-399
Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to Continue the Evidentiary Hearing filed on September 30, 2019	AA400-436
Schedule Arrearages for Support filed on October 9, 2019	AA437-440
Request to Appear by Audiovisual Transmission Equipment filed on October 10, 2019	AA441-448
Audiovisual Transmission Equipment Appearance Consent filed on October 10, 2019	AA449-450
Transcript Re: All Pending Motions – October 11, 2019 filed on May 13, 2020	AA451-477
Plaintiff's Objection to Defendant's Notice to Appear by Audiovisual Transmission Equipment at the Trial Scheduled for October 21, 2019 filed on October 14, 2019	AA478-489
Motion on Order Shortening Time to Reconsider Denial of Audiovisual Appearance Request filed on October 15, 2019	AA490-499
Appendix to Defendant's Motion for Order Time to Reconsider Denial of Audiovisual Appearance filed on October 15, 2019	AA500-507
Defendant's Pretrial Memo filed on October 16, 2019	AA508-517
Plaintiff's Opposition to Defendant's Motion on Order Shortening Time to Reconsider Denial of Defendant's Audiovisual Appearance Request and Countermotion for Attorney's Fees and Costs filed on October 16, 2019	AA518-536
Exhibit Appendix filed on October 16, 2019	AA537-541
Plaintiff's Pretrial memorandum filed on October 16, 2019	AA542-562

Opposition to Plaintiff's Motion for Reconsideration and Countermotion for Fees filed on October 18, 2019	AA563-578
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Reconsideration, Summary Judgment, Joinder and to Continue the Evidentiary Hearing filed on October 20, 2019	AA579-603
Transcript Re: All Pending Motions – October 21, 2019 filed on May 13, 2020	AA604-785
Defendant's Opposition to Plaintiff's Memorandum of Fees and Costs filed on December 4, 2019	AA786-789
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Second memorandum of Fees and Costs from July 19, 2019 through the Date of the Evidentiary Hearing on October 21, 2019 filed on December 16, 2019	AA790-802
Plaintiff's Motion for Attorney Fees and Costs for the Appeal filed on December 16, 2019	AA803-814
Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs for the Appeal filed on January 2, 2020	AA815-821
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs During the Appeal filed on January 9, 2020	AA822-832
Findings of Fact, Conclusions of Law and Order filed on January 23, 2020	AA833-853
Notice of Entry of Findings of Fact, Conclusions of Law and Order filed on January 23, 2020	AA854-876
Judgment for Attorney Fees filed on March 17, 2020	AA877-880
Notice of Entry of Judgment for Attorney Fees filed on March 18, 2020	AA881-886
Order From February 27, 2020 Hearing filed on March 26, 2020	AA887-889
Notice of Entry of Order From the February 27, 2020 Hearing filed on March 27, 2020	AA890-894
Request for Continuance filed on November 16, 2018	AA895-896
Order From the November 27, 2018 Hearing filed on December 17, 2019	AA897-900

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Appendix to Defendant's Motion for Order Time to Reconsider Denial of Audiovisual Appearance filed on October 15, 2019	AA500-507
Appendix to Defendant's Motion for Reconsideration filed on April 8, 2019	AA178-198
Audiovisual Transmission Equipment Appearance Consent filed on October 10, 2019	AA449-450
Decree of Divorce filed on June 5, 2014	AA001-012
Defendant's Motion for Reconsideration filed on April 8, 2019	AA159-177
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Defendant's Opposition to Plaintiff's Motion for Attorney's Fees and Costs for the Appeal filed on January 2, 2020	AA815-821
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Plaintiff's Opposition to Defendant's to Defendant's Ex Parte Motion for a Continuance of Plaintiff's Motion to Enforce the Decree of Divorce, for an Order to Show Cause, to Divide Newly Discovered Asset, to Execute QDRO's and for Attorney's Fees and Costs and Countermotion for Attorney Fees and Costs filed on December 19, 2018	AA070-091
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1 account together and he would put money in there. And  
2 whatever I needed, like I needed an extended warranty for my  
3 car, he will -- I will tell him and he will put the money in  
4 there.

5 Q What proof of income papers or -- or any income  
6 papers did Grady give you at the time of divorce to show his  
7 income?

8 A After 2008, I never received anything.

9 Q Okay.

10 A And just money went to the bank.

11 Q Okay. I'd like to have you take a look at Exhibit  
12 13, Caterina.

13 A 13. Okay.

14 Q What -- looking at the corner marked 522 to 523,  
15 what is this page?

16 A So this is an email between Grady and me.

17 Q And -- and you -- are you the author of this email?

18 A Which part?

19 Q Well, part --

20 THE COURT: I'm sorry, the exhibit number was --

21 MS. LAMBERTSEN: Lower right corner, 522 to 5 --

22 THE COURT: The exhibit --

23 MS. LAMBERTSEN: -- 23.

24 THE COURT: -- number.

1 MS. LAMBERTSEN: Bate -- oh, I'm sorry, Your Honor.  
2 13.  
3 THE COURT: 13. It's all right.  
4 MS. LAMBERTSEN: I move to admit Exhibit 13, 522 to  
5 523.  
6 THE COURT: Any object --  
7 MR. MILLS: And my number is supposed to be  
8 different. I've got 13. It's 01 -- oh, there's an 01 and  
9 522, 523.  
10 MS. LAMBERTSEN: Yes.  
11 MR. MILLS: Are you --  
12 MS. LAMBERTSEN: Uh-huh (affirmative). Uh-huh  
13 (affirmative).  
14 MR. MILLS: You're only trying to do the second  
15 part?  
16 MS. LAMBERTSEN: 522 to 523. We have --  
17 unfortunately had some duplications in our printing, so I'm  
18 trying to be --  
19 MR. MILLS: Oh, got you. Your Honor, I would  
20 object. If we're trying to -- I -- I know -- I know we are  
21 here in -- in fact to determine whether there's a contract. I  
22 -- but, Your Honor, there -- there is not by law of the parole  
23 evidence and there's no extrinsic or parole evidence allowed  
24 until first there's a finding that -- that the decree is vague

1 or ambiguous.

2 THE COURT: It's vague. I'll give you that finding  
3 right here.

4 MR. MILLS: You'll -- you'll have to tell me what  
5 specific -- you can't just say the whole decree is --

6 THE COURT: It -- the language regarding the payment  
7 of the support and the monies of the 3,000 -- that equal to  
8 the \$3,000 and then it is just throwing in a statement saying  
9 that this is not alimony and can be terminated at any time. I  
10 find that vague.

11 MR. MILLS: Because that's a different issue --

12 THE COURT: Yeah, so --

13 MR. MILLS: -- than we're dealing --

14 THE COURT: So --

15 MR. MILLS: -- with today. That's on the motion to  
16 reconsider. The trial exhibit -- trial issue is -- is whether  
17 there was a contract created in -- instead of its -- because  
18 the language of the decree says she gets one-half of the -- of  
19 his retirement, military retirement pay.

20 MS. LAMBERTSEN: There's --

21 MR. MILLS: The -- the question is -- and -- and  
22 she's --

23 THE COURT: Okay.

24 MR. MILLS: -- right now getting one-half, so --

1 THE COURT: I am letting them make their record. I  
2 am going to admit the document. Exhibit 13, the pages you  
3 mentioned.

4 (PLAINTIFF'S EXHIBIT 13, BATES 522, 523 ADMITTED)

5 MS. LAMBERTSEN: And -- and Your Honor, also for --  
6 for trial, he -- he -- there's the other issue regarding the  
7 \$1500. That is still, you know, what was the meaning of that,  
8 what is that for. So the intent of them is -- is critical as  
9 to what's happening at the time of divorce. Is it showing  
10 what's going on when this process initiated.

11 BY MS. LAMBERTSEN:

12 Q So can you -- Caterina, can you -- what is the date  
13 on -- on -- these approximate dates of these?

14 A Some of these dates are from February 21st, 2014.

15 Q Okay.

16 A And --

17 Q All right. So starting at the bottom of the page,  
18 starting with my finances -- sorry, it's hard for me to read  
19 upside down.

20 A Oh, right here. So on Thursday, February the 20th,  
21 2014, Grady said to me my finances are a mess. I took out a  
22 \$25,000 loan from USAA. But it doesn't even touch the surface  
23 of what I owe. I will be declaring bankruptcy to -- I -- I  
24 will be declaring bankruptcy soon. I will pay you the 25,000

1 back so that your house is not affected.

2 Q And on the next page, the second paragraph. What  
3 is --

4 A So --

5 Q -- the next --

6 A -- then he says it is now time for a divorce.

7 Q And on the one, two -- the fourth paragraph down.  
8 What is he saying there?

9 A You -- you will keep -- yeah.

10 Q Yes.

11 A You will keep your house, cars, property, and credit  
12 rating. I will also continue to give you at least \$3,000 a  
13 month and I will pay your taxes so you don't --

14 Q What --

15 A -- have to have the bill.

16 Q What was your understanding by him -- by him saying  
17 these things? What did you think he meant to you?

18 A That he was going to give me \$3,000 a month because  
19 he told me that his retirement was 3,017 and -- and half of  
20 that was 1500 was mine. And then he was going to give me  
21 another \$1500 because we just bought a house eight months  
22 prior. And I don't have a job.

23 Q Okay. Right above this on Page 522 --

24 A Okay.

1 Q -- Caterina, it looks like you respond to him. Can  
2 you read your first paragraph here of what -- is this your  
3 response to his email, first of all?

4 A Which one?

5 Q Page 522.

6 A Uh-huh (affirmative).

7 Q Right here. Is that your response?

8 A Yes. So I told him I said all this information is  
9 scaring me. How much are you in debt and how all of this is  
10 -- will affect me and the retirement if something happens to  
11 you. Can I live on \$3,000 a month if something would have  
12 happened to him.

13 Q And let's see. Did he -- did he -- his response --

14 A The end of it's --

15 Q -- to you -- yes, his response to you a little  
16 further up on the page starting with on Thursday.

17 A On Thursday?

18 Q What is -- what is he saying there?

19 A He says you get the same benefits whether we were  
20 married or not. Survivor benefit plan, I think SS means  
21 social security and insurance.

22 Q And what do you think he -- the next couple of  
23 words? What are those?

24 A There's no difference whether --



1 Q What -- what do you think --  
2 A -- we're married or not.  
3 Q Is that what you -- oh, okay. That's --  
4 A Yeah.  
5 Q And you respond -- you respond at his email with the  
6 top one starting with from Caterina Byrd to Grady Bryd --  
7 A Yeah.  
8 Q -- back there. And what are you trying to let him  
9 know in this?  
10 A I was trying to let him know just so he know \$3,000  
11 I have enough to pay the bills and nothing much to live on. I  
12 need to get dental work and I put it off and I mentioned all  
13 the money I spent on moving -- or -- or the Ace World Wide  
14 that was our moving company. Then I paid \$1300 to get my  
15 stuff in Florida. I would not have enough to do much of  
16 anything. I will be worried if anything will -- will go  
17 wrong. The fact is I have been in treatment for mental  
18 illness for major depression and I've been in -- on heavy meds  
19 and I've been seeing a shrink twice a month. I hate my life.  
20 And my doctors are hoping for the purchase of the house and  
21 getting my belongings. It will help me feel better.  
22 Q Okay.  
23 A I cannot handle mentally too much.  
24 MS. LAMBERTSEN: Okay. Your Honor, I believe I

1 moved to admit these pages. That was granted, correct?  
2 THE COURT: That would be admitted.  
3 Q Caterina, let's go to Exhibit 16.  
4 A Okay.  
5 Q And in Exhibit 16 on the bottom righthand corner --  
6 A Uh-huh (affirmative).  
7 Q -- we're going to talk about Pages 432, 433.  
8 A 430 -- okay.  
9 Q Now at the bottom -- what -- what is this?  
10 A So this is an email between me and Grady.  
11 Q And about -- about what date?  
12 A February 22nd, 2014.  
13 MS. LAMBERTSEN: Move to admit --  
14 A And 23rd.  
15 MS. LAMBERTSEN: Move to admit Exhibit 16, Page 432,  
16 433.  
17 MR. MILLS: Same objection, Your Honor. This is  
18 parole eviden -- violation of parole evidence rule. The  
19 decree is very clear that -- that she is to get one-half of  
20 the retirement pay. And it's not vague or ambiguous and --  
21 and therefore, this -- it -- it should rely on the words of  
22 the decree and not try to create something.  
23 Again, all prior negotiations, discussions, and  
24 merged into the decree of divorce. And therefore --

1 THE COURT: This is --  
2 MR. MILLS: -- that's --  
3 THE COURT: -- being admitted to show state of  
4 mind --  
5 MS. LAMBERTSEN: Yeah.  
6 THE COURT: -- and what representations were made  
7 that led to the agreement so it'll help the Court to determine  
8 what they meant by the agreement, one. And two, it might  
9 establish misrepresentation or fraud which might invalidate  
10 the whole agreement.  
11 MS. LAMBERTSEN: And it goes to our claims and  
12 defenses, Your Honor. It -- it is important for Caterina to  
13 be able to describe to the Court what her state of mind was  
14 and her understanding on this.  
15 THE COURT: And what --  
16 MS. LAMBERTSEN: So --  
17 THE COURT: -- representations were being made by  
18 him and then -- that's what I'm admitting it for.  
19 BY MS. LAMBERTSEN:  
20 Q Okay. Caterina, just -- if you can just summarize  
21 on 432. We're looking at the --  
22 A 432?  
23 Q -- bottom stamp --  
24 A Okay.

1 Q -- 432. You're giving him information starting with  
2 from Caterina Byrd to Grady Byrd sat, Sep -- Saturday,  
3 February 22, 2014.  
4 A At 11:20?  
5 Q Yes. Why are you providing this information? Just  
6 have to give an -- you know, a general explanation, why you're  
7 providing it and what are you asking for.  
8 A I -- I said I don't want any problems either with  
9 you because he told not to give him any problems. I just need  
10 to get 4,000 a month. So I can -- because I told him all my  
11 bills I have.  
12 Q And you list them --  
13 A Because he told me --  
14 Q -- is that --  
15 A -- to buy a house for \$400,000 eight months before.  
16 Q Okay. And -- and it looks like Grady responds  
17 respond to your request for wanting 4,000 a month.  
18 A Uh-huh (affirmative).  
19 Q How does he respond?  
20 A He said --  
21 Q And when -- what date is that?  
22 A This -- this right here?  
23 Q Yes, it's February -- starting with February 22,  
24 2014. Are you on -- on 432?

1 A Oh, no.  
2 Q Oh, you flipped the page.  
3 A Okay. Sorry.  
4 Q Start here. How is Grady responding to your request  
5 for the 4,000?  
6 A He says I can only give you 3,000 a month. I will  
7 help you with extra as long as I can.  
8 Q Okay. Do you respond to that, his comment about  
9 3,000? If you look at the top starting --  
10 A Let me see.  
11 Q -- Sunday --  
12 A So that --  
13 Q -- February 23rd?  
14 A I said 3,000 was not enough.  
15 Q Okay. Let's -- let's look at Exhibit 14 for a  
16 minute.  
17 A Okay.  
18 Q So what is -- what is this page?  
19 A So this page is an email between Grady and I.  
20 MS. LAMBERTSEN: And I move to admit Exhibit 14,  
21 Your Honor.  
22 MR. MILLS: I'm sorry, what was it? Your Honor, I  
23 make the same objection. It violates the parole evidence  
24 rule.

1 THE COURT: Objection noted. It's admitted.

2 (PLAINTIFF'S EXHIBIT 14 ADMITTED)

3 BY MS. LAMBERTSEN:

4 Q So can you tell me what's going on in this email?

5 What's your understanding of this email here from Grady?

6 First of all, the date, please.

7 A So the date is March 23rd, 2014. Grady said to me  
8 -- what I understood he say you will receive \$3,000 a month as  
9 long as I live. After my death, you will get the survivor  
10 benefit plan and all other payments you're entitled to.

11 Q Okay. And what is this information down here at the  
12 bottom is?

13 A Well, he says I will five -- I will file for  
14 bankruptcy next month. I will be divorced from you before  
15 then so that your house, property, benefits, and your credit  
16 are not affected by my actions.

17 Q What did -- so two parts here you talked about.  
18 What was your understanding of you will receive 3,000 a month?  
19 What was your understanding of that?

20 A My understanding was this was my port -- you know,  
21 this was what he was going to give me.

22 Q For how long?

23 A Until -- as long as he lived and then after that the  
24 survivor benefit plan we took out in 1999 the past 19 years



1 because what happened when he dies? His pensions stop but  
2 then his survivor benefit starts and I get --  
3 Q Okay.  
4 A -- half of his pension.  
5 Q What -- what proof of bankruptcy did he provide you?  
6 A I -- I didn't see any. I thought he just wanted to  
7 get divorced because he was going bankrupt.  
8 Q Did he provide you any --  
9 A No.  
10 Q -- documents about --  
11 A No.  
12 Q -- bankruptcy?  
13 A No. I just believed him.  
14 Q Okay. Let's go to Exhibit 15, please, for a minute.  
15 15. Looking at this page here, what -- what is -- I'm looking  
16 at 0 -- ending in a 400 --  
17 A Yeah.  
18 Q Okay.  
19 A This is an email --  
20 Q What does this say?  
21 A This is an email between Grady and me.  
22 Q And about what date did you --  
23 A This was March 26th, 2014.  
24 MS. LAMBERTSEN: Move to admit Exhibit 15, Your

1 Honor.  
2 MR. MILLS: Same objection, Your Honor. It violates  
3 the --  
4 THE COURT: Objection --  
5 MR. MILLS: -- parole --  
6 THE COURT: -- noted.  
7 MR. MILLS: -- evidence rule.  
8 (PLAINTIFF'S EXHIBIT 15 ADMITTED)  
9 BY MS. LAMBERTSEN:  
10 Q Okay. So --  
11 THE COURT: You can make it a standing objection.  
12 MR. MILLS: Thank you.  
13 Q What -- what is going on on March 26th, 2014 here?  
14 What is he telling you -- or what is your understanding of  
15 what he's telling you?  
16 A He -- if -- he kind of was telling me telling me  
17 that -- not to go to a lawyer, because I told him I have  
18 contacted a lawyer and I had an appointment during the week.  
19 And so he -- he got mad and he said the first thing I hear  
20 from a lawyer this is the action I will take, pretty much what  
21 he's done this summer to me. I will stop communicating with  
22 you at all. I will not communicate with your lawyer at all.  
23 I will hire my own attorney. I will cease providing you any  
24 payments at all and you take the money from the thrift savings

1 plan that you did not use for down payment. Do you want me to  
2 read all of it?

3 Q And yes, please continue.

4 A And then he says I will ask for 50/50 split of all  
5 our assets. When the divorce is complete, I will only pay you  
6 50 percent of my Army retirement pay. Do you think you're  
7 going to get more from me than I'm already giving you? Good  
8 luck. I'm glad you're -- you're trying to stick it to me. It  
9 reminds me of why I left you and it makes it easy for me to  
10 treat you the same way you treat me.

11 Q Oh --

12 A He got mad. Usually when he gets mad is how he is.

13 Q And --

14 A I was just trying to make it easier on him.

15 Q By going to a lawyer?

16 A To a lawyer.

17 Q Okay.

18 A Because he said he want a divorce, so --

19 Q Let's --

20 A He told me he -- the money he gives me is for me not  
21 to spend it on a lawyer.

22 Q Go to Exhibit 16.

23 A Okay.

24 Q Excuse me, sorry. Did -- oh, did you -- did you end

1 up going to a lawyer, Caterina?

2 A No, I was afraid that he will find out somehow and  
3 he was going to -- I just bought this house eight months ago  
4 and I was afraid that he was going to do the same thing he did  
5 this -- back in September when I hired you. He just cut me  
6 off completely and then you -- if I didn't do what he told me,  
7 he was going to do that to me because he told me. So I said  
8 okay, I'll take the 3,000, you know.

9 Q Okay. Thank you, Caterina. I inadvertently said  
10 16. I -- I'd like to go to Exhibit 17, Caterina.

11 A All right.

12 MR. MILLS: I'm sorry, what one?

13 MS. LAMBERTSEN: 17.

14 MS. WEBSTER: 17.

15 MR. MILLS: 17?

16 MS. LAMBERTSEN: I'm sorry, my back is --

17 MR. MILLS: No, you're okay.

18 MS. LAMBERTSEN: -- in --

19 Q Now in 17 --

20 MS. WEBSTER: She'll talk it out with you.

21 Q -- at the -- at the bottom --

22 MR. MILLS: You'll interpret for me.

23 Q -- of page -- you're going to look at a -- a 007 --

24 one ending in --

1 A 6?  
2 Q -- 7.  
3 A Oh.  
4 Q Yeah. Oh, in -- in 7.  
5 A 7? Okay.  
6 Q Okay. So what -- what is this page?  
7 A So this is an email between me and Grady.  
8 Q And about what date is this one?  
9 A So this is about March 27, 2014.  
10 MS. LAMBERTSEN: Move to admit 0 -- Exhibit 17, Page  
11 7.  
12 MS. LAMBERTSEN: The standing objection, Your Honor.  
13 THE COURT: All right. It'll be admitted.  
14 (PLAINTIFF'S EXHIBIT 17 BATES 7 ADMITTED)  
15 BY MS. LAMBERTSEN:  
16 Q So what's going on in this email --  
17 A So --  
18 Q -- Caterina?  
19 A So what this is is when I -- when I told him I was  
20 going to see a lawyer. And -- and then I found out he got  
21 mad. He says well, why are you going to a lawyer. You think  
22 you're going to get more from me. Just sign the papers and --  
23 and you will get all I say you will get forever.  
24 Q Okay.

1           A     I -- he says I do not know why you think I'm trying  
2 to do you wrong is all I have.  
3           Q     And had he provided any -- any income information to  
4 you at this time?  
5           A     No.  
6           Q     No?  
7           A     I just assumed he -- he put money in the bank and  
8 that's what it was.  
9           Q     Okay. Let's go to Exhibit 20, Caterina.  
10          A     Okay.  
11          Q     And the bottom right corner is -- oh, 9. Okay. And  
12 what is going on in this page?  
13          A     So -- so this is March 27th is more information  
14 about the divorce. Grady wrote to me, he says I get mad  
15 because I give you money --  
16               MR. MILLS: Whoa, wait a minute.  
17          A     -- to live on and you are --  
18               MR. MILLS: Your Honor, objection.  
19          A     -- going to take the money --  
20               MR. MILLS: We -- we haven't --  
21          A     -- I give you the money I give you --  
22               MR. MILLS: She's publishing --  
23          A     -- to hire a lawyer.  
24               MR. MILLS: -- and we haven't --



1 THE COURT: Just a minute. Just a minute.  
2 MR. MILLS: -- admitted it yet.  
3 MS. LAMBERTSEN: I'm going to ask to admit it,  
4 Caterina, first. I know.  
5 THE WITNESS: Oh.  
6 MS. LAMBERTSEN: Hang on a --  
7 THE WITNESS: Sorry.  
8 MS. LAMBERTSEN: -- second. It's all right. It's  
9 all right. Hang on. Your Honor, move to admit Page 9 of  
10 Exhibit 20.  
11 MR. MILLS: Your Honor, and I -- and my standing  
12 objection, I guess I would add authentication. I don't have  
13 my client here to authenticate that he wrote this email. They  
14 don't have the opportunity to ask him --  
15 THE COURT: We've got her --  
16 MR. MILLS: -- if he wrote that email.  
17 THE COURT: -- to testify that this is what she got  
18 back from her husband. This is his email. They've  
19 communicated for years. So --  
20 MS. LAMBERTSEN: I'd al --  
21 THE COURT: -- he could have been here --  
22 MS. LAMBERTSEN: And I'd like to --  
23 THE COURT: -- to provide the testimony.  
24 MS. LAMBERTSEN: -- add Your Honor that these were

1 provided in a 16.2 production during the course. We never  
2 received an objection to authenticity on any of this stuff.  
3 And I nev -- we never got a petty motion to -- to keep this  
4 out. So the Court pursuant --

5 THE COURT: Okay.

6 MS. LAMBERTSEN: -- to 16.2 it's my understanding  
7 that -- that authenticity --

8 THE COURT: Thank you. It's admitted.

9 (PLAINTIFF'S EXHIBIT 20, BATES 9 ADMITTED)

10 MS. LAMBERTSEN: And that -- and these Bates stamps  
11 are the original Bates stamps that -- and we can go back to  
12 when they were produced many, many, many months ago.

13 THE COURT: All right.

14 BY MS. LAMBERTSEN:

15 Q So Caterina, do you want to tell me what's going on  
16 here in this email? What -- what is happening?

17 A So what's happening is so he said to me I get mad  
18 because I give you money to live on and you're going to take  
19 the money that I give you to hire a lawyer.

20 Q Okay. How did this make you feel?

21 A I was just trying to help him because he said, you  
22 know, he wanted a divorce and I thought I'd go to see a  
23 lawyer. And I didn't realize it would upset him so much. So  
24 I just -- he said he never lied -- he's never lied to me ever

1 before, so I just -- I just believed him and I trust him.  
2 Q Okay. It looks like you respond -- if we go down  
3 here. What is the date of this, your --  
4 A So --  
5 Q -- respond?  
6 A -- my respond, this is March 27th.  
7 Q And --  
8 A I was -- that's --  
9 Q And in there, it looks like you ask him something,  
10 you know, you're trying to communicate. What are you trying  
11 to communicate?  
12 A I was just saying to him I was going to make it  
13 easier on you. You say you want a divorce. And no, I'm not  
14 thinking of how much I can get out of you. I assume what you  
15 told me you're going to do is true. Why don't you want to say  
16 what you would give me in writing.  
17 Q Okay. What did you mean by that, Caterina?  
18 A I wanted him to write down, you know, really, you  
19 know, what the retirement was, you know --  
20 Q What do you mean? The dollar amount or --  
21 A Yeah.  
22 Q -- the --  
23 A Because he told me his retirement was 3,017 and half  
24 of that was 1508 and it -- it will go up every year. And then

1 when it goes up for him, it goes up for me. And he didn't  
2 want to write it like that because he said he would -- he  
3 would get in trouble one day.

4 Q And did --

5 A So I just -- I just do what he told me.

6 Q Okay. Caterina, looking at Exhibit 21 --

7 A Uh-huh (affirmative).

8 Q -- Page -- lower right corner, it says 11.

9 A Uh-huh (affirmative).

10 Q On Page 21.

11 A Uh-huh (affirmative). Oh.

12 Q Go over to 21.

13 A Okay. No, sorry.

14 Q And going --

15 A Okay.

16 Q -- to 11.

17 A 11.

18 Q Okay. So you just explained you wanted writing to  
19 be more clear --

20 A Yes.

21 Q -- about a dollar amount. Is this what you're --  
22 are you're referring to -- excuse me, we should need to talk  
23 about this. What is on this page?

24 A So this is an email between me to Grady.

1 Q And about what date?  
2 A April the 8th, 2014.  
3 MS. LAMBERTSEN: Move to admit Exhibit 21, Page 11,  
4 Your Honor.  
5 MR. MILLS: Standing parole evidence objection, Your  
6 Honor.  
7 THE COURT: Noted. It will be admitted.  
8 (PLAINTIFF'S EXHIBIT 21, BATES 11 ADMITTED)  
9 BY MS. LAMBERTSEN:  
10 Q So I see some language down here at the bottom  
11 Caterina starting with on Monday, April 7. Is -- is that what  
12 you're referring because there's no dollar amount? Or tell me  
13 was that what you were talking about in your (indiscernible)?  
14 A The one I said I was feeling nervous? Where --  
15 Q Well, the one that Grady is -- I guess I'm trying to  
16 understand you made a comment why don't you put --  
17 A Right. I said I was feeling nervous. Why are you  
18 stating it that way. I don't get it. I know that the Army  
19 retirement pay is not that high due to the combat pay. I feel  
20 the way you word it, it leaves me with \$1500 if you choose to  
21 do that to me some days. I -- I meant like why can't you just  
22 put 3,000. Why did he have to split it that way.  
23 Q Okay. All right.  
24 A You know why they said 15 for this and 15 for that,

1 why not just the whole thing. But he says it was not good for  
2 him.

3 Q And what do you say here at the very end of your  
4 email to him?

5 A I -- the one that says I know?

6 Q I want -- I want --

7 A Where?

8 Q What do you want?

9 A Oh, I want you to be honest with me.

10 Q What is your understanding of whether he was honest  
11 or not?

12 A You know, I didn't know why he wanted to do it like  
13 that. And every time I asked him, he says that he's always  
14 been taking care of me all these years. And, you know, if he  
15 didn't want to take care of me all these years he wouldn't  
16 have. So for me to pretty much trust what he said.

17 Q Okay. Let's go to -- back to Exhibit 16, Caterina.  
18 And I'm sorry these are out of order. I'm trying to do them  
19 chronological and some got misplaced. So okay. Exhibit 16 on  
20 the lower righthand corner, we have stamp number 431. Do you  
21 see that, Caterina?

22 A This one ? If --

23 Q Yes. Okay. Well, starting up here.

24 A Oh, okay.



1 Q What -- oh, first of all, what is on this page?  
2 A So this is an email Grady sent to me.  
3 Q And about --  
4 A And --  
5 Q -- what date?  
6 A -- April 9, 2014.  
7 MS. LAMBERTSEN: Move to admit Exhibit 16, Page 431.  
8 THE WITNESS: My retirement pay?  
9 MS. LAMBERTSEN: Okay. Hang on.  
10 MR. MILLS: I -- I thought 430 -- I thought 16 was  
11 already -- if -- already admitted. If there was parts that  
12 weren't, I object to the same parole --  
13 THE COURT: Okay.  
14 MS. LAMBERTSEN: -- evidence part that --  
15 THE COURT: If it hasn't been previously been  
16 admitted, your objection's noted and it will be admitted.  
17 (COURT AND CLERK CONFER BRIEFLY)  
18 THE COURT: If you're going to admit all of the  
19 pages of the exhibits --  
20 THE CLERK: Yeah. You know, this --  
21 THE COURT: -- do it at one time.  
22 MS. LAMBERTSEN: To do it at one time? Okay. Okay.  
23  
24 THE COURT: And because it's impossible --

1 THE CLERK: Yeah, it's --  
2 THE COURT: -- to keep track of.  
3 MS. LAMBERTSEN: Okay.  
4 THE CLERK: -- really hard.  
5 MS. LAMBERTSEN: Okay. Okay.  
6 THE CLERK: And so can we just admit the whole thing  
7 then?  
8 MS. LAMBERTSEN: Yes.  
9 THE CLERK: Okay.  
10 MS. LAMBERTSEN: Yes.  
11 THE CLERK: Thank you.  
12 MS. LAMBERTSEN: Yes.  
13 THE CLERK: That's better.  
14 THE COURT: Any --  
15 MS. LAMBERTSEN: Thank you.  
16 THE COURT: -- objections noted for the record.  
17 MR. MILLS: Thank you.  
18 MS. LAMBERTSEN: Okay.  
19 THE COURT: And it's admitted.  
20 (PLAINTIFF'S EXHIBIT 16 ADMITTED)  
21 BY MS. LAMBERTSEN:  
22 Q Caterina, starting with the -- who is this -- this  
23 is from --  
24 A This is from Grady --

1 Q To --  
2 A -- to me.  
3 Q And what date?  
4 A This was April the 9th, 2014.  
5 Q And what is he explaining to you?  
6 A So he explained to me he says I say 50 percent  
7 because the retirement pay usually goes up every year. When  
8 my retirement pay goes up, you would get more money. My  
9 retirement pay is \$3,017. After they deduct the payment for  
10 survivor benefit plan, you're entitled to half of that which  
11 is 1508. You are not entitled to anymore money. I give you  
12 \$3,000 a month because I think it's the right thing to do. If  
13 I put everything in writing that you want, I will never be  
14 able to get a loan in my name. I will never be able to get  
15 ahead of my present life. And I will be -- and I will live  
16 poor until I die. That's what he told me.  
17 Q Did you -- let's see. I -- I wonder if you skipped  
18 a little bit. After --  
19 A Okay.  
20 Q -- his I will give you 3,000 a month, did you read  
21 because?  
22 A Oh, I will give you 3,000 a month because I think  
23 it's the right thing to do. If I was only going to give you  
24 1500, I would not be giving you \$3,000 all these years.

1 Q Okay. Going down toward the -- the bottom, it says  
2 I will send you the papers. What -- what's going on here?

3 A Where is that? Oh. It -- so he says I will send  
4 you the papers. If you do not sign, I will only pay you what  
5 I owe you and I will hire a lawyer to file the papers in  
6 court. I will always keep my word, but I'm going to get my  
7 life straightened out. And I'm ensuring that you are taking  
8 care of for your entire life. And I do not understand why  
9 you're not satisfied.

10 Q Okay. Caterina, what is your understanding when he  
11 said, you know, in here kind of in the middle that if I put  
12 everything in writing that you want I'll never be able to get  
13 a loan in my name. What do you think he meant by that?

14 A He meant he could not, you know, just give me the  
15 same, I give you 3,000. He have to kind of break it up  
16 somehow. I really didn't understand -- didn't understand it,  
17 but, you know, he's always giving me money and I trusted him.  
18 You know, he -- he's always paid. And -- and like he said, if  
19 he didn't want to pay me, he wouldn't have stopped a long time  
20 ago, but he always paid me.

21 Q And what was your understanding of the dollar amount  
22 of -- of retirement pay you would get?

23 A I would get the 1500 and it's supposed to go up  
24 every year. But I've never seen anything. He always put

1 money in my bank.

2 Q And how long was that was your understanding that  
3 that would be paid?

4 A That's until the day he dies and after that when he  
5 dies. Then the survivor benefit plan which means his pension  
6 will keep coming --

7 Q And --

8 A -- to me.

9 Q -- what was your understanding about how much money  
10 total you were going to get each month?

11 A 3,000?

12 Q And -- and when he said I will always keep my  
13 word --

14 A Uh-huh (affirmative).

15 Q -- what -- what did that make you feel?

16 A It -- it just breaks my heart, because, you know,  
17 and -- because I've -- I've been leaving, you know, I -- I  
18 love my husband, so I -- he always pay me before. I've never  
19 had any doubt that he was going to cut me off one day.

20 Q Okay. Thank you. Can -- can we go to Exhibit 18,  
21 please? What is -- what is Exhibit 18, Caterina?

22 A It's -- it's an email from Grady to me.

23 Q About what date?

24 A So this is April the 9th, 2014.

1 Q And the next page, what is that?  
2 A The next --  
3 Q There's two pages --  
4 A Oh.  
5 Q -- in this exhibit.  
6 A The next page is also Grady to me, the email.  
7 MS. LAMBERTSEN: Okay. Move to admit Exhibit 18.  
8 MR. MILLS: Standard parole evidence objection, Your  
9 Honor.  
10 THE COURT: Thank you. It will be admitted.  
11 (PLAINTIFF'S EXHIBIT 18 ADMITTED)  
12 BY MS. LAMBERTSEN:  
13 Q On -- Caterina on the 489 page --  
14 A 489.  
15 Q -- whose -- this is -- this email we're looking at,  
16 who's it from? This is -- this email we're looking at, who is  
17 it from?  
18 A It's from Grady.  
19 Q To?  
20 A To me.  
21 Q Okay. And what is the first paragraph saying?  
22 A He says to me I have always done right by you. I  
23 can answer you question a hundred times but you will not be  
24 satisfied. The bottom line is that I'm not -- I'm not giving

1 you anymore money that I'm giving you now which was the 3,000.  
2 Q And what -- what's going on in the very last  
3 paragraph?  
4 A I'm sending you the papers. You sign or I will hire  
5 a lawyer and take it to court and see what you get then.  
6 Q What is your understanding of what would happen  
7 then?  
8 A That he would cut me off completely.  
9 Q Okay. And the next page, 490, is -- what was your  
10 feeling about this -- this language here?  
11 A This is the statement that will -- will go on the  
12 divorce papers. It is the best I will do.  
13 Q Did you feel you could alter this?  
14 A No.  
15 Q Okay. Going to Exhibit 22. What is Exhibit 22?  
16 A It's an email between Grady and me.  
17 Q And there's three pages in here. What -- what are  
18 -- what are -- are all --  
19 A They're all about the ben -- the benefits he was  
20 going to give me. It's between Grady and me.  
21 Q Okay. And about what dates are we covering here?  
22 A We're talking about April the 10th.  
23 Q Of what year, Caterina?  
24 A 2014.

1 MS. LAMBERTSEN: Okay. Move to admit Exhibit 22.  
2 MR. MILLS: I make the same parole evidence  
3 objection, Your Honor.  
4 THE COURT: Thank you. It's noted. And it'll be  
5 admitted.  
6 (PLAINTIFF'S EXHIBIT 22 ADMITTED)  
7 BY MS. LAMBERTSEN:  
8 Q Looking at the one with the stamp -- with 524 in the  
9 corner --  
10 A 524.  
11 Q -- Caterina.  
12 A Where is 524?  
13 Q Are you on Exhibit 22, Cat -- or excuse me. Are you  
14 getting --  
15 A Let me see.  
16 Q 22?  
17 A 22?  
18 Q Did you get to 22?  
19 A Uh-huh (affirmative).  
20 Q Okay. Looking at the 524 in the lower right corner.  
21 Lower right corner. 22. Are you on --  
22 A Right to -- right here.  
23 Q Okay. What do you saying -- saying down here at the  
24 bottom to Grady? Or excuse me. Who is this from, this piece?



1       A     This is from me to Grady.  
2       Q     What date?  
3       A     April the 10, 2014.  
4       Q     And what are you saying here like on the third line?  
5       A     I just -- I just need somewhere in -- in the divorce  
6 agreement that I will be getting 3,000 a month.  
7       Q     And what about the last line? What are you telling  
8 me here?  
9       A     And all I need is you to say that I'm getting that  
10 amount for alimony or whatever you want to say.  
11       Q     And how does he respond? Is that his response on  
12 top?  
13       A     Yes, he says the only thing I will put in writing is  
14 what you're entitled to by law. I will give you extra money  
15 as long as I live. I do not care about USAA and other issues.  
16 Do you want me to read the whole thing? This is your last  
17 warning. Take the deal I'm offering you or you can ask a  
18 lawyer to try to get me to put what you want in writing. I  
19 guarantee you your lawyer will tell you that you should have  
20 taken -- taken the deal. Last chance.  
21       Q     How did that make you feel?  
22       A     I -- I was hurt and I was just afraid since he was  
23 -- that he was just going to leave without getting me  
24 anything. And like I said, we just bought a house together.

1 Q Okay.

2 A And I had no reason not to believe him because he

3 always pay me. So I -- I believed that he was doing the right

4 thing for me.

5 Q All right. And I believe you already explained wh,

6 what you thought would happen if you went to a lawyer.

7 A Yeah.

8 Q Okay. Let's look at Exhibit -- let's go to Exhibit

9 30. Can you go to Exhibit 30?

10 A Okay.

11 Q Okay. What is Exhibit 30, Caterina?

12 A So Exhibit 30 is -- is a tax refund.

13 Q And so at what year?

14 A 2015.

15 Q And -- and Exhibit 32 is --

16 A 32 is 2017.

17 Q And 33?

18 A 33, 20 -- 2018.

19 MS. LAMBERTSEN: Move to admit. Exhibits 30, 31, 32,

20 and 33.

21 MR. MILLS: Your Honor, I have no objection to the

22 three tax returns.

23 THE COURT: All right. It'll be admitted.

24 (PLAINTIFF'S EXHIBITS 30-33 ADMITTED)

1 MS. LAMBERTSEN: Okay. There's four tax returns.  
2 So we got --  
3 MR. MILLS: Oh, did I miss one?  
4 MS. LAMBERTSEN: -- 30, 31, 32, and 33 is --  
5 MR. MILLS: Oh.  
6 MS. LAMBERTSEN: -- '15, '16, '17, and '18, four  
7 years.  
8 MR. MILLS: Okay.  
9 MS. LAMBERTSEN: Are we -- are we okay?  
10 MR. MILLS: Yeah.  
11 THE COURT: Okay. So --  
12 THE COURT: Great. Those will be admitted.  
13 BY MS. LAMBERTSEN:  
14 Q Caterina, looking at these tax returns --  
15 A Uh-huh (affirmative).  
16 Q -- can you explain the income, what kind of income,  
17 and how much it is?  
18 A 18,000.  
19 Q And how is it reported as?  
20 A Alimony.  
21 Q And is that the same on each one of these?  
22 A Yes.  
23 Q Okay. Was it your understanding that the money you  
24 were receiving was alimony?

1 A Yes.  
2 Q Now going backwards to Exhibit 29.  
3 A Uh-huh (affirmative).  
4 Q What is Exhibit 29?  
5 A Okay. So Exhibit 29 is a 2014.  
6 Q And who prepared this one?  
7 A Grady.  
8 Q And this was the year of your divorce, correct?  
9 A Yeah.  
10 Q And it shows the income here is listed as what?  
11 A I don't see it. The 11,000?  
12 Q Oh, I'm -- look at Page 249 on the lower right  
13 corner.  
14 A 11934?  
15 Q Uh-huh (affirmative).  
16 A Yeah.  
17 Q And -- and what did you use that money for?  
18 A That's the winning I -- I got from Red Rock.  
19 Q And what did you use it --  
20 A Gambling.  
21 Q And what -- what did that money get used for?  
22 A I just saved it --  
23 Q And has --  
24 A -- to pay my bills.

1 Q -- has it been spent?  
2 A Yes, the past year I had to spend it because he  
3 stopped paying me.  
4 Q Okay.  
5 A And he said he would give me direction where to  
6 sign. Do you see the bottom where it says --  
7 Q Oh, is this --  
8 A -- sign here?  
9 Q Whose handwriting is that --  
10 A That's Grady.  
11 Q -- on Page 250?  
12 A Grady.  
13 Q That's his handwriting?  
14 A Yeah, he tells me where to sign it because he always  
15 give me direction on how to do things.  
16 Q Okay. Let's talk -- let's talk about Exhibit 12,  
17 Caterina.  
18 A 12.  
19 Q And we can talk about this house.  
20 A Okay.  
21 Q Just a couple questions first before we get into  
22 this.  
23 A Uh-huh (affirmative).  
24 Q Is the home -- is the home you live in now a rental

1 or own?  
2 A Home.  
3 Q And when did you purchase this home?  
4 A October 2013.  
5 Q And I believe you testified that all of the other  
6 homes that you had lived in over those --  
7 A It was either --  
8 Q -- (indiscernible) --  
9 A -- military or rental.  
10 Q And a rental.  
11 A Uh-huh (affirmative).  
12 Q Who controlled the -- the finances for the purchase  
13 of the home you're living in now?  
14 A He did.  
15 Q Okay. And -- and what instructions did he give you  
16 if any regarding purchasing the home?  
17 A So I -- I found out. So I told him I found a home.  
18 So he told me do not talk to USAA --  
19 Q Okay.  
20 A -- for any reason.  
21 Q Well, let's take a minutes. Now let's take a look  
22 at --  
23 A Okay.  
24 Q -- 12. What -- what is this Exhibit 12? What is

1 this?

2 A 02?

3 Q Sorry, yes, please.

4 A So this is an email that Grady sent to me on April  
5 the 2nd, 2013.

6 MS. LAMBERTSEN: Move to admit Exhibit 12, Your  
7 Honor.

8 MR. MILLS: Not only the standard objection of  
9 parole evidence, Your Honor, I -- I don't know the relevance  
10 of discussions regarding the purchasing the house in 2013,  
11 what that has to do with the contract or whether a contract  
12 was created to pay the 5 -- pay \$1500 rather than one-half of  
13 the --

14 MS. LAMBERTSEN: It -- it goes --

15 MR. MILLS: -- re -- retired pay.

16 MS. LAMBERTSEN: It goes to relevance as to his  
17 understanding of her expenses, what she had, and the dollar  
18 amount she should receive at the time of divorce and that he  
19 put her in this financial situation. And -- and then if this  
20 happened in October 2013 and in February four months later  
21 he's asking for a divorce, it heightens the concern for --

22 THE COURT: All right. I --

23 MS. LAMBERTSEN: -- he being taken care of.

24 THE COURT: She's testified that they purchased the

1 house and when they purchased it. So I don't find it  
2 relevant. The objection is sustained.  
3 MS. LAMBERTSEN: Okay.  
4 BY MS. LAMBERTSEN:  
5 Q What is -- so what -- that means we don't talk about  
6 it. Okay?  
7 A Okay.  
8 Q All right. So what is -- so how much time past --  
9 just to be clear on the record, how much time past between  
10 closing escrow on this home and Grady asking for a divorce?  
11 A So we closed in October and I believe it was in  
12 February when we start when he --  
13 Q Can you give me the years?  
14 A Oh. So October 2013. And I believe it started  
15 February 2014.  
16 Q Okay. So how many month -- a short  
17 A October, November, January, February -- four.  
18 Q Four months. Okay. Now how much -- how much is the  
19 mortgage payment on your home right now?  
20 A 1900.  
21 Q Okay. Can you please look at Exhibit 34?  
22 A Uh-huh (affirmative).  
23 Q Exhibit 34. What is Exhibit 34?  
24 A Exhibit 34 is my mortgage loan statement that I get



1 every month.

2 MS. LAMBERTSEN: Move to admit Exhibit 34.

3 MR. MILLS: I -- I -- rele -- my objection would be  
4 relevance, Your Honor. I don't know how again her mortgage  
5 statement is relevant to the determination of whether a  
6 contract was formed.

7 MS. LAMBERTSEN: It's relevant to the decree of  
8 divorce where he states that she receives \$1500 a month for  
9 mortgage assistance.

10 THE COURT: I'll admit it.

11 MR. MILLS: That has nothing to do with the -- the  
12 issue on -- on --

13 THE COURT: I'll admit it.

14 (PLAINTIFF'S EXHIBIT 34 ADMITTED)

15 BY MS. LAMBERTSEN:

16 Q And so what signature the dollar amount of your  
17 mortgage?

18 A 1,933.07.

19 Q And you have other monthly expenses associated with  
20 the home?

21 A There's an HOA.

22 Q And how much is that?

23 A Well, it started at 245 when I moved in. Now, it's  
24 280.

1 Q Okay. And what about -- that is Exhibit 30 --  
2 turning to Exhibit 36. Caterina, does that represent --

3 A Oh, 36?

4 Q -- the 36?

5 A Oh, excuse me. I spaced out for a second. Okay.  
6 Yes. Uh-huh (affirmative).

7 MS. LAMBERTSEN: Okay. Move to admit 36 as showing  
8 expenses she pays re -- related to the home.

9 MR. MILLS: Again, same objection related to  
10 relevance. The question -- or the issue is it whether it  
11 forms some -- it's -- this is related to forming a contract on  
12 the retired pay.

13 THE COURT: It -- well, if I find that it's really  
14 alimony, that what he stated in the agreement has no effect  
15 and as to what that contract means, that -- and that it may go  
16 to the amount of -- that he is going to be ordered to pay. So  
17 I'm going to admit it.

18 (PLAINTIFF'S EXHIBIT 36 ADMITTED)

19 BY MS. LAMBERTSEN:

20 Q Well, it might be good at this time Caterina to --

21 A Uh-huh (affirmative).

22 Q -- flip to your financial disclosure form which I  
23 believe is Exhibit 8.

24 A Uh-huh (affirmative).

1 Q So we're looking at Exhibit 8. So Caterina, do you  
2 in Exhibit 8, your financial disclosure form --  
3 A Uh-huh (affirmative).  
4 Q -- in the lower righthand corner, go to page stamp  
5 7062.  
6 A Okay.  
7 Q And this is a page of your personal expense,  
8 correct?  
9 A Yes.  
10 Q And we just talked about the mortgage.  
11 A Uh-huh (affirmative).  
12 Q We just showed the mortgage statement of a 1933.  
13 And up above it, we show the HOA of the 280. And you have  
14 health insurance, is that correct? All --  
15 A Yes.  
16 Q -- these expenses. This total monthly expenses is  
17 \$3,931. How are you meeting your monthly expenses right now?  
18 A Right now, I use -- I used up my savings and then my  
19 family. My parents are helping me.  
20 Q Okay. Now post divorce, you don't -- Page 7064 --  
21 A Uh-huh (affirmative).  
22 Q -- is not filled out. Post divorce, you don't have  
23 to do this, but what -- I know there's nothing here in the  
24 credit card listing. Do you have credit cards?

1 A Yes, I maxed out on my credit cards.  
2 Q Okay.  
3 A 25,000 to pay you guys.  
4 Q And is it one card?  
5 A Oh, one card. I only have one. Yes. Yes.  
6 Q And -- and the debt on that right now is?  
7 A 25,000.  
8 Q 25,000. Thank you. And you touched briefly on the  
9 health insurance. In the decree of divorce, was there  
10 language in there regarding you getting health insurance?  
11 A Yes, I thought I was getting TRICARE, the military  
12 care, for life.  
13 Q And what happened to that?  
14 A Because he told me there was no difference whether  
15 we were married or not with my benefits.  
16 Q Okay.  
17 A Because I assumed I was still was going to get my  
18 medical. I would not have agreed to that divorce if I wasn't  
19 getting those things.  
20 Q Right. And you have -- you have to pay -- is it  
21 true you have to pay for medical insurance --  
22 A Yes.  
23 Q -- (indiscernible)?  
24 A I -- I was able to get ObamaCare.

1 Q Okay. Let's see. And number 35. Let's go to 35.  
2 A 35? Okay.  
3 Q What is -- what is Exhibit 35?  
4 A Okay. So this is a statement from my loan care that  
5 Grady took out when I was 38 years old.  
6 Q And how do you receive this, this --  
7 A This comes monthly.  
8 MS. LAMBERTSEN: Okay. Move to admit Exhibit 35.  
9 MR. MILLS: I have no objection, Your Honor.  
10 THE COURT: It'll be admitted.  
11 (PLAINTIFF'S EXHIBIT 35 ADMITTED)  
12 BY MS. LAMBERTSEN:  
13 Q If you look at Page -- the stamp 28 in the lower  
14 righthand corner --  
15 A Uh-huh (affirmative).  
16 Q -- Caterina, it's a couple in, when did you take  
17 this out?  
18 A We took this out in 2003 when I was 38.  
19 Q So how important if any is it to keep this --  
20 A He wanted to make sure that if -- if he wasn't  
21 around that someone would come take care of me.  
22 Q And so how is this paid? Is -- I see that --  
23 A It -- it's paid monthly.  
24 Q And what's the dollar amount?

1           A     128.  
2           Q     And that's listed on your financial disclosure?  
3           A     Yes.  
4           Q     Okay. Let's go to Exhibit 3, Caterina.  
5           A     Uh-huh (affirmative).  
6           Q     Exhibit 3 is orders from --  
7           A     Uh-huh (affirmative).  
8           Q     -- your hearing back in January.  
9           A     Uh-huh (affirmative).  
10          Q     And in here, Grady was ordered to pay you the \$3,000  
11 a month. And then same February 1st for 2019. Did you  
12 receive that payment?  
13          A     No.  
14          Q     And in here, he was ordered to pay 7,000 in attorney  
15 fees. Did you receive that payment?  
16          A     No.  
17          Q     Going to Exhibit 5. Oh, excuse me. Also in Exhibit  
18 3 he was ordered to pay your arrears. This payment started in  
19 February he was to pay your arrears for September, October,  
20 November, December, and January. Did you receive any of those  
21 payments?  
22          A     No.  
23          Q     Going to Exhibit 5. This is the order from the  
24 hearing present to -- present to in May, right?

1       A     Yes. Uh-huh (affirmative).  
2       Q     And on there, he was ordered to pay you the \$3,000 a  
3 month starting June 1st. Did you receive that?  
4       A     No.  
5       Q     He was ordered to pay you \$5,000 as well in this  
6 order. Did -- for attorney's fees for this trial. Did you  
7 get that?  
8       A     No.  
9       MS. LAMBERTSEN: Excuse me. I'm -- I'm asking that  
10 judicial notice please be taken of these exhibits.  
11       THE COURT: We don't need to do that --  
12       MS. LAMBERTSEN: Don't need to?  
13       THE COURT: -- since you've --  
14       MS. LAMBERTSEN: Okay.  
15       THE COURT: -- got them as exhibits --  
16       MS. LAMBERTSEN: Okay.  
17       THE COURT: -- we'll just --  
18       MS. LAMBERTSEN: Okay. Thank you, Your Honor.  
19       THE COURT: -- use the exhibits.  
20       MS. LAMBERTSEN: Okay. And -- and if I may, we also  
21 have Exhibit 1, the joint petition to the decree and now I'm  
22 going through some orders that we ask to notice of those too,  
23 please.  
24       THE COURT: So you're asking all of these be

1 admitted?

2 MS. LAMBERTSEN: Yes, Your Honor.

3 THE COURT: And those were Exhibit Numbers -- name  
4 them again, please.

5 MS. LAMBERTSEN: They're -- Number 1 is a joint  
6 petition for summary decree of divorce.

7 THE COURT: Just give me the numbers.

8 MS. LAMBERTSEN: Oh.

9 THE COURT: I don't need the --

10 MS. LAMBERTSEN: 1, 2, 3, 4, 5, 6, 7, 8 --

11 THE CLERK: 8's already admitted.

12 MS. LAMBERTSEN: 9, 10, and 11.

13 THE COURT: Any objection?

14 MR. MILLS: Those are all pleadings Your Honor that  
15 have been filed with the Court.

16 THE COURT: All right. They will be admitted.

17 (PLAINTIFF'S EXHIBITS 1-7, 9-11 ADMITTED)

18 MS. LAMBERTSEN: Thank you.

19 BY MS. LAMBERTSEN:

20 Q Caterina, looking at Number 6, if you could flip to  
21 that, please. This was a hearing you went to on July 18.

22 A Uh-huh (affirmative).

23 Q And this hearing was for the purpose of trying to  
24 get him to pay you?



1           A     Uh-huh (affirmative).  
2           Q     Let's see. At this hearing, he was not relieved of  
3 any obligation to pay you. He was -- there's no order here  
4 relieving him. He was asked -- ordered to pay you \$1500 for  
5 this instant hearing. Did you receive money for that?  
6           A     No.  
7           Q     At -- on Exhibit 7 is the notice --  
8                 (COURT RECESSED AT 10:56 AND RESUMED AT 10:56)  
9           Q     -- (indiscernible) order for him to appear. And  
10 he's not here today. Let's see. Exhibit 11, Caterina. Take  
11 a look at that.  
12          A     Okay.  
13          Q     And this is your schedule of arrears, correct?  
14          A     Yes.  
15          Q     And is this -- the schedule's accurate in all  
16 respects?  
17          A     Yes.  
18          Q     And how much does he owe you as of today?  
19          A     42,000.  
20          Q     Have you received any -- this is showing no money  
21 received. You have --  
22          A     No.  
23          Q     -- not received --  
24          A     No.

1 Q -- not -- not received anything. Let's see.  
2 MS. LAMBERTSEN: Oh, I -- I think 11 is -- is  
3 admitted, correct, Your Honor, because it's a pleading or  
4 paper? Has that been --  
5 THE CLERK: Yes.  
6 MS. LAMBERTSEN: That's been admitted? Okay. Thank  
7 you.  
8 Q Caterina, in the -- in Exhibit 6, going to the stamp  
9 on the lower righthand corner, 7053.  
10 A 7053.  
11 Q At the very top of the page.  
12 A Uh-huh (affirmative).  
13 Q It says that the Defendant informed his counsel that  
14 he's not going to pay you as ordered until the hearing. Do  
15 you believe if he was here today would you get paid?  
16 A No.  
17 Q What is VyStar Insurance?  
18 A VyStar Insurance was part of our checking account.  
19 It was a credit union insurance.  
20 Q And is it a life insurance?  
21 A It's a -- it was a life insurance for a hundred and  
22 fifty thousand and they would take out \$45 every three  
23 months --  
24 Q And what happened?

1 A -- out of our checking account.  
2 Q And when -- about when did that open?  
3 A We -- we opened that in 1987 and he closed it --  
4 Q Well, let's -- so 1987 was when it was open.  
5 A Yes.  
6 Q And who -- who was the beneficiary -- did you say  
7 the dollar amount?  
8 A A hundred and fifty.  
9 Q And who was going to receive that?  
10 A For me.  
11 Q And that -- was that a part of the decree?  
12 A Yes.  
13 Q And does that policy still exist?  
14 A No.  
15 Q So what concerns you have about losing that policy?  
16 A Well, I was getting concerned because it -- it was  
17 his -- everything he told me I was losing. And I lost the  
18 medical care and I was losing insurance. So I was -- I was  
19 devastated.  
20 Q Caterina, go to 25, please. And what is this page,  
21 Exhibit 25?  
22 A So this is an email Grady sent to me on December 11,  
23 2017.  
24 Q Oh, I'm sorry. 25. Are we on 25?

1 A Oh, no. Okay. Okay. 491?  
2 Q Yes. Thank you. 491.  
3 A Okay.  
4 Q And what is --  
5 A So this is --  
6 Q -- this email?  
7 A It's an email from Grady to me on July 16, 2018.  
8 MS. LAMBERTSEN: Move to admit Exhibit 25.  
9 MR. MILLS: I -- Your Honor, I have no objection to  
10 that one.  
11 MS. LAMBERTSEN: Caterina, what --  
12 THE COURT: It would be --  
13 MS. LAMBERTSEN: Who --  
14 THE COURT: -- admitted.  
15 (PLAINTIFF'S EXHIBIT 25 ADMITTED)  
16 MS. LAMBERTSEN: Oh, sorry. Thank you, Your Honor.  
17 BY MS. LAMBERTSEN:  
18 Q Who is this from?  
19 A This is from Grady to me.  
20 Q On --  
21 A July 16, 2018.  
22 Q What is he telling you here?  
23 A Well, he's telling me -- let -- do you want me to  
24 read this?

1 Q Well, your understanding of what's --  
2 A He -- he's --  
3 Q -- going on.  
4 A -- saying to me --  
5 Q You can, if that helps you, but --  
6 A Well, he was saying that that he was having canc --  
7 he had cancer surgery earlier this year. And now I need two  
8 more surgery. I cannot afford to pay for these surgeries, so  
9 I must come to Las Vegas to use the V.A. hospital.  
10 Q Did he provide you any documents showing --  
11 A No.  
12 Q -- can -- or anything about cancer, no medical  
13 record, any medical records on this surgery?  
14 A Unh-uhn (negative).  
15 Q How did this make you feel?  
16 A So when I saw this, I realized I didn't have the  
17 proper document in case something would have happened to him.  
18 So I emailed him back asking him for some documents.  
19 Q Let's see if we got that email. And what happened  
20 when you -- about what date did you email him back?  
21 A I believe I emailed him back the next day and I told  
22 him -- I was worried about his health and with the cancer  
23 surgery. And then if something were to happen to him, how do  
24 I go about getting my survivor benefit plan and my insurance.

1 Q Okay. And how did he respond about that?

2 A He was upset with it. He told me not to bother him.

3 So then I contact you guys and --

4 Q And then what happened?

5 A He -- what happened was exactly what I knew was

6 going to happen if I didn't sign the divorce decree. He

7 stopped communicating with me. He closed our checking

8 account. He stopped communicating with you. And that's the

9 last time I heard from him.

10 Q Okay. Let's go to Exhibit 44.

11 A He's always -- is used to telling people what to do,

12 you know. It's --

13 MR. MILLS: Objection, Your Honor. She's not

14 answering any question. There's no question before her.

15 THE WITNESS: Okay.

16 BY MS. LAMBERTSEN:

17 Q Okay. Caterina, what is Exhibit 44?

18 A Exhibit 44?

19 Q Who -- whose address is on here?

20 A Let me think about -- so this is my address.

21 Q Okay. And who's it from?

22 A It's from the airport police.

23 MS. LAMBERTSEN: Move to admit Exhibit 44.

24 MR. MILLS: Objection, Your Honor. Relevance. What

1 does something from the airport police have to do with  
2 creating a contract --  
3 MS. LAMBERTSEN: His --  
4 MR. MILLS: -- or any reason?  
5 MS. LAMBERTSEN: -- financial condition, Your Honor,  
6 when it goes to the alimony, her claim in defenses.  
7 MR. MILLS: It's not -- his financial -- even his  
8 financial condition is not relevant unless I was making the  
9 claim --  
10 THE COURT: It's not --  
11 MR. MILLS: -- that it's --  
12 THE COURT: -- relevant.  
13 MR. MILLS: Yeah.  
14 MS. WEBSTER: Your Honor, one --  
15 THE COURT: Objection sustain.  
16 MS. WEBSTER: -- one other -- one other aspect of  
17 relevancy is that this was a car that -- this is a car he  
18 abandoned --  
19 THE WITNESS: Yes.  
20 MS. WEBSTER: -- at the airport. Yeah, he abandoned  
21 a car at the airport. It just goes to the ability of her  
22 being able to collect and him staying in the Philippines and  
23 making himself completely inaccessible. This was a car that  
24 he purchased and then abandoned at the airport for nonpayment.

1 THE COURT: I think she can testify that she was  
2 aware he had been in the car. I don't think we need to be  
3 admitting documents as to that and storage documents.  
4 MS. WEBSTER: All right.  
5 THE COURT: He's not here to controvert or she's --  
6 THE WITNESS: I --  
7 THE COURT: -- had conversations --  
8 THE WITNESS: Well, I have --  
9 THE COURT: -- with you --  
10 THE WITNESS: -- all the paperwork.  
11 THE COURT: -- which would -- and not to admission,  
12 so --  
13 MS. LAMBERTSEN: Okay.  
14 BY MS. LAMBERTSEN:  
15 Q Okay. So Caterina, which -- let's just do this.  
16 What is -- what information did you receive regarding  
17 different bills, if any?  
18 A So I was receiving -- I was receiving tow truck  
19 bills that the towing company tow his car away as he abandoned  
20 and took the tags, took the plates off. So I got a bill for  
21 that saying that they were -- they were towing the car. And  
22 then I got a bill from -- from the Chevrolet because he just  
23 bought the car three months prior saying that they possess the  
24 car and they sold it and he owes the difference.



1 Q Okay. What -- any --

2 A And it made me belie -- it -- what happened was  
3 after I saw Judge Hardcastle in January he -- he left -- he  
4 left here and -- and flew to the Philippines, abandoned the  
5 car, and he abandoned all his bills with it. I mean --

6 Q Well, that's the bills for the car. What about any  
7 -- any other bills that --

8 A Yes.

9 Q -- came with --

10 A He abandoned USAA.

11 Q About how much were -- was at USAA?

12 A That one was 17,000.

13 Q Was there another USAA?

14 A There was another one for 13,000 that they sent to  
15 me, because we -- we used USAA our whole lives.

16 MR. MILLS: Your Honor, again, I'm going to object  
17 to relevance of what him abandoning anything has to do with  
18 this case.

19 MS. LAMBERTSEN: It goes to his nonappearance today.  
20 I -- Your Honor, we -- we filed part of our opposition to his  
21 motion to appear. He -- by audio/visual is because I think  
22 he's really --

23 THE COURT: And it's stretching, but I'll allow it.  
24 It's admitted.

1 BY MS. LAMBERTSEN:  
2 Q Caterina, let's talk about survivor benefits.  
3 A Yes.  
4 Q In Exhibit 27, please.  
5 A Okay.  
6 Q What is the date of this document?  
7 A Is it 436 page?  
8 Q That's -- yeah, it's on 437. I think it's on --  
9 A Okay.  
10 Q -- this one.  
11 A The date is March 10th, 1999.  
12 Q Were you married at that time?  
13 A Yes.  
14 Q And you -- are you listed in this document?  
15 A Yes.  
16 MS. LAMBERTSEN: I move to admit Exhibit 27.  
17 MR. MILLS: Objection, relevance, Your Honor.  
18 MS. LAMBERTSEN: It goes to the survivor benefit.  
19 MR. MILLS: It has nothing to do with the creation  
20 of contract. We're not here before the Court over a survivor  
21 benefit issue.  
22 THE COURT: It will be admitted.  
23 (PLAINTIFF'S EXHIBIT 27 ADMITTED)  
24 BY MS. LAMBERTSEN:

1 Q Caterina, looking at Page 436, Section 3 -- and I  
2 know the type is kind of --  
3 A Uh-huh (affirmative).  
4 Q -- difficult. Section 3. It looks like Number 13.  
5 Who's listed as the beneficiary? Is that you?  
6 A Yes, that's me.  
7 Q All right. And then on the following page, 437, at  
8 the very top.  
9 A Uh-huh (affirmative).  
10 Q It's Section Roman Numerals V, VI, VII. This -- is  
11 this describing the survivor benefit plan?  
12 A Yes, this is survivor benefit plan.  
13 Q And what's your understanding of what's happening  
14 here?  
15 A My understanding, the day you retire you only have  
16 one day a -- a window opening to select this. And so he  
17 select this for me. So if he would have died. My pension was  
18 still -- his pension would still keep coming.  
19 Q Okay.  
20 A And it was -- has been paid on since '99 --  
21 Q Oh, there's --  
22 A -- a month.  
23 Q -- a charge for this.  
24 A Yes, there's --

1 Q Okay.  
2 A -- a charge every month.  
3 Q Okay. Let's go -- I think it will be Exhibit 20 --  
4 28.  
5 A Uh-huh (affirmative).  
6 Q What is this?  
7 A So this is -- it looks like his retirement account.  
8 Q And at the very bottom?  
9 A At the very bottom, it shows the survivor benefit  
10 plan -- plan --  
11 Q And whose --  
12 A -- coverage --  
13 Q -- whose birth --  
14 A -- to me.  
15 Q Oh, okay.  
16 A July 24, 1963 which --  
17 MS. LAMBERTSEN: Move to --  
18 A -- would be me.  
19 MS. LAMBERTSEN: -- admit Exhibit 28.  
20 MR. MILLS: The same objection, relevance, Your  
21 Honor.  
22 MS. LAMBERTSEN: So what is --  
23 THE COURT: Just a minute.  
24 MS. LAMBERTSEN: Oh, sorry, Your Honor.

1 THE COURT: All right. That will be admitted.

2 (PLAINTIFF'S EXHIBIT 28 ADMITTED)

3 BY MS. LAMBERTSEN:

4 Q So what's the date on this statement here, Caterina?

5 A December 3rd, 2017.

6 Q And at the bottom, it is a discussion -- or is  
7 identification of a survivor benefit, correct?

8 A Correct.

9 Q And the person -- the spouse that's being covered,  
10 where -- there is not a name on here, but who's birthday is  
11 that?

12 A It's my birthday.

13 Q And right underneath that is a -- a dollar amount.

14 A Yes. It says -- which it goes up every -- but the  
15 -- the dollar amount will be 1805.58.

16 Q And what's your understanding of what's going on on  
17 this?

18 A The way he -- he explained to me is that one -- one  
19 -- once he dies, I don't get the \$3,000 a month. So that goes  
20 away. And then this will start coming. With my life  
21 insurance for me to pay off the house and then I have that  
22 much money to live on.

23 Q And what was your understanding of the decree of  
24 divorce and the survivor benefit?

1           A     That I was getting that.

2           Q     Okay. Are there any -- what instructions if -- if

3 any are on these two exhibits? Tell me what to do with your

4 divorce to keep the benefit.

5           A     Nothing.

6           Q     What instructions did Grady give you at the time of

7 the divorce so you can keep the benefit?

8           A     Nothing.

9           Q     What information did you have at the time of divorce

10 that someone needed to send the decree to the Department of

11 Finance and Accounting Services?

12          A     He didn't tell me anything. I mean, he took care of

13 everything. So I don't know if he did anything.

14          Q     Do you know whose name is listed as a beneficiary in

15 the plan today?

16          A     Yes. His new wife.

17          Q     What steps are you taking to -- if any to reinstate

18 your survivor benefit?

19          A     I believe last time we were here, Judge Fors --

20 Forsica (sic)?

21          Q     Fors --

22          A     Was -- told him to put me back on survivor benefit

23 plan. He had 10 days to put me back, but he didn't. So now

24 we have to go up to the Army Board.

1 Q Okay. And are you trying to work to get that --  
2 A Yes.  
3 Q -- on the Board, correct?  
4 A Yes.  
5 Q Okay. Let's go to Exhibit 63.  
6 A All he has to do is volunteer to put me back on it,  
7 but he wouldn't do it.  
8 Q What is it?  
9 A What exhibit?  
10 Q 63.  
11 A 63.  
12 Q And --  
13 A Okay.  
14 Q -- 6 -- no, you're not on 63 yet.  
15 A Oh, okay. Sorry. Okay.  
16 Q And what is this?  
17 A So this is a -- a letter that my lawyer draft to  
18 buy.  
19 Q What's --  
20 A Ask him -- thinking to -- I don't know, to give up  
21 her rights to it.  
22 Q Okay. And -- and that's --  
23 A And she declined.  
24 Q Did -- and you saw this?

1 A Where?  
2 Q You approved this letter?  
3 A Yes, I approved the letter.  
4 Q And what about the next page? You approved that --  
5 A Yes.  
6 Q -- that release.  
7 MS. LAMBERTSEN: Move to admit 63.  
8 THE WITNESS: I was the one in the military with him  
9 for 30 years.  
10 MR. MILLS: I guess my only objection would be  
11 relevance to today's proceedings, Your Honor.  
12 THE COURT: Okay. It will be admitted.  
13 (PLAINTIFF'S EXHIBIT 63 ADMITTED)  
14 BY MS. LAMBERTSEN:  
15 Q And Caterina, what was the response to this letter?  
16 A She refused --  
17 Q Can you look at 64?  
18 A 64?  
19 Q Uh-huh (affirmative).  
20 A Okay.  
21 Q Exhibit -- what is Exhibit 64?  
22 A 64 is -- I believe it is an email from Byron in  
23 regarding my survivor benefit plan. He said I'm responding to  
24 your letter of September 24th, 2019 regarding survivor benefit



1 plan. Mr. Byrd and -- Mr. Byrd has discussed this matter with  
2 his wife Pinky and they are not in agreement to have Pinky  
3 consent to release of the survivor benefit plan.

4 MS. LAMBERTSEN: Move to admit Exhibit 64.

5 MR. MILLS: Objection, relevance, Your Honor.

6 THE COURT: I find it relevant. It'll be admitted.

7 (PLAINTIFF'S EXHIBIT 64 ADMITTED)

8 MS. LAMBERTSEN: It's relevant as an asset -- oh.

9 THE COURT: It's --

10 MS. LAMBERTSEN: Okay.

11 THE COURT: -- admitted.

12 MS. LAMBERTSEN: Thank you, Your Honor.

13 THE COURT: It's an asset that is awarded to her in  
14 the divorce decree.

15 MS. LAMBERTSEN: I have no further questions, Your  
16 Honor. Let me just get --

17 CROSS EXAMINATION

18 BY MR. MILLS:

19 Q Ma'am, you just made --

20 MR. MILLS: Oh, I'm sorry. May I proceed?

21 THE COURT: Go ahead.

22 MR. MILLS: Thank you.

23 Q Ma'am, you just made the statement, quote, all he  
24 had to do was volunteer to put me back on it and he wouldn't

1 do it. That is an absolute lie, isn't it?  
2 MS. LAMBERTSEN: I --  
3 A He's --  
4 MS. LAMBERTSEN: Your Honor, the --  
5 A What do you mean?  
6 MS. LAMBERTSEN: -- the form of the question is very  
7 hostile. We have a --  
8 MR. MILLS: Okay.  
9 MS. LAMBERTSEN: -- a witness up here that's been --  
10 THE COURT: Restate --  
11 MS. LAMBERTSEN: -- crying.  
12 THE COURT: -- your question.  
13 MR. MILLS: I'll restate the question.  
14 BY MR. MILLS:  
15 Q You said, quote, all he had to do with regards to  
16 this -- the survivor benefit plan --  
17 A Yes.  
18 Q -- you said, quote, all he had to do was volunteer  
19 to put me back on it and he wouldn't do it. That is not a  
20 true statement, is it?  
21 A He said --  
22 Q Yes or no?  
23 A -- sabotaged the form.  
24 Q Ma'am, please answer my question.

1           A     What?  
2           Q     That's not true, is it?  
3           A     I don't understand it that way, no.  
4           Q     Well --  
5           A     No, it is true because all he had to do is put me  
6 back on it voluntarily. And he is not checking the boxes  
7 right. He knew it was coming back rejected.  
8           Q     Again, ma'am, you're -- you're not being honest  
9 right now, because isn't it --  
10           THE COURT: It's --  
11           Q     -- true --  
12           THE COURT: -- argumentative. If you --  
13           MR. MILLS: Okay.  
14           THE COURT: -- go over a different re -- a reason  
15 why it's not true --  
16           MR. MILLS: Sure.  
17           THE COURT: -- please state it that way.  
18 BY MR. MILLS:  
19           Q     Isn't it true that Coun -- your attorney and I  
20 worked together and submitted three different requests to put  
21 it back on with his signed consent? Do you --  
22           A     Yes.  
23           Q     -- recall that?  
24           A     Yes.

1 Q Okay. So he did try to do it, correct?  
2 A He did not did the form right and he knows how to do  
3 that form. The same way he put his new wife --  
4 MS. LAMBERTSEN: You --  
5 A -- on it.  
6 MS. LAMBERTSEN: You --  
7 Q No.  
8 MS. LAMBERTSEN: Objection, it's asked and answered.  
9 THE COURT: And it's asked and answered.  
10 BY MR. MILLS:  
11 Q Do you recall the reason why they wouldn't do it?  
12 A Yes, because it was court ordered. And if it's  
13 court ordered, they won't do it.  
14 Q It was because you had an obligation to do -- to put  
15 it on within a year --  
16 A I never had any  
17 Q -- of your divorce --  
18 A -- application.  
19 Q -- correct?  
20 A He was the one that was taking care of everything.  
21 He took care of the divorce. He -- he got the divorce.  
22 Q Ma'am, I'd -- I'd ask you just to answer my  
23 questions --  
24 A Oh.

1 Q -- okay --  
2 A Okay.  
3 Q -- please?  
4 A Okay.  
5 Q Now you mentioned that you got bills regarding the  
6 car and other --  
7 A Yeah.  
8 Q -- bills you mentioned, correct, that --  
9 A Yes.  
10 Q -- came to your address?  
11 A Yes.  
12 Q Was your name on the bills?  
13 A No.  
14 Q Was your name on the envelope?  
15 MS. LAMBERTSEN: You know what, I'm going to object.  
16 A I don't know. I just opened my mail. It was  
17 supposed to be mine.  
18 MS. LAMBERTSEN: I have correspondence Your Honor  
19 from Counsel authorizing she can do whatever she wants --  
20 THE WITNESS: Yeah, you did --  
21 MS. LAMBERTSEN: -- with it.  
22 THE WITNESS: -- tell --  
23 MS. LAMBERTSEN: And I brought --  
24 THE WITNESS: -- us that.

1 MS. LAMBERTSEN: -- those letters today --  
2 MR. MILLS: Your Honor, she doesn't know --  
3 MS. LAMBERTSEN: -- showing that he --  
4 MR. MILLS: -- what I'm asking.  
5 MS. LAMBERTSEN: -- he said that she can go --  
6 THE WITNESS: Yes.  
7 MS. LAMBERTSEN: dispose of whatever she wants and  
8 if I need to ask to have this admitted because of this line  
9 of --  
10 THE COURT: Well --  
11 MS. LAMBERTSEN: -- questioning --  
12 THE COURT: -- let him finish his line of  
13 questioning first and then you can determine whether or not  
14 you need to have it admitted.  
15 BY MR. MILLS:  
16 Q I understand this correspondence happened, but when  
17 you received the mail, you opened it even -- even though it  
18 wasn't in your name, correct?  
19 A I don't even look. I just open up my letter opener  
20 because it -- I assume it comes to me. It's mine.  
21 Q Now you -- you talk about medical insurance. You --  
22 and that you lost the military insurance.  
23 A Correct. Yeah.  
24 Q You have the right to it becau -- under the 20/20

1 Rule. Do you understand the 20/20 Rule?  
2 A Not really because he always took care of that.  
3 Q Did you actually reach out to the military and make  
4 a request to reinstate the insurance?  
5 A He's -- I -- I emailed Grady and he said he will  
6 take care of it.  
7 Q So you made no effort to reach out --  
8 A Oh, I tried to call them. They won't --  
9 Q -- to the military and --  
10 A They won't --  
11 Q -- get your insurance?  
12 A They only want to talk to the sponsor and he's the  
13 sponsor.  
14 Q And, again, you need to make sure I -- you let me  
15 finish my question and I'll --  
16 A Oh.  
17 Q -- let you --  
18 A Okay.  
19 Q -- finish your answer, okay?  
20 A Okay.  
21 Q So did you reach out to the military?  
22 A Yes, I did.  
23 Q When did you do that?  
24 A I did that July 2016 after I left the -- the --

1 Nellis Air Force Base.

2 Q And do you recall who you communicated with?

3 A The TRICARE people. And -- oh, you know, I said  
4 nothing else really.

5 Q So you mentioned that obviously he hasn't been  
6 paying since September of 2018.

7 A Uh-huh (affirmative).

8 Q You mentioned specifically that you have used up  
9 your savings and that's how you've lived. How much did you  
10 have in savings in September 2018?

11 A Well, and -- and also my parents' money.

12 Q I don't -- please answer my question.

13 A Oh.

14 Q How much did you use -- how much did you have in  
15 savings in September of 2018?

16 A I had about 25,000.

17 Q And where did that money come from?

18 A It was some of the money that we had left over for  
19 the house and some of the -- my winnings and I sold a lot of  
20 my jewelry on eBay, my wedding rings and all the gold he gave  
21 me.

22 Q You sold all that before September of 2018?

23 A I -- throughout. Yes, at the beginning of the  
24 divorce I sold it.



1 Q Okay. And you said the money you got from the  
2 house. Are you talking about the TSP he gave you?  
3 A Yes, he told me to use that money for a down payment  
4 and then the rest you use it for wash and dryer, because we  
5 had from Germany. We had no appliances, so --  
6 Q Okay. So how much money was in that TSP that you  
7 received, do you recall?  
8 A He cashed it out. I think it was 90,000.  
9 Q So you received the entirety of that 90,000?  
10 A Well, it went to our bank account.  
11 Q Right. So --  
12 A It went to our checking account, our joint checking  
13 account.  
14 Q For your use, is that correct?  
15 A Our use. It's just money we have saved for our  
16 house.  
17 Q Correct.  
18 A Right.  
19 Q And -- and you put some of it towards the house and  
20 some of it you kept to -- for your own spending --  
21 A I use --  
22 Q -- correct?  
23 A Well, not for my own spending. He said for me to  
24 have it in case something breaks. And I -- you know, if

1 something breaks in the house or I need a washer and dryer and  
2 appliances.

3 Q And at the time of -- that he quit paying in  
4 September of 2018 when you still had substantial funds of  
5 that --

6 A Well --

7 Q -- money, correct?

8 A But not all of it. But I have some of it.

9 Q Okay.

10 A And then I had to use my credit card which I had a  
11 balance of 25,000 to pay my legal fee. And then my mother and  
12 father helped me with the rest.

13 Q Okay. So back in 2014 when you got divorced, if you  
14 had -- still had approximately 25,000 in 2018, do you recall  
15 how much money you had in your account as of 2014 when you got  
16 divorced?

17 A I believe -- no, I can't remember that.

18 Q Something more --

19 A Because --

20 Q -- than --

21 A -- he asked me -- he -- he constantly asked me to  
22 borrow money. He said I have to take money out of our  
23 checking to pay for my -- I guess he needed a visa to live  
24 there. So he always said I need to borrow money. So I always

1 -- he always took it out of the bank.  
2 Q So -- but you have something more than the 25,000  
3 that you had in 2018 I assume, right?  
4 A No, I don't understand it.  
5 Q Did you have more than 25,000 in your savings  
6 account in --  
7 A No.  
8 Q -- that account in 2014?  
9 A Oh, when we were -- when we were together I had more  
10 money, yes.  
11 Q Okay. That's not what I'm asking.  
12 THE COURT: Between the time of the divorce --  
13 THE WITNESS: Uh-huh (affirmative).  
14 THE COURT: -- and the date you just gave us in 2018  
15 where you said you had 25,000, at any time between those two  
16 dates did you have more than 25,000 in that account?  
17 THE WITNESS: No.  
18 THE COURT: So from 2014 to 2018 are you saying you  
19 didn't spend any money out of --  
20 THE WITNESS: Oh, no.  
21 THE COURT: -- that account?  
22 THE WITNESS: I spent it.  
23 THE COURT: How much was --  
24 THE WITNESS: I --

1 THE COURT: -- in the account?  
2 THE WITNESS: I probably spent at least 15 on --  
3 on --  
4 Q So you had at least \$40,000 in 2014 when you got  
5 divorced?  
6 MS. WEBSTER: Object as it --  
7 A I don't think so.  
8 MS. WEBSTER: -- mischaracterizes her testimony.  
9 MS. LAMBERTSEN: What --  
10 THE COURT: She said she --  
11 THE WITNESS: I don't know -- I don't think --  
12 THE COURT: Approximately 15,000 is what she thinks  
13 she --  
14 THE WITNESS: Yeah.  
15 THE COURT: -- spent. So that would make it  
16 approximately 40,000.  
17 MS. WEBSTER: Well, she said --  
18 MS. LAMBERTSEN: And --  
19 MS. WEBSTER: -- the money came from sale of jewelry  
20 Your Honor and she also mentioned money that she got from her  
21 parents.  
22 MS. LAMBERTSEN: And -- and that -- I'm not even  
23 clear. Is he -- she talking about a married couple or talking  
24 about after the decree and they were on their own?

1 THE COURT: At the time --  
2 MS. LAMBERTSEN: I mean, it's not really --  
3 THE COURT: -- of the divorce, how much money --  
4 MR. MILLS: It's --  
5 THE COURT: -- is in the joint account?  
6 MR. MILLS: -- a simple question.  
7 THE WITNESS: At the time of the divorce, I can't  
8 recall. I don't --  
9 THE COURT: Was it --  
10 THE WITNESS: -- remember.  
11 THE COURT: -- more than 60,000?  
12 THE WITNESS: No. No.  
13 THE COURT: Was it more than --  
14 THE WITNESS: We --  
15 THE COURT: 40,000?  
16 THE WITNESS: No. We had money in 2013, but as it  
17 -- 2014, I believe maybe I had 10 or 15,000. I don't  
18 remember. I don't remember. Because it was very stressful  
19 buying this house and paying for all the moving things. I  
20 don't remember.  
21 BY MR. MILLS:  
22 Q You're saying you were down to 10 or 15,000 in 2014  
23 at the time of the divorce?  
24 A I think I was. I don't --

1 Q And then --  
2 A -- remember.  
3 Q -- you spent another 15,000 since the divorce.  
4 A Yes.  
5 Q And then somehow did it get back up to 25,000 then,  
6 ma'am?  
7 A I sold my jewelry.  
8 Q You sold over 25,000 -- you sold \$25,000 worth of  
9 jewelry?  
10 A Oh, I had a necklace that he bought me for \$16,000.  
11 I had a Rolex watch with diamonds that I sold. I had a five  
12 carat diamond ring that I sold. I had a 10 carat tennis  
13 bracelet that I sold.  
14 Q Are you sure you didn't make those sales after  
15 September 2018 when he quit paying you?  
16 A No.  
17 Q So -- so you mentioned -- you mentioned a necklace.  
18 What was that worth? What did you get for it?  
19 A It -- so we bought it for \$16,000 and I sold it for  
20 almost -- I think it was like 8,000.  
21 Q Okay. And your Rolex?  
22 A The Rolex -- actually, let me think. I might have  
23 sold it for four.  
24 Q Other jewelry?

1           A     And I had a tennis bracelet. A lot of this stuff I  
2 sold it to my son because he was doing gold. He was -- he was  
3 a diamond dealer. So he would give me the money. I would  
4 give it to him and he gave me the money.

5           MS. LAMBERTSEN: Your Honor, I'm wondering what the  
6 relevancy of the questioning about her selling her jewelry  
7 after divorce.

8           THE COURT: It's going to her credibility regarding  
9 her statement of what she said she had in the account at the  
10 time of divorce. Any other relevancy, Counsel?

11          MR. MILLS: And more, Your Honor.

12 BY MR. MILLS:

13          Q     Was there other jewelry in addition to the bracelet?

14          A     I sold my wedding band.

15          Q     And this is all before 2018.

16          A     Yes, after I had divorced throughout, you know, I  
17 would sell the stuff and whatever I can get from my son can  
18 give me for it. And he knew that because he had to sell his  
19 Rolex. He told me he wanted his box back.

20          Q     So at the -- so at the time of the divorce in 2014,  
21 you didn't -- you had money in the account, correct, you said,  
22 10 to 15?

23          A     We did together in our checking account. I don't --

24          Q     And substan --

1 A I don't remember.  
2 Q At that -- and at that time substantial jewelry,  
3 correct?  
4 A I had jewelry that I had throughout my marriage.  
5 Q So you had the money to go hire an attorney at that  
6 time, correct?  
7 A I could have, but he told me not to. Then he would  
8 cut me off and --  
9 Q Ma'am --  
10 A -- I would be --  
11 Q -- just --  
12 A -- without money.  
13 Q -- answer my question, please. You had the money to  
14 hire an attorney, correct?  
15 A Yes. And he knew that. That's why he says I gave  
16 you money to live on --  
17 Q Ma'am.  
18 A -- not to hire an attorney.  
19 Q And in fact, you had -- you had questions -- you  
20 said you started the discussion of the divor -- or about  
21 divorce in February of 2014, correct?  
22 A I -- I believe so.  
23 Q Okay. And the decree got signed in -- in June of  
24 20 --



1 A Yeah, we --  
2 Q -- 14 --  
3 A -- we would --  
4 Q -- correct?  
5 A -- email each other constantly.  
6 Q So there were hun -- hundreds of emails probably  
7 between you and him, correct?  
8 A There's been thousands of emails before and after.  
9 Q I'm sorry, between February and June of 2014.  
10 A Throughout. It -- it stopped there for awhile and  
11 then it started again, you know.  
12 Q You guys discussed in great detail the terms --  
13 A We discussed everything.  
14 Q -- of the divorce, correct?  
15 A That's how we always done.  
16 Q Again, you got to make sure you let me finish my  
17 question before you --  
18 A I'm sorry.  
19 Q -- answer, okay? You guys discussed in great detail  
20 the terms of the divorce --  
21 A Uh-huh (affirmative).  
22 Q -- before the divorce, correct?  
23 A Yes.  
24 Q And in fact, I believe in some of your emails you

1 raised questions about the wording of the decree, correct, or  
2 the wording of the petition?

3 A Yes.

4 Q And you were concerned that with the wording you may  
5 only get 1500 instead of 3,000, isn't that correct based on  
6 one of your emails?

7 A Because he confused me. He kept saying I'll give  
8 you 3,000, but then he was saying I have to make it this way  
9 so I -- you know, I -- I was going to get in trouble or  
10 something. So it was always 3,000, 3,000, but I have to write  
11 it this way. Can I have some water?

12 MS. LAMBERTSEN: Oh, sure.

13 THE COURT: All right. Counsel, we're going to take  
14 just about a five minute break.

15 MR. MILLS: Okay.

16 THE WITNESS: I'll leave that.

17 (COURT RECESSED AT 11:28 AND RESUMED AT 11:34)

18 THE COURT: All right. We're back on the record.  
19 You may be seated. You -- you may continue with your cross  
20 examination.

21 MR. MILLS: Thank you, Your Honor.

22 BY MR. MILLS:

23 Q You mentioned in your direct examination that you  
24 had gambling winnings, it was 2014 or something like that, is

1 that correct?  
2 A Yes.  
3 Q Some \$11,000.  
4 A Almost --  
5 Q Correct?  
6 A -- 12, yes.  
7 Q And have you gambled -- you've gambled since then,  
8 correct?  
9 A Yes.  
10 Q Okay. And have you had winnings since then?  
11 A I haven't gambled over a year.  
12 Q Okay. So you haven't gambled since 2018 prob -- or  
13 since this --  
14 A Yeah.  
15 Q -- all starting probably --  
16 A Yeah.  
17 Q -- correct?  
18 A Right.  
19 Q But prior to that, you were gambling?  
20 A Sometimes, yes.  
21 Q Okay. And where did you like to gamble?  
22 A Oh, different places.  
23 MS. LAMBERTSEN: And Your Honor --  
24 A Nowhere --