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**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JEFFREY REED,	)	Supreme Court Case No: 82575
	)	District Court Case No.: 05D338668
Appellant,	)	
v.	)	
	)	
ALECIA DRAPER (IND./CONSERV.),	)	
	)	
Respondent.	)	
	)	
	)	
	)	

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**APPELLANT'S APPENDIX  
VOLUME VI OF XVII**

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1 Q And do you have --  
2 MS. BRENNAN: I offer --  
3 Q Is this a true and correct copy of your Capital One  
4 Mastercard statements?  
5 A Yes.  
6 Q And do you make payments within these statements on  
7 Emily's behalf that you're seeking reimbursement for in this  
8 case?  
9 A Yes.  
10 MS. BRENNAN: I offer, file, and introduce Exhibit  
11 52.  
12 THE COURT: Any objection, Counsel?  
13 MS. ROBERTS: Not as to the document itself, Your  
14 Honor. No.  
15 THE COURT: Okay. 52's admitted.  
16 (PLAINTIFF'S EXHIBIT 52 ADMITTED)  
17 BY MS. BRENNAN:  
18 Q Exhibit 53, is this your -- a true and accurate copy  
19 of your American Express credit card that includes expenses  
20 incurred by you on behalf of Emily that you're seeking  
21 reimbursement from in this case?  
22 A Yes.  
23 MS. BRENNAN: Offer, file, and introduce into  
24 evidence Exhibit 53.

1 MS. ROBERTS: I -- I do have a question regarding  
2 this, Your Honor.

3 THE COURT: Yeah?

4 MS. ROBERTS: Okay. I -- the other records that we  
5 just went over, 52, differentiate Emily's charges from Alecia  
6 -- from Alecia's charges. I do not believe that the American  
7 -- and -- and if it does, I -- I will stand corrected, but I  
8 don't see that this can differentiate who is making these  
9 charges on this account.

10 THE COURT: Yeah, the other thing is is that when  
11 you talk about -- I mean, this is something to think about  
12 before the end of this case. This claim is a statutory claim  
13 for support. The remedy is going to be establishing a support  
14 obligation of the parents if a claim is granted. It's not  
15 going to be granting reimbursement for expenses that one  
16 parent made or the other. That's distinguished from things  
17 like medical bills that may be outstanding for the benefit of  
18 the child. And, you know, it's -- you know, I -- I assume  
19 that on cross examination you're going to go through this  
20 notion that Dad had no input on any of these expenses, right?  
21 I mean --

22 MS. ROBERTS: That's absolutely --

23 THE COURT: So -- so --

24 MS. ROBERTS: -- correct, Your Honor.

1           THE COURT:  -- I'm -- I'm just saying that -- that  
2 Ms. Brennan if she's going to be asking for judgment for  
3 contribution up to half of these expenses that he's made,  
4 she's entitled to a ruling if the Court's going to reject that  
5 argument.  Okay.  So this is offered -- basically she wants  
6 him to pay half of her Capital One credit card bills and half  
7 of her American Ex -- Ex -- American Express spending on this  
8 notion that he has an obligation --

9           MS. BRENNAN:  No.

10          THE COURT:  -- for the child and the Court should  
11 apply the statute and the case law to require him to pay half  
12 of what she spent.  And --

13          MS. BRENNAN:  Judge, if I could --

14          THE COURT:  No.  No.

15          MS. BRENNAN:  -- if I could --

16          THE COURT:  Save it.  I'm -- I'm helping you down  
17 the road.  You can frame your argument and you'll get your  
18 rulings, okay?  Exhibit 52 and 53 are admitted and --

19          MS. BRENNAN:  It's --

20          THE COURT:  -- Defendant objects to -- to the notion  
21 that he is obligated to her for these expenses, right?

22                                 (PLAINTIFF'S 53 EXHIBIT ADMITTED)

23          MS. ROBERTS:  Yes, Your Honor.

24          THE COURT:  Okay.  Ms. Brennan, continue.

1 MS. BRENNAN: Yes. Thank you. I appreciate it -- I  
2 -- I appreciate that, Judge. If I can just make one  
3 clarification. I am not requesting a hundred percent  
4 reimbursement of all of her credit card bills in this case.  
5 I'm -- we're putting this in as -- as foundation for the  
6 expense data compilation summary sheets that she -- my client  
7 prepared that will show which of the expenses on each of these  
8 bills she has paid on behalf of Emily.

9 THE COURT: I know, but --

10 MS. BRENNAN: So these --

11 THE COURT: -- look --

12 MS. BRENNAN: -- are the --

13 THE COURT: -- what -- what --

14 MS. BRENNAN: -- backup documents --

15 THE COURT: -- both of you -- what both of you I  
16 think are completing losing yourself in because of the length  
17 that this case been pending is that if the Court finds that  
18 either parent or both parents have a support obligation for  
19 their child, it's not going to be in relationship to what they  
20 spent for the child. It's going to be a relationship to what  
21 their financial obligations would be as parents for a minor  
22 which is tied to their income and financial circumstances.  
23 That's why you did discovery and found out what he got in his  
24 sales jobs for the last few years, okay? So this notion that

1 -- that there's going to be a ruling where there's tens of  
2 thousands of dollars in judgments because your client and --  
3 spent all this money for the benefit of the child is misguided  
4 because if the Court finds that there is a support obligation,  
5 I'll be making a finding as to what that support obligation  
6 should be in relationship to the need and the income  
7 obligations because child support into that is based on  
8 income. Okay. So you -- you -- again, we -- as you mentioned  
9 we got an eight -- we got a 17-year-old case which is the only  
10 commentary on this remedy under Nevada law. Okay? So  
11 everyone of these rulings as it relates to what a parent's  
12 obligation would be if the Court determines there's an  
13 obligation is important. It's important for you to make sure  
14 that you get a ruling and that the Court make a ruling on it.  
15 Same for you, Ms. Roberts, okay?

16 So Mom's American Express cards, her Capital One  
17 card, those are admitted into evidence. Emily's bank card is  
18 admitted in evidence. Where are we on the direct? Are you  
19 almost finished?

20 MS. BRENNAN: We're on 54. Offer, file, and  
21 introduce the Wells Fargo bank statements for the same  
22 purpose.

23 THE COURT: And, again, this is her card?

24 MS. BRENNAN: Yes. And it includes expenditures

1 paid for -- to show what child support would be necessary for  
2 Emily based on Emily's expenses.

3 THE COURT: Okay. But that's not the standard. But  
4 that's okay. Any objection to 54 coming in?

5 MS. ROBERTS: No, Your -- no, Your Honor. You  
6 completely clarified that issue. I just wanted to be clear.  
7 So I am fine with 54 coming in.

8 THE COURT: Well, it -- remember, let's focus on the  
9 statute because this is a statutory reference. One of the  
10 issues that the Court has to consider is the collateral  
11 sources of support for this child in relationship to whether  
12 or not they meet the need. That's why you gathered the  
13 information concerning the California welfare and the social  
14 security monies. And so the Court looks at -- if there's an  
15 obligation that exists, its reasonable need divided up amongst  
16 parents who based on their financial circumstances. And --  
17 and so the -- let's say that this child had a need that was  
18 exponentially greater than what the formula obligations are.  
19 Well, that's a problem that the Court has to resolve because  
20 if what you're showing Ms. Brennan is that over the class --  
21 pa -- past couple years your client has expended thousands and  
22 thousands of dollars for the benefit of this child, right?

23 MS. BRENNAN: Yes.

24 THE COURT: Yeah. Okay. Well, that's -- but -- and



1 -- and the -- the reality of the situation is is that that's  
2 only marginally relevant to whether or not she can advance a  
3 claim that the parents be obligated to pay support. And I --  
4 you know, I -- I'm going to be making findings concerning your  
5 financial circumstances. It's obvious with these expenditures  
6 that she has -- I mean, I -- I don't have a good feel for  
7 hers, but I will by the time this is over. And you've  
8 represented that his historical income has been in the 80,000  
9 range? And of course we got a financial within the last week  
10 saying he makes about nothing.

11 All right. So finish your exam, direct, with your  
12 client, please. We're -- we're exhausting the whole morning  
13 just on your direct exam.

14 MS. BRENNAN: Well, I have 20 -- okay.

15 (PLAINTIFF'S EXHIBIT 54 ADMITTED)

16 MS. BRENNAN: Exhibit -- So Exhibit 55 --

17 THE COURT: It's admitted. 50 --

18 MS. BRENNAN: Admitted. Okay. Exhibit 56 are the  
19 Wells Fargo bank statements for the same purpose. Offer,  
20 file, and introduce Exhibit 56 and 57 and --

21 THE COURT: 56 --

22 MS. BRENNAN: -- 58.

23 THE COURT: -- is Capital One. I think that's in  
24 already.

1 MS. BRENNAN: No, this is a different -- different  
2 -- this is different Bates numbers Your Honor for Capital One.

3 THE COURT: This is 513?

4 MS. BRENNAN: Yeah, this is Exhibit 56.

5 THE COURT: Okay.

6 MS. BRENNAN: It's Bates Number 123 through 220. So  
7 it's -- it's a different grouping.

8 THE COURT: Well, maybe I -- I should talk to my  
9 Clerk. 56 for me is Bates stamped ER00513. Is that what you  
10 have?

11 MS. BRENNAN: You -- you know, actually, that is  
12 what I have. I'm sorry, I was -- read the wrong line. It's  
13 -- it's -- and that might be a duplicate. Nevermind. That's  
14 a -- I think that's a duplicate.

15 THE COURT: Okay.

16 MS. BRENNAN: That's a duplicate. I believe that's  
17 a duplicate.

18 THE COURT: Well, it -- look, if it's a credit card  
19 that your client has in her name and it is similar to the  
20 other credit cards and her testimony for foundation is that  
21 she uses this card to buy stuff, I mean, I see --

22 MS. BRENNAN: Yeah.

23 THE COURT: -- I mean, like Bubbles Dog Grooming and  
24 -- I mean they're -- what I'm curious about is that you've

1 introduced evidence concerning these expenses for these dog  
2 expenses and these credit cards have charges and the debit  
3 card had charges for animal expenses how much of this crosses  
4 each other. Believe me, I'm not going to dig in and find out  
5 because it -- it -- but --

6 MS. BRENNAN: Well, I'm -- I'm going to --

7 THE COURT: -- I mean, we have --

8 MS. BRENNAN: -- give you a --

9 THE COURT: -- we have --

10 MS. BRENNAN: -- summary.

11 THE COURT: I mean, we have -- you know, I -- like  
12 -- like in this -- the first page of this document you've got  
13 a charge for some sort of Great Bear Auto Center for \$380. I  
14 mean, the -- look, her testimony isn't that I only use these  
15 credit cards for Emily, right?

16 MS. BRENNAN: No, Judge. The -- I'm putting these  
17 in. They're the backup foundation for my -- my client has  
18 created a summary chart, a data compilation to assist the  
19 Court that --

20 THE COURT: Right.

21 MS. BRENNAN: -- summarizes --

22 THE COURT: This is the source --

23 MS. BRENNAN: -- all --

24 THE COURT: This -- this is the source documentation

1 for that summary in case you get --

2 MS. BRENNAN: That's right.

3 THE COURT: -- an objection that -- that it's not  
4 related or it's not accurate, right?

5 MS. BRENNAN: Exactly. That's what all of these  
6 are, the source documents, because once I put the source  
7 documents in, then I'm going to be asking to put the data  
8 compilation in.

9 THE COURT: I'm with you. Go -- keep going.

10 MS. BRENNAN: So I offer, file, and introduce  
11 Exhibit 56, Capital One Visa of my client.

12 THE COURT: Okay. Any objection for the record?

13 MS. ROBERTS: No, Your Honor. It's fine. 57's fine  
14 as well.

15 THE COURT: 56 and 57 --

16 MS. BRENNAN: Offer --

17 THE COURT: -- are admitted.

18 (PLAINTIFF'S EXHIBITS 56 AND 57 ADMITTED)

19 MS. BRENNAN: And 58 is my client's cell phone bill.  
20 I offer that in for the same purpose to show Emily's cell  
21 phone expenses.

22 THE COURT: 58 -- so Emily's on her plan or she has  
23 a separate phone?

24 MS. BRENNAN: Yes.

1 THE COURT: All right. Any objection to 58?  
2 MS. ROBERTS: No, Your Honor.  
3 THE COURT: All right. Thank you.  
4 (PLAINTIFF'S EXHIBIT 58 ADMITTED)  
5 THE COURT: Ms. Brennan, go on.  
6 BY MS. BRENNAN:  
7 Q Exhibit 69, are the -- is this a bill -- a true and  
8 correct copy of your bill with the Law Office of Elizabeth  
9 Yang for the conservatorship?  
10 A Yes.  
11 MS. BRENNAN: Offer, file, and introduce Exhibit 69.  
12 THE COURT: 69?  
13 MS. BRENNAN: 69, yes.  
14 THE COURT: Elizabeth Yang. Who is that?  
15 MS. BRENNAN: This is a lawyer that she uses to --  
16 for the conservatorship where -- that's part of Emily's  
17 expenses that we're seeking here.  
18 THE COURT: Okay.  
19 MS. BRENNAN: These are the backup documents that go  
20 to the data compilation summary.  
21 MS. ROBERTS: I'm going to object as to relevance,  
22 Your Honor, and I'm --  
23 THE COURT: Well, I mean, look, I -- I'm not -- I'm  
24 not going to keep it out for that. I mean, she wants him to

1 be responsible for a portion of her legal fees so that she can  
2 be the conservator of the child?

3 MS. ROBERTS: Yes --

4 MS. BRENNAN: Yes.

5 MS. ROBERTS: -- Your Honor. That's --

6 THE COURT: All right.

7 MS. ROBERTS: -- what she asked for.

8 THE COURT: That's fine. 60 -- 69 is admitted.

9 (PLAINTIFF'S EXHIBIT 69 ADMITTED)

10 MS. BRENNAN: And at this time, I offer, file, and  
11 introduce Exhibit 70 which is the Macy's credit card that  
12 shows expenditures on behalf of Emily that we're seeking  
13 reimbursement for as backup for our data compilation chart,  
14 Exhibit 70.

15 THE COURT: Okay. The same objection?

16 MS. ROBERTS: Yes, Your Honor. Sorry, I didn't mean  
17 to cough. Yes, Your Honor.

18 THE COURT: All right. That's fine. The  
19 objection's overruled. 70 is admitted.

20 (PLAINTIFF'S EXHIBIT 70 ADMITTED)

21 MS. BRENNAN: Exhibit 71, 72, and 73 I offer, file,  
22 and introduce. These are U.S. Bank statements for 2017, '18,  
23 and '19 that are backup for payments made on behalf of Emily  
24 by my client that will support the data compilation summary as

1 well.

2 MS. ROBERTS: On 71, Your Honor, they don't appear

3 to be -- to -- my copies don't appear to be the bank

4 statements. It's some kind of breakdown --

5 THE COURT: Yeah, is this an American Express or

6 is --

7 MS. ROBERTS: No.

8 THE COURT: -- some -- what -- oh, oh. This is --

9 MS. BRENNAN: Alecia --

10 THE COURT: This is a summary you've made, right?

11 MS. BRENNAN: Wait, no. I haven't made this.

12 Let's --

13 BY MS. BRENNAN:

14 Q What is this, Alecia?

15 A It looks like the summary of the credit card

16 statement that is tied to my U.S. Bank account.

17 THE COURT: Oh, so U.S. Bank will -- will organize a

18 pie chart for you on your spending then.

19 MS. BRENNAN: Yes.

20 THE WITNESS: Yes.

21 THE COURT: And her testimony is that the only thing

22 she spends -- uses this card for is for Emily?

23 MS. BRENNAN: No, this shows within it the various

24 expenditures that she has paid on behalf of Emily that are

1 part of Emily's living and -- and -- medical expenses that  
2 she's seeking reimbursement for. This is data backup for our  
3 data compilation chart that we're going to submit.

4 THE COURT: Yeah. I --

5 MS. ROBERTS: I'm going to --

6 THE COURT: I'm -- you're losing me here. There's  
7 no way -- I -- you -- you really expect the Court to look at  
8 this and say that in the year 2017 the Court is going to find  
9 that in this one particular card there's like 20 -- 10 -- more  
10 than \$10,000 in expenses that she's asking for reimbursement  
11 from him?

12 Q No, I'm saying that what the judge is going to do  
13 Your Honor with respect is that you're going to have the data  
14 compilation chart that is going to show which portions from  
15 this we're seeking reimbursement for. This is backup for the  
16 data compilation because obviously the Court doesn't have time  
17 to go through every entry and everything for the six -- you  
18 know, 16 years or whatever. So -- or however many years we're  
19 talking about. This supports my data compilation.

20 THE COURT: Okay. Any objection to 71, 72, 73 which  
21 are each of the last three years, '17, '18, '19? I mean, if  
22 you have one, just --

23 MS. ROBERTS: I --

24 THE COURT: All right.



1 MS. ROBERTS: I do, Your Honor. I'm going to object  
2 as to foundation. I can't tell from these statements what --  
3 who is charged what. Essentially it's just a collection. I  
4 charged --

5 THE COURT: Right.

6 MS. ROBERTS: -- X number of dollars --

7 THE COURT: All --

8 MS. ROBERTS: -- from Amazon.

9 THE COURT: All it -- all it shows is spending.

10 MS. ROBERTS: Right.

11 THE COURT: And -- and so you're -- that really goes  
12 to the weight of the evidence that the Court gives it, not the  
13 admissibility. 71, 72, and 73 are admitted.

14 (PLAINTIFF'S EXHIBITS 71-73 ADMITTED)

15 MS. BRENNAN: Thank you.

16 BY MS. BRENNAN:

17 Q Alecia, with respect to Exhibit 71, this is a  
18 document that you got directly from the credit card provider.  
19 You did not draft this document, correct?

20 A That's correct.

21 Q Now okay. So 79 -- Exhibit 79, 80, and 81 are --  
22 did you -- you prepared Exhibit 79, 80, and 81 from the backup  
23 documents that we just introduced; is that correct?

24 A Yes.

1           Q     And are -- does Exhibit 79, 80, and 81 accurately  
2 reflect expenses incurred on Emily's behalf that you're  
3 seeking -- that you paid that you're seeking the Court to  
4 order in this case, reimbursement or payment -- sharing of  
5 this as Emily's costs?

6           A     Yes.

7           MS. BRENNAN: I'd like to offer, file, and introduce  
8 into evidence Exhibit 79 through 81 which are her data  
9 compilation to aid the Court in the expenditures in this case.

10          THE COURT: Okay. What's your objection?

11          MS. ROBERTS: And Your Honor, I'm -- I have  
12 multiple. So as to foundation, how -- she claims that these  
13 expenses are to child's but how am I supposed to do that? How  
14 am I supposed to verify that those are true?

15          THE COURT: Well, that -- we just spent --

16          MS. ROBERTS: She also --

17          THE COURT: -- two hours going through the source.  
18 Their -- their representation is that they produced these  
19 documents, that they have summarized them in this compilation  
20 and that these numbers that are in these categories line up to  
21 the exhibits that have been admitted into evidence. It's not  
22 substantive proof. If these are not accurate, then the Court  
23 may not admit them. But I certainly expect you to object.  
24 And the Court will -- you know, I don't know how -- what the

1 relevance is of them, but the Court may -- may review them to  
2 determine whether or not it's a -- it's a summary that would  
3 be helpful to the Court.

4 MS. ROBERTS: I would also note Your Honor that on  
5 the -- at least on Bates Stamp -- hold on. I don't even know  
6 if they're Bates stamped. 2473, there's medical -- alleged  
7 medical expenses that we've never even discussed on here.

8 THE COURT: Let me --

9 MS. ROBERTS: So --

10 THE COURT: -- look here. You're -- this is really  
11 challenging my poor sight.

12 MS. ROBERTS: Sorry, Your Honor.

13 THE COURT: You're talking about the April 2017  
14 expenses?

15 MS. ROBERTS: Who is it -- maybe I gave you the  
16 wrong number. 2471 is the Bates Stamp. It says Pure Light  
17 Counseling on here that they have alleged -- and there's no  
18 medical records for this.

19 THE COURT: Yeah.

20 MS. ROBERTS: So I -- and so --

21 THE COURT: Yeah --

22 MS. ROBERTS: -- at least --

23 THE COURT: -- it's -- it's probably -- it's  
24 probably -- I mean, that's \$200. And it's --

1 MS. ROBERTS: Oh, no, there's tons. It's all  
2 throughout the whole entire spreadsheet, Your Honor.  
3 THE COURT: Pure Light Counseling?  
4 MS. ROBERTS: Yes. So it's on --  
5 THE COURT: 17 --  
6 MS. ROBERTS: -- January 5th, January 12th --  
7 THE COURT: All right. So let's -- that's a --  
8 that's a fair question. What -- what is the source to the  
9 Pure Light Counseling expenses? It looks like a hundred  
10 dollar co-pay or some sort of payment on a recurring basis.  
11 Where is that evidence?  
12 BY MS. BRENNAN:  
13 Q Alecia, where did you pay Pure Light? Was -- was it  
14 -- what bank statement, credit card?  
15 A It's paid on American Express and that's -- Elise  
16 Collier is the therapist that's Emily's current treating  
17 therapist. She saw her in the past and she's seeing her  
18 currently --  
19 THE COURT: Okay. So --  
20 A -- three times.  
21 THE COURT: -- the American Express was Exhibit 53.  
22 I'm not going to do this now, but I'll look in 53 and see  
23 whether or not those charges -- the -- it looks like they're  
24 pretty predictable on a --

1 MS. ROBERTS: But Your Honor --  
2 THE COURT: -- routine basis --  
3 MS. ROBERTS: I'm --  
4 THE COURT: -- charges.  
5 MS. ROBERTS: I'm going to object again as to  
6 foundation because where are the records from Ms. Collier and  
7 where are the alleged statements from Ms. Collier that this  
8 treatment is for Emily?  
9 THE COURT: Again --  
10 MS. ROBERTS: This is part --  
11 THE COURT: -- I -- I don't -- I get it. They don't  
12 come in as substantive proof in any event. It's the Court's  
13 responsibility if there's an objection to try to make sure or  
14 form a -- a finding as to whether or not these are essentially  
15 accurate that they line up with the documentation. Before I  
16 give them any weight or refer them as accurate information,  
17 the Court will check. And so the Excel spreadsheets that have  
18 been used to organize information which is not substantive  
19 proof will be accepted by the Court over the objection but the  
20 Court will not -- I -- and, you know, if you can point out any  
21 specific instances of error, I mean, really what you're  
22 arguing about is -- is an argument as to whether these are  
23 expenses that your client has any responsibility for which is  
24 a -- a legal argument.

1 MS. ROBERTS: No, Your Honor. As to that Pure Light  
2 Counseling, they're saying that these are treatment records  
3 for the child, but again we have not gone over any treatment  
4 records --

5 THE COURT: Well, I know --

6 MS. ROBERTS: -- from this company.

7 THE COURT: -- but look. Look. Let's say that --  
8 let's say that they were for that. Okay. And the Court was  
9 actually entertaining your client having to pay 50 cents on  
10 the dollar for everything that's been incurred. That might be  
11 a substantive argument to whether he should have to pay that  
12 if they haven't provided sufficient proof that this was a  
13 counseling expense for the benefit of the child, right? So I  
14 don't know. I mean, I -- I think that the larger point is  
15 that she -- is that Mom wants the Court to see or accept her  
16 testimony as credible that she's made all of these payments  
17 what she says is for the benefit of the child. I don't really  
18 know if there's a material difference to whether or not that's  
19 -- I haven't added these numbers up, whether it's 20,000 or  
20 15,000 or even 10,000. All right. That's fine. The ruling  
21 will be that I'll -- I'll consider the spreadsheets as a  
22 summary of the evidence that's been admitted.

23 And I'll be careful to make sure that I understand  
24 your objections as it relates to -- I -- look, if there -- if

1 there's an American Express charge, a recurring American  
2 Express charge for Pure Light Counseling, the summaries come  
3 in. You -- you're making the same argument whether it comes  
4 in or not as to whether or not this is an expense that he  
5 should owe under any circumstance. Okay. Go on, Ms. Brennan.

6 MS. BRENNAN: Okay. Exhibit 82 Your Honor --  
7 BY MS. BRENNAN:

8 Q Alecia, is Exhibit 82 basically -- did you -- you  
9 drafted 82 using the source documents as well as the Exhibit  
10 79, 80, and 81 to come up with a one page summary of  
11 everything to aid the Court in -- in the big ticket  
12 itemizations. Is that what 82 is, a data compilation of that?

13 A Yes.

14 Q And that's to --

15 MS. BRENNAN: I offer, file, and introduce that as  
16 another data compilation to aid the Court.

17 THE COURT: Okay. So the Court was exponentially  
18 off. She's making a claim that's exponentially greater than  
19 the one that the Court was thinking. She says that she  
20 made --

21 MS. ROBERTS: Yes, Your Honor.

22 THE COURT: -- specific expenses of like a hundred  
23 and twenty thousand dollars.

24 MS. ROBERTS: Yes, Your Honor. That's what we're

1 trying -- yes.

2 THE COURT: Okay. That's fine. The -- so this is  
3 another summary that the Defendant objects to. The Plaintiff  
4 represents that this is a summary of all of the documentary  
5 proof we spent the last three hours going over and that it  
6 reflects things like a summary of medical cost of living,  
7 which I don't know what that means, therapy dog expenses,  
8 conservatorship expenses. I mean, this is the substance of  
9 the argument that you're making for your client --

10 MS. BRENNAN: Exactly --

11 THE COURT: -- Ms. Roberts.

12 MS. BRENNAN: -- Your Honor. It's -- it's --

13 THE COURT: I mean, they --

14 MS. BRENNAN: -- to aid --

15 THE COURT: -- they --

16 MS. BRENNAN: -- the Court.

17 THE COURT: The Court -- the Court is going to have  
18 to determine whether or not the conservatorship in -- for  
19 instance is any obligation of his. That's \$23,000 of it.  
20 Okay. So, I mean, it -- it's helpful to the trier of fact in  
21 that it organizes the information. I mean, I'm taking notes  
22 during the testimony, but you're going to be asking the Court  
23 to grant the relief. If the Court denies it, I want to be  
24 able to describe it. And you're going to want to get a



1 specific ruling to reject the relief. So it's a helpful tool.

2 Exhibit 82 will be admitted over the Defendant's objection.

3 (PLAINTIFF'S EXHIBIT 82 ADMITTED)

4 THE COURT: It's not --

5 MS. BRENNAN: Okay.

6 THE COURT: -- substantive proof. It's a summary  
7 for the purpose of aiding the trier of fact.

8 MS. BRENNAN: Yes. Thank you, Judge.

9 BY MS. BRENNAN:

10 Q Exhibit -- Alecia, let me talk about Elise Collier.  
11 Who is Elise Collier?

12 A Elise Collier started working with Emily in Jan --  
13 of -- in 2020. I believe it was the beginning of February or  
14 sometime in February was her first session in February. So  
15 that's just in this last six months. She was a previous  
16 therapist back in 2015. So I don't believe those -- that  
17 information is in this documentation. But she's --

18 Q I'm not asking if --

19 A -- her current -- she's her current treating  
20 therapist.

21 Q Okay. I'm not asking about documents. I'm asking  
22 who she is. So Elise Collier is a therapist that has treated  
23 Emily over the years; is that correct?

24 A Yes.

1 Q And she initially saw Emily back in 2015; is that  
2 correct?

3 A Yes.

4 Q And she again started giving therapy to Emily in  
5 2020, is that what you're saying as well?

6 A Yes.

7 Q And the backup documents that we submitted, any of  
8 the charges that you see in any of the exhibits -- of exhibit  
9 -- Elise Collier, those were payments made by you on behalf of  
10 Emily for Emily's therapy session with Elise Collier; is that  
11 correct?

12 A Yes.

13 Q Okay. Who is Dr. Love Farrell who -- is it -- what  
14 is your understanding? Does she go by Dr. Love?

15 A Yes.

16 Q Okay. And who is Dr. Love?

17 A She is Emily's psychiatrist, medical doctor. I --  
18 to my understanding, a medical doctor. She prescribes  
19 medication.

20 Q Okay. So is -- is it fair to say that Dr. Love is  
21 Emily's treating psychiatrist?

22 A Yes.

23 Q Okay. And in addition you retained her to provide  
24 expert testimony in this case; is that correct?

1           A     Yes.

2           Q     And Dr. Love -- when was -- is she -- is Dr. Love --

3 when did she last see Emily?

4           A     On Tuesday morning.

5           Q     Okay. So she -- Emily continues to remain under Dr.

6 Love's care?

7           A     Yes.

8           Q     Okay. And is it your understanding that Dr. Love

9 has reviewed all of Emily's medical records that were provided

10 to her and her schooling records and has rendered some

11 opinions based on what she believes is going on with Emily?

12          A     Yes.

13          Q     Have you -- Dr. -- on Exhibit -- Exhibit 15, 16, 17,

14 18, 19, are those -- Exhibits 15 through 19 true -- true and

15 correct copies of Dr. Love's records related to Emily?

16          A     Yes.

17               MS. BRENNAN: I offer, file, and introduce Exhibits

18 14 through 19 as Dr. -- I mean, 15 through 19 as Dr. Love's

19 records.

20               THE COURT: Any objection?

21               MS. ROBERTS: Yes, Your Honor, as to foundation. It

22 relates to the report she's going to give. I think that she's

23 the proper person to testify as to that.

24               THE COURT: Yeah, I -- she -- she can lay foundation

1 for her own reports, but these were received from the treating  
2 psychiatrist. They were produced in discovery. They're  
3 authentic. And the objection is noted and it's overruled.  
4 15, 16, 17 and 18 and 19 are admitted.

5 (PLAINTIFF'S EXHIBITS 15-19 ADMITTED)

6 THE COURT: Now the -- the same -- in other words,  
7 the content of those records the Court respects the objection  
8 that the statements in there are hearsay. That's why we have  
9 Dr. Love here to testify and to answer questions from both  
10 Counsel. So all -- all it does is spends with a line  
11 questioning to get those in when she testifies. Anything  
12 else, Counsel?

13 MS. BRENNAN: Yeah. I would also offer, file, and  
14 introduce Exhibit 12, 13, 14. 12 is Dr. Love's curriculum  
15 vitae, 13 is her initial expert report, and 14 is her  
16 supplemental expert report.

17 THE COURT: Yeah, you're going to wait for her on  
18 that.

19 MS. BRENNAN: Okay. I -- I thought that might be  
20 what you wanted, but I --

21 THE COURT: Well, I mean, I -- I guess I shouldn't  
22 presume it, but you -- you want that in when Dr. Love  
23 testifies, right, Ms. Roberts?

24 MS. ROBERTS: Yes, Your Honor.

1 THE COURT: Yeah, that's fine.

2 MS. BRENNAN: Okay. That's fine, Your Honor.

3

4 BY MS. BRENNAN:

5 Q Alecia, what is your -- do you work?

6 THE COURT: Come on. Hey, we got -- it's five  
7 minutes to noon. You're going to pass this witness before the  
8 end of the -- before the end of the session, okay? You've  
9 gone through every piece of documentary proof. What -- how --

10 MS. BRENNAN: Okay.

11 THE COURT: Let's --

12 MS. BRENNAN: Yeah.

13 THE COURT: -- bring it --

14 MS. BRENNAN: What --

15 THE COURT: -- to a head, okay?

16 MS. BRENNAN: Yes, sir. Yes, sir. I'm doing that  
17 right now. I'll be happy to.

18 BY MS. BRENNAN:

19 Q Alecia, are the financial disclosure records that  
20 you filed on your individual behalf in this case true and  
21 accurate and you ask the Court to take judicial notice of your  
22 income based on your financial disclosure forms in this case?

23 A Yes.

24 Q For the year 2020, do you work outside the home?

1 I'm trying to establish your income for 2020.

2 A Yes.

3 Q And what is your average monthly income?

4 A \$4100 per month.

5 Q And you are --

6 MS. BRENNAN: I have no further questions at this  
7 time. I pass the witness at this time.

8 THE COURT: Okay. Well, let me -- I don't -- I  
9 don't want to rush through her income piece of it, okay? I  
10 reviewed her financial from when this case was reopened in  
11 April 2019. And at that time she said she was making \$18,000  
12 a year. Now she says she's making \$50,000 a year. When was  
13 the most -- was the -- when was her most recent financial  
14 disclosure form?

15 MS. BRENNAN: Well, it was the last one -- let me  
16 see here. I'll have to click on that.

17 THE COURT: Well, the other thing is I -- I know you  
18 didn't mean to say this. You want the Court to find -- you're  
19 not asking for judicial notice on any factual request. I'm  
20 not taking judicial notice of what her income is. I'm making  
21 a ruling as to what her income is. The last financial  
22 disclosure form that's on file that I saw was filed by you for  
23 her on April 9th, 2019. And she said that she worked for  
24 Moonwood Coffee company as a partner owner and that she was

1 making \$18,000 a year or \$1500 a month. Okay.

2 So, you know, don't -- I -- I know that we're at the  
3 end of the day and we've spent -- I mean, we didn't take a  
4 break. We cruised through three hours of just direct exam for  
5 your client, but she just testified that she works making  
6 \$4100 a month. So I don't -- did -- did I miss a financial  
7 disclosure form, Ms. Roberts?

8 MS. ROBERTS: No, Your Honor. I don't have an  
9 updated financial disclosure form for Plaintiff.

10 THE COURT: All right. Well, we -- we'll -- we'll  
11 talk about that at another time.

12 MS. BRENNAN: Judge --

13 THE COURT: You have -- you have --

14 MS. BRENNAN: -- in fact --

15 THE COURT: -- Dr. Love set up for 1:30, is that  
16 right?

17 MS. BRENNAN: Well, Dr. Love can testify today or  
18 tomorrow. We have --

19 THE COURT: Well, I --

20 MS. BRENNAN: -- her --

21 THE COURT: -- I want --

22 MS. BRENNAN: -- so --

23 THE COURT: Look, it -- that -- your client's  
24 testimony and we're only halfway through --

1 (COURT RECESSED AT 11:54 AND RESUMED AT 11:54)

2 THE COURT: -- Dad's testimony and the -- the  
3 psychiatrist's testimony is essential in this case. And we're  
4 halfway through the day. We've got about three hours of court  
5 time after this afternoon and we've got maybe two-and-a-half  
6 or three hours in the morning. So we got to move quicker  
7 through this evidentiary piece. This was an important part of  
8 the case. You got almost all your documentary proof in that I  
9 can think of other than the stuff that's related to the  
10 expert.

11 I want to -- I -- I can have the expert testify at  
12 1:30 and get that done today and then --

13 MS. BRENNAN: Perfect, Judge.

14 THE COURT: -- Ms. Roberts --

15 MS. BRENNAN: Yeah.

16 THE COURT: -- can ask Mom questions on cross at  
17 another time or we could start the cross examination at, you  
18 know, 1:30 or 1:15 and, you know, we -- we adjourn at a  
19 particular time for the expert to testify. What's your plan?

20 MS. BRENNAN: It's --

21 THE COURT: Is -- I mean, you just went three hours  
22 with your client who's not even the main witness in this case.  
23 You -- are -- what's your plan on time with the expert?

24 MS. BRENNAN: Judge, thank you. I think the reason



1 it went so slow is because we did admit all the exhibits. I  
2 -- I think it will go fairly quickly with the expert. But I  
3 did have --

4 THE COURT: I mean --

5 MS. BRENNAN: -- to get --

6 THE COURT: -- as in an hour?

7 MS. BRENNAN: -- my exhibits.

8 THE COURT: Is your budget on direct an hour?

9 MS. BRENNAN: An hour, hour-and-a-half.

10 THE COURT: Okay. So we want to get that in. I  
11 don't want you to pay an expert to -- to testify partially  
12 today and partially tomorrow. And if you take an  
13 hour-and-a-half in the morning, believe me, I'm cutting you  
14 off at 11:30, 11:45 tomorrow morning. Okay? You have 9:00 to  
15 11:45 tomorrow morning. In fact, I'm not even supposed to set  
16 things on Friday. I have to get a special clerk. My Marshal  
17 who has been with me for 22 years is retiring tomorrow. And  
18 we're -- we're making special accommodations for this court to  
19 be open tomorrow. I don't even know who my clerk's going to  
20 be in the morning.

21 So you get the evidence in today as much as you can.  
22 And as it is, there's no opportunity to finish this hearing  
23 today because we haven't even heard from the Defendant. Okay.  
24 So I'm suggesting that you get your expert lined up for this

1 afternoon, that we get that testimony done, give Ms. Roberts  
2 an opportunity to examine the Plaintiff and move the case  
3 forward quicker. Okay. So --

4 MS. BRENNAN: Yes, Your Honor.

5 THE COURT: -- what do you think -- I mean, and also  
6 you guys are all holed up. I expect you to get lunch. It's  
7 going to take an hour. You probably aren't going to be able  
8 to go anywhere. I hope you have arranged to be able to get  
9 something. But we're -- we're going to recess until probably  
10 1:15, 1:30. Okay. So if you want to think about it and tell  
11 me, Ms. Brennan, what your plan is then, that's fine. And --

12 MS. BRENNAN: No, I --

13 THE COURT: -- if you --

14 MS. BRENNAN: -- I would like to call Dr. Love at --  
15 when we reconvene at 1:30.

16 THE COURT: All right. Good.

17 MS. BRENNAN: I would like to --

18 THE COURT: Then what we'll do --

19 MS. BRENNAN: -- call her.

20 THE COURT: -- is Ms. Roberts, we'll take that  
21 witness out of order and as soon as we're done with that, then  
22 you can decide whether you want to examine Mom now or whether  
23 you want to defer and call her in your case so to speak. It's  
24 up to you. Okay?

1 MS. ROBERTS: Okay.

2 THE COURT: But the witnesses that we described in  
3 the pretrial, I mean, we've got Dad, Mom, and the expert and  
4 Emily. Right? The other thing I have to tell you, this is  
5 true in any case, and mostly is -- is a direction to Mom.  
6 Don't discuss your testimony or the evidence in this case with  
7 any witness including Emily. Okay? And, you know, I don't  
8 want her sitting around wondering when she's going to testify  
9 either. So are there any questions --

10 MS. BRENNAN: Yeah, I --

11 THE COURT: -- before --

12 MS. BRENNAN: -- I can --

13 THE COURT: Any questions before we go off the  
14 record?

15 MS. BRENNAN: No, Your Honor.

16 THE COURT: All right. Ms. Brennan --

17 MS. BRENNAN: I can --

18 THE COURT: -- you can arrange to have Dr. Love  
19 fired up and ready to go at 1:30. Does she have the code and  
20 the invitation to join?

21 MS. BRENNAN: She does.

22 THE COURT: Great. Then we'll -- we'll be in recess  
23 on this matter until 1:30 today.

24 MS. BRENNAN: Thank you, Judge. And I also want to

1 thank you for taking -- making special arrangements for  
2 tomorrow. I really appreciate that.

3 THE COURT: All right. Thank you.

4 MR. REED: Thank you, Your Honor.

5 MS. BRENNAN: Thank you.

6 (COURT RECESSED AT 11:58 AND RESUMED AT 1:27)

7 THE COURT: -- here. We are continuing with post  
8 judgment proceedings on 05D338668. On the screen in front of  
9 me I see Counsel, I see Plaintiff, and it looks like Dr.  
10 Farrell also. But where is Dad? I don't see him.

11 THE MARSHAL: His box is up but he's not sitting at  
12 the counter yet.

13 THE COURT: All right.

14 THE MARSHAL: There he is.

15 THE CLERK: There he is.

16 THE COURT: Can you hear me? Okay. Great. It looks  
17 like we got everybody here. We spent the morning taking  
18 testimony from Ms. Draper. We interrupted her examination so  
19 that we can get Dr. Farrell's testimony in at 1:30. Thank you  
20 for being available, Dr. Farrell. Are there any -- any  
21 matters we have to take care of before we start? Ms. Brennan,  
22 are you ready to go?

23 THE MARSHAL: She's on mute.

24 THE CLERK: She's -- yeah, she needs to take it off

1 mute.

2 THE COURT: Can you hear me, Ms. Brennan?

3 MS. BRENNAN: I'm sorry, Judge. I had it on mute.

4 Yes, I'm -- I'm ready to go.

5 (WITNESS SUMMONED)

6 THE COURT: All right. Great. Dr. Farrell, we're  
7 not going to make you stand, but if you would just raise your  
8 right so that you can take an oath from my Clerk.

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 DR. LOVE FARRELL: I do.

13 THE CLERK: Thank you.

14 THE COURT: Excellent. Whenever you're ready, Ms.  
15 Brennan.

16 MS. BRENNAN: Yes.

17 JENNIFER LOVE FARRELL

18 called as a witness on behalf of the Plaintiff, having been  
19 first duly sworn, testified upon her oath as follows on:

20 DIRECT EXAMINATION

21 BY MS. BRENNAN:

22 Q Can you please state your full name for the record?

23 A Jennifer Love Farrell.

24 Q And do you prefer to be called Dr. Love or Dr.

1 Farrell?

2 A Dr. Love, please.

3 Q And I'd like to refer to Exhibit Number 13. If you  
4 can go to Exhibit 13, Bates Number ER001462, starting on that  
5 page. And let me know when you're there.

6 A 1462 in 13?

7 Q Yeah, that's your -- yes.

8 THE COURT: Will you double check, Ms. Brennan?

9 MS. BRENNAN: It's your --

10 THE COURT: Because 216 is the number on Exhibit 13  
11 in the book.

12 MS. BRENNAN: I'm sorry, Exhibit 14. I'm on Exhibit  
13 14, Bates Number ER1462 within Bates Number 14, Your Honor.  
14 I'm sorry if I misspoke.

15 THE COURT: Dr. Love, are you there?

16 THE WITNESS: I'm scrolling. Okay. 1462. Yes.

17 BY MS. BRENNAN:

18 Q Is that a copy of your curriculum vitae?

19 A Yes, it is.

20 Q Is that -- and that child interview is on Bates  
21 Number 1462 through 64; is that correct?

22 A Yes.

23 Q Is this complete and updated?

24 A Yes.

1 Q And I -- can you please tell the Judge -- give him  
2 the background of your education and training.

3 A Sure. I think I lost you visually. Am I still on  
4 there? Okay. Sorry.

5 Q Yeah.

6 A So my undergraduate degree is a joint degree in  
7 biology and chemistry. It -- oh, completed medical school at  
8 the University School of Medicine. I took a year off and was  
9 a professor and then I went to do my internship and residency  
10 and fellowship training at the University of Hawaii where I  
11 specialized in psychiatry, addiction psychiatry, and addiction  
12 (indiscernible).

13 Q I'm sorry, you cut out. Addiction, psychiatry, and  
14 what else?

15 A Addiction medicine.

16 Q Okay. And what did you do after that?

17 A I took a job in San Diego with Kaiser Permanente and  
18 I worked as a -- as a psychiatrist and addiction medical  
19 specialist there for two years.

20 Q And what did you do after that?

21 A I moved up to Orange County and took a position with  
22 the group I am in currently at the last 10 years, Amen  
23 Clinics.

24 Q Amen Clinics, is that -- is that what you said?

1           A     Amen, yes.

2           Q     And that is reflected on your resume from August of  
3 2010 to the present; is that correct?

4           A     Correct.

5           Q     Okay. And at the top of your resume there it  
6 indicates that you had some board certifications and diplomat  
7 designations. Can you explain those to the court?

8           A     So I have three board certifications in medicine.  
9 When you finish medical school, you have to take your medical  
10 licensing exams with three separate exams. And then you're  
11 allowed to practice medicine. Board exams are for  
12 specialties. And so I have taken three. The first is a  
13 general adult psychiatry and that is done through the American  
14 Board of Psychiatry and Neurology. I have additional board  
15 certifications in the sub specialty of addiction psychiatry,  
16 and then I have the addiction medicine through the American  
17 Board of Addiction Medicine.

18          Q     Okay. And in your practice as a psychiatrist, do  
19 you specialize in any specific type of patient, like people  
20 with severe disabilities or what -- tell me a bit about your  
21 practice.

22          A     When I came to this clinic, I -- I just thought I  
23 was joining a group practice, but we do actually tend to see  
24 some more challenging cases unlike anything I had seen prior



1 to joining this practice. People tend to come to us as a last  
2 resort when they've seen multiple other doctors, been on tons  
3 of medications, have failed in a lot -- a lot of different  
4 therapies. So I do tend to work primarily with a -- a patient  
5 population that it's challenging to treat.

6 Q Does -- is Emily Reed one of your patients?

7 A Yes.

8 Q And would you consider -- where do -- does she fall  
9 -- is she a chal -- as far as -- you said you primarily deal  
10 with challenging patients. Where does she fall within the  
11 spectrum of your challenging patients?

12 A Emily is one of the most severely ill patients I  
13 have.

14 Q And have you public -- can you go through the  
15 publications that you've done over the years?

16 A Well, I haven't done any for awhile. Okay.

17 Q But the publications that you've done are on your  
18 resume; is that correct?

19 A Yes. Yes. I did -- I had a -- a publication and  
20 actually was invited to present my research that was published  
21 in China. Looking at kind of the American trend of clergy  
22 providing mental health services and had another article that  
23 was in the Academy and Psychiatry and the (indiscernible).

24 Q Okay.

1           A     That was --

2           Q     And have you received any awards?

3           A     I won research awards for the work that I did on  
4 publication at University of Hawaii.

5           Q     And I note that you also were nominated for some  
6 national leadership award; is that correct?

7           A     Correct.

8           Q     Okay. And it looks like on your resume you've given  
9 a number of presentations?

10          A     Yes.

11          Q     Okay. And then on your resume you have your  
12 research as well there and your leadership positions and  
13 various societies. Is this all accurate on this resume, Bates  
14 Number 1462 to 1464?

15          A     Yes.

16          Q     And at the bottom of bar number 1464 it indicates  
17 that you were called as an expert witness in two cases. Is  
18 that the extent of your -- those are the only two cases that  
19 you've ever testified in in this -- in the last 10 years?

20          A     Correct.

21          Q     Okay. When you render expert testimony, what hourly  
22 rate do you charge?

23          A     \$750.

24          Q     \$750?

1 A Correct.

2 Q Okay. I'm just asking. It cut out and I had  
3 trouble hearing that. In the -- in the first case listed  
4 there, January of 2015, Cooper vs. Extraordinary Homes, were  
5 -- did you testify -- actually testify as a witness at the  
6 trial of that case?

7 A I did.

8 Q Okay. And were you the treating doctor for one of  
9 the parties in that case?

10 A I was.

11 Q And did the Court in that case accept you as her  
12 treating doctor and expert witness?

13 A Yes.

14 Q In the second case listed here, the Sykes vs.  
15 Young-Saline (ph) in April of 2015, did you give general  
16 limited medical testimony in that case?

17 A Yes.

18 Q Did you -- you did not give expert testimony in that  
19 case; is that correct?

20 A Correct. They put someone else's name instead of my  
21 name. And so I was limited in what I could testify to.

22 Q Okay. So I just want to make sure I understand what  
23 you said because it kind of cut out there. It's my  
24 understanding that in this Sykes vs. Young-Saline case you

1 were not allowed to testify as the treating -- as an expert  
2 because the lawyers in that case had listed some other doctor  
3 with the Amen Clinic as the expert witness to testify; is that  
4 correct?

5 A That's correct.

6 Q So the court -- because your name was not listed as  
7 the expert would only let you testify regarding the treatment  
8 that you rendered in your treating capacity; is that correct?

9 A Correct.

10 Q In the course of your practice --

11 MS. BRENNAN: Well, one second, Your Honor. One  
12 second, Your Honor. Let me find my place. Find my starting  
13 point.

14 BY MS. BRENNAN:

15 Q In your practice as a psychiatrist, do you have the  
16 occasion to render an opinion as to whether one of your  
17 patients should be put on disability from a work standpoint?

18 A Yes.

19 Q Can you tell me about that? What -- what is -- what  
20 is your training and experience in determining one of your  
21 patient's ability to work or not work?

22 A Throughout my medical training. It starts when  
23 you're a medical student in med school and when I went through  
24 my additional five years of training after four years of med

1 school. Physicians are frequently asked to determine whether  
2 or not someone can work, whether it's from an injury or  
3 psychiatric condition. So it's something I've been doing  
4 since I was a medical student.

5 Q And the last -- you were a medical student many,  
6 many year -- what year were you in medical -- when did you  
7 graduate from medical school?

8 A I graduated in 2002.

9 Q So from at least 2002 to 2020 you've had experience  
10 in your practice in determining an assessing whether any of  
11 your patients should be put on disability from a work  
12 standpoint?

13 A Correct.

14 Q And at -- by that, I mean that you have experience  
15 in determining whether someone can be gainfully employed; is  
16 that correct?

17 A Yes.

18 MS. BRENNAN: At this time, Your Honor, I'd like to  
19 -- well, let me --

20 BY MS. BRENNAN:

21 Q Exhibit 13, if you could -- Exhibit 13. I just --  
22 want to try to get this exhibit into evidence. Exhibit 13,  
23 does that contain your -- well, no. I'm on Exhibit 14. I'm  
24 sorry, I'm confusing everybody. Is Exhibit 14 contain your

1 supplemental report that you issued in November 21 of 2019 to  
2 update the Court as -- as the Court had requested on Emily's  
3 -- update on your opinions? Is that reflected in your --

4 A Yes.

5 Q -- report in Exhibit 14?

6 A Yes.

7 Q And the -- if you go to Exhibit 14, does that  
8 contain a list of documents that you reviewed to render your  
9 opinion?

10 A Yes, it does.

11 Q And does that also contain an article that -- that  
12 -- from Naimi (ph) that explains dissociative disorders?

13 A Yes.

14 Q And the -- but that also includes your curriculum  
15 vitae that we just went through; is that correct?

16 A Yes.

17 Q And Exhibit 14 also includes on Bates Number ER1465  
18 the -- your statement of costs reflecting all the cost  
19 incurred with you from March of 2016 through November 22nd of  
20 2019 when you wrote the report, correct?

21 A Yes.

22 MS. BRENNAN: And at this time, I offer, file, and  
23 introduce into evidence Exhibit 14.

24 THE COURT: Any objection, Ms. Roberts.

1 THE CLERK: It's already into --  
2 THE COURT: 14 is in?  
3 THE CLERK: Yeah, she offered 12 and 14 earlier.  
4 THE COURT: Oh, I didn't know that the report was  
5 in. I thought that she went through it --  
6 MS. ROBERTS: It was not in --  
7 THE COURT: -- and said no.  
8 MS. ROBERTS: -- Your Honor, and you -- you denied  
9 that --  
10 MS. BRENNAN: No --  
11 MS. ROBERTS: -- request.  
12 MS. BRENNAN: -- that's not in.  
13 THE COURT: Yeah, that -- they offered a string of  
14 those and the Court said no. so I -- on the record -- for the  
15 record, what's your position on 14, Counsel?  
16 MS. ROBERTS: Are you asking me, Your Honor, just  
17 real quick?  
18 THE COURT: I -- I want to give you a chance to make  
19 an objection if you're going to --  
20 MS. ROBERTS: Yes.  
21 THE COURT: -- make one.  
22 MS. ROBERTS: Absolutely.  
23 THE COURT: All right.  
24 MS. ROBERTS: I'm sorry, I didn't know if you were

1 talking to me or Ms. -- Ms. Brennan.

2 THE COURT: All right.

3 MS. ROBERTS: We're -- we're objecting, Your Honor,  
4 pursuant to NRS 50.305 and NRCP 16(3)(B) because all of the  
5 information and opinions, the documentary evidence to support  
6 those, were not provided to us through discovery in this  
7 matter.

8 THE COURT: Okay. Thank you. Your objection's  
9 overruled. 14 is admitted.

10 (PLAINTIFF'S EXHIBIT 14 ADMITTED)

11 MS. BRENNAN: Thank you, Your Honor. I'd like to --  
12 while we're at this and we'll -- then we'll be done with the  
13 exhibits for awhile is look at Exhibit 13.

14 BY MS. BRENNAN:

15 Q Exhibit 13, does that -- Exhibit 13 contain two  
16 letters from you, one dated May 9th, 2017, another one dated  
17 July 13, 2017, along with an attachment from Pure Light  
18 Counseling; is that correct? Is that's what's contained in  
19 Exhibit 13 --

20 A Yes.

21 Q -- correct?

22 A Yes.

23 Q And is Exhibit 13 your initial expert report that --  
24 Exhibit 13 is the expert report that you initially provided to



1 the court -- made to provide to the court back in 2017 at the  
2 request of Judge Ochoa?

3 A It is contained in Exhibit 13, yes.

4 MS. BRENNAN: Okay. I offer, file, and introduce  
5 Exhibit 13, Your Honor.

6 THE COURT: Okay. Ms. Roberts, do you want to make  
7 an objection?

8 MS. ROBERTS: We do, Your Honor. We object pursuant  
9 to NRS 50.305 and NRCP 16.2(3)(B). Specifically at that point  
10 there had never been a CV. We had never received any of the  
11 medical records attached to that or a review of what she had  
12 looked -- looked over prior to doing this report that they  
13 purported to provide to the court.

14 THE COURT: Okay. Great. Exhibit 13 is admitted  
15 over the objection of the Defendant.

16 (PLAINTIFF'S EXHIBIT 13 ADMITTED)

17 MS. BRENNAN: Thank you, Judge. At this time, Your  
18 Honor, I'd like to tender Dr. Love as an expert in the field  
19 of psychiatry with -- with an emph -- with the training and  
20 evaluating patients for work disability.

21 THE COURT: Okay. Help me out. On page -- on  
22 Exhibits 13 or 14, what portion of the reports offer an  
23 opinion that the child is disabled? I see the diagnoses  
24 and --

1 MS. BRENNAN: Correct.

2 THE COURT: -- I see the work that was done, but  
3 where -- where in the reports does it address that?

4 MS. BRENNAN: In Exhibit -- if you look at Exhibit  
5 13 -- I -- this is my understanding. Exhibit 13, the July 13,  
6 2017 letter, it starts by saying she's writing this letter to  
7 provide an expert opinion about whether the child was disabled  
8 prior to the age of 18 under Nevada Revised Statute 125B.110.  
9 And if you go on and this is her initial report evaluating  
10 what she did, what she reviewed --

11 THE COURT: Well, I know that.

12 MS. BRENNAN: -- and her --

13 THE COURT: She's going to testify as a fact witness  
14 and she's qualified to offer opinions concerning the -- her --  
15 I guess medi -- mental health challenges. But if you're  
16 asking her opinions as to whether or not the child is -- or  
17 the -- or Emily is available to -- or able to I guess hold a  
18 job for instance. I'm -- I'm having trouble in that the  
19 report doesn't specifically go there. And the Court is going  
20 to be --

21 MS. BRENNAN: The report -- yeah, the -- the report  
22 we're going to go through, Your Honor. But if you look at  
23 Exhibit 13, PL220 at the very top of the page -- well, it  
24 starts on the bottom of 2019. It says, to this day she

1 continues to experience dissociative episodes, high anxiety --  
2 THE COURT: Yeah, that's --  
3 MS. BRENNAN: -- depression --  
4 THE COURT: -- that's --  
5 MS. BRENNAN: -- suicidal --  
6 THE COURT: She can testify about any of her  
7 treatment observations and her opinions. It -- the -- the  
8 Court will allow her to offer an opinion because she's a  
9 psychiatrist and she's treated the child. She's te -- she's  
10 qualified to offer opinions. And -- but that does not mean  
11 that we may -- we may have to weigh in on specific objections  
12 depending on which question you ask her. Okay.  
13 So Dr. Love is certainly qualified to offer opinions  
14 that related specifically to her treatment of Emily. But since  
15 you're asking the Court to essentially determine that she's  
16 qualified to offer opinion testimony, I've got to give Ms.  
17 Roberts an opportunity to either state an objection or not.  
18 Ms. Roberts, do you want to state --  
19 MS. BRENNAN: Thank you.  
20 THE COURT: -- an objection for the record?  
21 MS. ROBERTS: It's all the continued -- first of  
22 all, Your Honor, they haven't moved to qualify her as an  
23 expert.  
24 THE COURT: Yeah. Yeah. They just did.

1 MS. BRENNAN: I just moved --

2 THE COURT: And the Court -- the Court's going to  
3 qualify her as an expert. What I said was that does not mean  
4 that they can ask for any opinions that each question that  
5 offer -- request an opinion requires -- well, would -- would  
6 require the Court to evaluate any objection that you make. So  
7 do you want it --

8 MS. ROBERTS: Correct, Your Honor.

9 THE COURT: -- for the record, do you want state an  
10 objection stating that Dr. Love is not qualified to offer  
11 opinion testimony?

12 MS. ROBERTS: Yes, Your Honor. I do believe that  
13 she's not qualified to ex -- to offer expert testimony in this  
14 matter.

15 THE COURT: Okay. That's fine.

16 MS. ROBERTS: Again, I -- it's the same objections  
17 pursuant to NR --

18 THE COURT: Go on.

19 MS. ROBERTS: N -- NRS 50.305 and NRCP 16.2. She  
20 relied on records that we still have not obtained as of  
21 today's date and therefore she's not qualified under the rules  
22 to testify as an expert relating to those reports.

23 THE COURT: Okay. Thank you. The objection is  
24 noted. The witness will be allowed to testify concerning her

1 factual interaction with Emily as well as offer opinion  
2 testimony. If they ask a question about the ultimate issue or  
3 if they ask a question that you think is outside of the scope  
4 of her expertise, Ms. Roberts, just object and we'll talk  
5 about it, okay? Go ahead.

6 MS. BRENNAN: Thank -- thank you.

7 BY MS. BRENNAN:

8 Q I just want to clear something up right at the  
9 beginning, Dr. Love. In this case this morning the Judge  
10 admitted into evidence Exhibit 15, 16, 17, 18, and 19. And  
11 the Judge just admitted 13 and 14. And the docket -- the --  
12 those documents contained all of the exhibits and reference to  
13 all the documents that you reviewed in forming your opinion;  
14 is that correct?

15 A Which opinion are you -- are you --

16 Q Okay.

17 A -- are you referencing one of the letters or --

18 Q Okay. Let me just --

19 THE COURT: Well, let --

20 Q -- big picture.

21 THE COURT: Counsel -- Counsel --

22 Q You --

23 THE COURT: -- this -- this witness has offered  
24 reports which makes certain diagnoses of -- of Emily. Okay.

1 That's what she's offered to testify about, right? What type  
2 of diagnoses she made in 2017 and then what she updated in  
3 2019, right? We're specifically talking about posttraumatic  
4 stress disorder, dissociative identity disorder, depression,  
5 dependent personalities, those kind of things. That's what  
6 this witness is offered to testify about, right?

7 MS. BRENNAN: She's offered to testify -- testify  
8 about the ultimate issue in this case which includes her  
9 review of all the child's school records, all the child  
10 medical records that are listed and that have been produced in  
11 this case and her -- and her treatment of her --

12 THE COURT: She's not going to be asked --

13 MS. BRENNAN: -- that --

14 THE COURT: She's not going to be asked to determine  
15 or she's not going to be able to testify concerning what the  
16 Court's job is to weigh the legal standard under the statute  
17 and the Nevada case law as it relates to whether or not her  
18 conditions qualify Emily under the statute. She can testify  
19 about her expertise, her interactions with the child, and she  
20 can answer your questions concerning her functionality and --  
21 and other things that would be relevant to those  
22 considerations. Okay. So continue your exam.

23 BY MS. BRENNAN:

24 Q Have you -- did -- did you produce all -- all --

1 well, if you refer to Exhibit 14, Bates Number 1458, 1459, and  
2 1457 -- 57 -- 1457, 58, and 59. Does that reflect the list of  
3 documents that you reviewed the information that you based  
4 your expert opinion on in this case? Does that list the  
5 information on those --

6 A Yes.

7 Q -- three pages? Okay. And isn't it true that you  
8 produced your entire file in this matter?

9 A Yes.

10 Q You're not holding anything back.

11 A No.

12 Q The only records that we don't have concerning your  
13 treatment of Emily would be the treatment that has taken place  
14 in 2020; is that correct?

15 A Yes.

16 Q And have you continued to treatment Emily in 2020?

17 A Yes.

18 Q Okay. So we'll get to that in a minute. But I'd  
19 like to start from the beginning and -- well, I guess we can  
20 start with where she is today, what is your current diagnosis?  
21 And then go back to the beginning as to -- what is Emily's  
22 current diagnosis and current condition?

23 A So can I ask which exhibit my progress notes are in?

24 Q Your progress notes are going to be in Exhibit 19.

1 I mean, well, do you want to do it this way? Or maybe we  
2 should just start from the beginning. Do you want -- let's  
3 start from the beginning. Okay. What did you do to render  
4 your initial report in this case?

5 A I -- I would have to go back to the beginning of the  
6 medical record.

7 Q Okay. If you can do that, please.

8 A So Exhibit 19.

9 Q Yes.

10 A Okay. So Emily was referred to me in March of 2016.  
11 She underwent an evaluation that involved having a brain scan,  
12 going through her psychiatric history, medical history, family  
13 history, history of head injuries, nutrition information,  
14 sleep behavior, psychological history, life stressors,  
15 spiritual history, and completed a number of different  
16 checklists to screen for various psychiatric diagnoses.

17 Q Okay.

18 A Our first session is approximately two hours wherein  
19 I reviewed the information to make sure that what everything  
20 that I've read is the correct understanding of what's going  
21 on. I go through the results of the testing, doing the brain  
22 scans, and all the other tests that we did and then start  
23 piecing together a treatment plan based on her needs.

24 Q And that -- you first saw Emily in March of 2016?



1           A     Yes.

2           Q     And have you continued to been her treating  
3 psychiatrist from March of 2016 to the present?

4           A     Yes. Other than when she was in a hospital or  
5 institution.

6           Q     Initially back in -- let's go -- let's turn to --  
7 did you have the occasion to view Emily's medical records and  
8 school records for Emily's behavior and diagnoses and  
9 treatment prior to the time that you started seeing her in  
10 March 2016 to render an opinion in this case as to whether you  
11 believe that she is disabled under Nevada handicap statute?

12          A     I didn't do that prior to the first date I met her.  
13 No.

14          Q     Okay. You did that at some point later on?

15          A     Yes.

16          Q     Okay. Can you explain the progression of what  
17 happened from the time you met her until the time you were  
18 asked to do the first report? Go through the details of what  
19 you did from March of 2016 until you ended up writing the  
20 first report.

21          A     Okay. I'll have to see where everything is.

22          Q     Yeah. And take your time. The Court knows that you  
23 need to look at exhibits in order to testify. So that's fine.

24          A     You can see on this Exhibit 19 on ER1832. My

1 initial first steps were helping her stay out of the hospital  
2 because of her frequent history of hospitalizations, getting a  
3 good support team in place, and addressing spurts of anger,  
4 constant anxiety, and work on some confidence. So --

5 Q Okay.

6 A -- we were at a place. That was our starting was  
7 let's put together a treatment plan to try to keep you out of  
8 the hospital.

9 Q Okay. What happened next?

10 A I need to know where my progress notes are.

11 Q Okay. So the -- the progress notes for you are in  
12 Exhibit -- all of your notes are in 15 through 19. So let's  
13 see. If you look at 19, I'm looking at the back. I see if  
14 you -- 19, look -- let's see. Let me see where the notes  
15 starts for 2016. The progress notes are in 19. I see that.  
16 If you look at Exhibit 19 -- I see -- I'm on Bates Number  
17 1940. That says May of 2016, April of 2016. So June of 2016.  
18 I mean, yeah. Yeah. So you'll just have to look through the  
19 exhibits to get -- to the --

20 A I'm scrolling to the beginning. Have you found my  
21 first note after her evaluation?

22 Q I haven't, but if you want to refer to your expert  
23 report, you can.

24 A It -- it actually looks as if there was some outside

1 medical record that was given to me at the time of her very  
2 first meeting.

3 Q Okay.

4 A That seems to be attached like ER1878 and -- and  
5 beyond that seems to be outside medical record that day. So I  
6 think it was mistaken earlier when I said I didn't have access  
7 to it initially. It looks like --

8 Q Okay.

9 A -- this could match.

10 Q All right. And so what happened at that point?

11 A Oh, I just have to get through all this paperwork to  
12 find that progress note from when I saw her after that  
13 evaluation day. So it looks like the next note I see is April  
14 1st, 2016; is that correct?

15 Q Okay. What Bates number are you on?

16 A 1933.

17 Q Okay. What happened on that day?

18 A We had sent her to a psychologist to consider doing  
19 some neuro feedback session.

20 Q To consider doing some what?

21 A Neuro feedback.

22 Q Okay.

23 A Which is a treatment. She -- Emily apparently told  
24 her mom the day before she'd rather continue to see her

1 therapist Elise twice a week, but in that appointment Emily  
2 didn't recall saying that. She didn't recall the conversation  
3 with the mom. She wasn't speaking --

4 Q And Elise --

5 A -- to (indiscernible).

6 Q Elise is Elise Collier?

7 A Yes.

8 Q And has she continued to see Elise Collier?

9 A I think there was a time she stopped seeing her and  
10 then resumed treatment with her.

11 Q Okay. All right. So if you can just walk us  
12 through what you did between your first visit and when you  
13 wrote the first report.

14 A Okay. So I started her on a medication called  
15 Lamictal. I had her sign consent so I can be in contact with  
16 a therapist. I had her come back to a med check. I ordered  
17 labs the first time, went through the labs. There is a note  
18 in here of conversation that I had or a voicemail I got from  
19 therapist Elise.

20 Q And what's the da -- what -- are you looking at a  
21 specific page of your records?

22 A 1937.

23 Q Okay. And what -- tell me about that.

24 A So the voicemail from Elise was about a conversation

1 she had had with Emily that she had been suicidal but didn't  
2 tell me when she was in there. And -- but she was feeling  
3 better with the medication. She was still having trouble  
4 accessing her thoughts, doing daily tasks like making phone  
5 calls and doing what needs to be done on an adult level. She  
6 was being monitored by her grandmother in Arizona at the time.  
7 Elise was seeing her by Skype.

8 I noted that I didn't have consent for -- to speak  
9 with the grandmother. So I called Emily and was able to speak  
10 with her on the phone. She said I think Lamictal is helping.  
11 I asked her about depression. She said it wasn't too bad. We  
12 talked about a plan for if Emily worsens or her anxiety  
13 worsens or if she becomes suicidal. So I just went -- I  
14 outlined that with her. Then I communicated back with her  
15 therapist on what our emergency plan was.

16 Q On what -- your what?

17 A What the emergency plan was for her suicidal  
18 ideation.

19 Q All right. And then what?

20 A I saw her at my office at the end of April.

21 Q And if you're going to another Bates number, you can  
22 tell us.

23 A Yes. 1938.

24 Q Okay.

1           A     And at that day --  
2           Q     April -- April 29th of 2016?  
3           A     Correct.  
4           Q     Okay.  
5           A     So I continued to gradually bring up the medication.  
6     She had a vitamin -- really low vitamin D deficiency. And we  
7     discussed the DMV revoking her license. She was referred --  
8           Q     Okay. So did --  
9           A     -- a neurologist.  
10          Q     Okay. So the Judge doesn't know anything about  
11     this. So tell the Judge what you know about the -- her --  
12     Emily's driver's license being taken away by the DMV.  
13          A     She -- she was in a session with her therapist  
14     and --  
15          Q     What year was this? I think if you look at Exhibit  
16     ER13 -- 1943. Does Exhibit -- does Exhibit 19 -- ER9 -- 1943,  
17     is that a copy of the letter you wrote to the DMV?  
18          A     Yes.  
19          Q     Okay. So maybe before we get there, look -- it  
20     looks like you have some other sessions before that June  
21     incident. So maybe we should keep going chronologically and  
22     then --  
23          A     The --  
24          Q     -- discuss that --

1           A     The --  
2           Q     -- when we get --  
3           A     -- incident was prior to that.  
4           Q     Oh, it was? Okay.  
5           A     Yes. And it was about a month after that incident  
6     that her therapist referred Emily to me. So the incident was  
7     February 24th and she came to see me at the end of March,  
8     March 25th.  
9           Q     Okay. Okay. And what -- did you come to understand  
10    what had happened that led to her driver's license being  
11    revoked in -- or suspended February of 2016?  
12          A     She was in session with her therapist Elise and --  
13          Q     Elise Collier?  
14          A     Yes.  
15          Q     Okay.  
16          A     And experienced an episode of extreme agitation.  
17    Therapists had to call 911. According to the hospital records  
18    that I reviewed when she was brought in, she was extremely  
19    agitated, screaming. She was (indiscernible). She couldn't  
20    follow commands secondary to her emotional distress.  
21    Apparently one of the EMT people who responded to the scene at  
22    the therapist office and took her -- transported her to the  
23    emergency room, reported her to the DMV who took away her  
24    license. And I -- I believe the report was that she had had a

1 seizure.

2 Q Okay.

3 A Was --

4 Q And --

5 A Is --

6 Q Okay. And it's your understanding that she did not  
7 have a seizure; is that correct?

8 A Correct. She -- I learned actually that she had --  
9 has this series of emotional breakdowns that started when she  
10 was in high school when she will fall to the floor, roll  
11 around on the floor, sometimes appear catatonic where she  
12 would be screaming. And that had led to numerous  
13 hospitalizations in the past. But that's different than  
14 seizure activity.

15 Q Okay. And in your medical rec -- in your -- in  
16 Exhibit 19, if you can go to Bates Number ER1953 and tell me  
17 what 1953 through 1973. It looks like they're medical records  
18 from H-o-a-g, Hoag Memorial Hospital --

19 A Hoag.

20 Q -- Presbyterian.

21 A Yes.

22 Q And it looks like the date on that was February  
23 14th, 2016. Is this an -- a discharge of -- on the same date?  
24 Was this the date that she -- well, is the medical record that



1 you're discussing that you -- you -- that she went to the  
2 hospital after the -- in the session -- after the session with  
3 Dr. -- with Elise Collier?

4 A Correct. Yes.

5 Q And can you tell the Court what your review of this  
6 Hoag medical record reveals?

7 A It --

8 Q What was the --

9 A In the --

10 Q -- diagnosis -- the diagno -- what was the reason  
11 for entry and what was the diagnosis?

12 A They called it generalized anxiety disorder.

13 Q Okay. And right -- is that something you're  
14 familiar with?

15 A Yes.

16 Q And on this page it says on ER1953 about a little --  
17 about 60 percent down it says GAD for general anxiety disorder  
18 often starts when people are teens or young adults. Is that  
19 your understanding?

20 A Yes.

21 Q And it also says sometimes this problem is hard to  
22 diagnose because people with GAD may not have specific  
23 complaints when they see the doctor. This can make it hard to  
24 figure out exactly what is going on and make the right

1 diagnosis. Is that your understanding as well?

2 A Yes.

3 Q Okay. And so tell me what happened at this  
4 hospital, your summary of what happened and -- at this  
5 hospital.

6 A The back -- it is some letter that -- in the letter.

7 Q Yeah.

8 A So she was given medication. She was actually given  
9 an injection (indiscernible) Geodon. And she improved and was  
10 discharged from the emergency (indiscernible) with a diagnosis  
11 of anxiety.

12 Q Okay. And I refer you within Exhibit 19 to ER1945.  
13 What is this? And if you can go through this for the Court.

14 A Can you ask that again? I'm sorry, it cut out.

15 Q Exhibit 19, Bates Number ER1943, is that a copy of  
16 the letter that you wrote to the DMV?

17 A Yes.

18 Q And that details your review of the Hoag emergency  
19 medical record that we just discussed?

20 A Yes.

21 Q Okay. And can you kind of go through that with the  
22 Judge and tell him what your understanding of that is and what  
23 you told the DMV there? Because the Judge is not going to  
24 read every word on every page in this file. So we have to

1 highlight certain things for him.

2       A     Sure. So the question at the time was why had her  
3 license been taken away because the EMT had reported her for  
4 having seizures, and she needed medical clearance to be able  
5 to drive and, of course, wanted her primary care neurologist  
6 to see her. But I -- I also submitted a letter after  
7 reviewing my own records, speaking with her therapist Elise  
8 Collier. And I reviewed the medical record from the emergency  
9 department on February 24th, 2016, which was a date that was a  
10 cause of the license being suspended.

11           According to that record review, she was in the  
12 session with the therapist, had one of these episodes of  
13 extreme agi -- agitation as I described a few minutes ago, was  
14 given an anti-psychotic in the hospital and calmed down and  
15 discharged. I brought into this some of the history that had  
16 been provided by family.

17           A few years prior Emily revealed she had been  
18 experiencing abuse from a caregiver since the age of eight.  
19 And since then she had been experiencing these emotional  
20 breakdowns which led to numerous hospitalization. So she  
21 tends to go through the motions in life. She has periods of  
22 time when she's present and then when she appears to be  
23 catatonic.

24           And they -- at the times that she experiences what

1 they were calling pseudo seizure, in which Emily would fall to  
2 the floor, can't move or speak, feels dizzy and nauseous and  
3 afterwards is quite fatigued. During the episode, she says  
4 her head feels pressurized and she can't really answer  
5 questions and she's overwhelmed.

6 Over the last two years, Emily has been taken to in  
7 patient hospitalization numerous times for episodes of  
8 dissociation and seizure like activity. So I wrote to the DMV  
9 since being under my care Ms. Reed is not in any such  
10 episodes. I had known her maybe six weeks at this point, five  
11 or six weeks.

12 Q All right.

13 A And said she had been taking medication and therapy.  
14 And I said to my knowledge, you know, there's been no  
15 incidence while she's been driving. And I referred her to  
16 neurology to address (indiscernible), that I thought that they  
17 were psychologically driven and aligned with some kind of  
18 conversion.

19 Q Okay. And did you continue to treat Emily af --  
20 okay, so you wrote that letter. And did -- after the April  
21 29, 2016 meeting with her, when was the next time you saw  
22 Emily? Was that May 27th?

23 A Yes.

24 Q And what happened then?

1           A     Sorry?

2           Q     Tell the Judge about your appointment with Emily on  
3 May 27th.

4           A     For the entire month she had been at home with her  
5 mom and stepdad. I asked her how she had been since I saw her  
6 last and she shut down and remained silent, just sitting with  
7 her -- looking down at her hands on the lap. Her parents had  
8 to really answer the questions for her. What she did say is  
9 she felt like she's on a roller coaster, some days really  
10 happy and some days really down. But she couldn't describe  
11 how frequently she was happy or down and she said she feels  
12 like she can't control her.

13                     She thought she could manage better with the  
14 medication. She said before I couldn't manage them. She was  
15 still having these episodes of crying but she hadn't had an  
16 episode of shutting down like she had previously and her  
17 stepfather said she hadn't had any further meltdowns. She  
18 said she feels sad many days of the week.

19                     We had discussed the DMV paperwork again and my  
20 assessment was that there has been some improvement. There  
21 had been no meltdowns and Emily was shutting down less. I  
22 said it's unclear to the extent which she's actually  
23 participating in therapy in any meaningful way. So she was  
24 still very withdrawn in her therapy and I said she definitely

1 seems to need a much higher level of care. It isn't  
2 (indiscernible).

3 And it was a challenging assessment I said because  
4 her stepdad -- I say dad in here. I -- I was confused at the  
5 time because her father and stepfather have -- are both Jeff.  
6 So I said Dad reported she's talking about (indiscernible),  
7 quiet and withdrawn and every visit rarely speaking. So I was  
8 continuing to very gradually increase this mood stabilizer  
9 medication. I wanted to do a phone call check and in two  
10 weeks since she couldn't afford an appointment in two weeks.  
11 And Emily said she'll follow up in a month after that.

12 Q Okay. And if we look at ER1941, what was your  
13 diagnosis on May 27th of 2016?

14 A Posttraumatic stress disorder chronic and other  
15 dissociative and conversion disorder.

16 Q What does it mean by the word chronic?

17 A That it has been present for greater than three  
18 months.

19 Q And that's the definition of chronic for doctors  
20 that you use, that greater than three month time period; is  
21 that correct?

22 A For posttraumatic stress disorder.

23 Q All right. And what is other dissociative and  
24 conversion disorders? What does that diagnosis mean?

1           A     So it was clear that there was something going on  
2 whether it was a pseudo seizure or some kind -- but Emily  
3 didn't fit into a neat -- any of the neat diagnostic criteria  
4 at that time in terms of, you know, did she have dissociative  
5 identity disorder or was this a conversion disorder. And so  
6 she was -- I put her in this other category. It's kind of  
7 what we do when we -- we can't figure out at that time the  
8 exact diagnosis.

9           Q     Okay. And you subsequently have figured out that  
10 exact diagnosis; is that correct?

11          A     Yes.

12          Q     And what is her current -- what is that current  
13 diagnosis?

14          A     The current diagnosis in addition to chronic PTSD  
15 and major depressive disorder severe with psychotic features  
16 is dissociative identity disorder.

17          Q     And what does that mean? What is dissocia -- diss  
18 -- disso -- d -- is that what we call -- and people shorten it  
19 to DID; is that correct?

20          A     Yes, and so I included a handout in one of the  
21 exhibits that has kind of a simple to understand explanation  
22 of what a DID is. I think we looked at that in maybe Exhibit  
23 13.

24          Q     Okay.

1           A     To where it is.

2           Q     And I think you're referring to Exhibit 14, Bates  
3 Number ER1460; is that correct? 1460 and 1461. It's from  
4 the --

5           A     Yes.

6           Q     -- National Alliance of Mental Illness and the --

7           A     Yes.

8           Q     -- the handout here says dissociative disorders.

9           A     Yes.

10          Q     And can you just explain to the Judge what -- what  
11 this means, the -- this diagnosis of dissociative disorders.  
12 Because that's not something I've heard of.

13          A     Okay. So when people dissociate, they tend to  
14 detach from reality. They detach from their emotion. They  
15 detach from their identity. And so they lose track of time.  
16 They aren't creating memories. They won't necessarily  
17 remember people or events. It's often described as an out of  
18 body experience. And for some people who have -- there's  
19 different types of dissociative disorders.

20                   When people have dissociative identity disorder, it  
21 used to be called multiple personality disorder, people  
22 actually have multiple different identities and they switch  
23 back and forth in between different personalities. Each  
24 person can have different likes, dislikes. They can be any



1 gender, any age. And the sound of their voice can change.  
2 The foods they like to eat can change. It -- it's very  
3 specific personalities which you refer to as alters.

4 And so when someone goes into various alters, they  
5 won't remember the experiences once they're in a different  
6 alter. So they only know who they are in that moment.

7 Q And --

8 A It's --

9 Q -- Emily has multiple alters or multiple  
10 personalities; is that correct?

11 A Yes.

12 Q And you've seen and personally witness these  
13 multiple personalities or alters?

14 A I'm sorry, there was an echo. Did you ask if I had  
15 seen?

16 Q Have -- have you personally observed these multiple  
17 personalities?

18 A Some, yes.

19 Q Okay. And I -- I just want to ask this because it  
20 -- it comes up. Is there -- we're going to get into her  
21 detailed diagnosis here, but is there anything in every -- in  
22 -- in the entire record that you reviewed that would suggest  
23 that Emily is malingering her -- malingering?

24 A No. There's one --

1 Q So --

2 A -- mention of malingering for her hearing test in

3 the UC Irvine, the very first hospitalization that her school

4 psychologist thought may have been dissociation. And that was

5 in regard to hearing testing they had done when she was in

6 early childhood. Based on her psychiatric conditions it's

7 never been used in any of her records and I myself have never

8 thought that she was in any (indiscernible).

9 Q All right. So you can continue. What did you do

10 next?

11 A We back -- which exhibit --

12 Q I guess --

13 A -- are we in?

14 Q I guess looking back in Exhibit 19, the visit -- I

15 guess we can go to Bates Number 1942. That was your visit on

16 June 1st of 2016? And what happened then? Or did you already

17 explain that?

18 A I'm trying --

19 Q I don't know.

20 A -- just to get down there. There's a lot.

21 Q Oh, okay. I'm sorry.

22 A I'm not at -- at the 19s yet.

23 Q Okay.

24 A Okay. You asked about the -- after May --

1 Q (Indiscernible) your -- your --  
2 A The May 27th visit?  
3 Q I -- did you already talk about that visit, I think?  
4 A Yeah, the 27th. Yes.  
5 Q Okay. So what happened on the -- after the May 27th  
6 visit?  
7 A I documented a phone call I had with Elise Collier  
8 just to coordinate care of between what she was doing to see  
9 how Emily was doing outside of -- of sessions. She told me  
10 she feels like this is a very difficult case. She wants to  
11 stay inside, wants it all to go away. She wasn't suicidal but  
12 wishes she could disappear. So we were trying to figure out  
13 treatment options and I was thinking about can we try some  
14 neuro feedback, does she need a day hospital, admission in  
15 Laguna, do we need to do residential treatment, somewhere --  
16 TMS, transcranial magnetic stimulation.  
17 I was trying to think of just what we needed to do  
18 since she wasn't getting better enough. We talked about the  
19 trial that would be later in the year with a person who abused  
20 Emily.  
21 Q Tell me what you --  
22 A My opinion at that time was that she would need at  
23 least six months residential work to establish trust and  
24 rapport to be able to do meaningful.

1 Q And so in June of 2016, you felt like she would need  
2 at least six weeks -- six months of residential treatment?

3 A Yes.

4 Q Did she get that eventually?

5 A I don't think -- to my knowledge, no, never in a  
6 row. No.

7 Q Not six months in a row. Okay. And is it -- one --  
8 okay. And then so you continued to treat Emily during all of  
9 2016?

10 A Yes.

11 Q And -- and then -- and I don't know that the Judge  
12 wants to go through every single progress note here, but  
13 eventually -- I mean, eventually you were asked to review her  
14 school records and her medical records to determine whether --  
15 what your expert opinion was as to whether she was disabled  
16 and what her diagnosis was prior to turning 18; is that  
17 correct?

18 A Yes.

19 Q And tell the Court what you did in that regard.

20 A I -- well, Emily's mom gathered all the medical  
21 records that she could and the school records, brought them in  
22 for everything. I went through -- and you have all the  
23 exhibits there, all of her IEPs starting in fifth grade  
24 through high school. I have the medical records from the UC

1 Irvine hospitalization when she was first admitted in March  
2 2014. She went from there to Center for Discovery. Her  
3 senior year in high school she was readmitted to the hospital.  
4 And I went through all of those records that were provided to  
5 me.

6 Q Okay. And all those records have been provided.  
7 You're not -- like you said earlier, you didn't hold anything  
8 back, correct?

9 A Correct.

10 Q Okay. So let's go through and we have -- can you  
11 explain to the court -- you said that -- let's -- let's --  
12 because you issued a report in Exhibit 13 and if you look at  
13 PL216 -- or 218 in there, that's your initial report in this  
14 case regarding your opinions on whether you believe she's  
15 handicapped under this statute, correct?

16 A 218 and 219 and --

17 Q Yeah, well, the --

18 A -- 220, 21.

19 Q Right. Okay. And can you go through fairly detail  
20 what you reviewed and what your opinions are regarding your  
21 initial report? And let me start with the school records  
22 because it's my understanding that Emily has been in a special  
23 education program requiring an IEP from fifth grade all the  
24 way until she graduated from high school; is that correct?

1 A Yes.

2 Q And you reviewed the school records that are in  
3 Nevada and California, all of her school records. And did you  
4 find these IEPs and records from Nevada and California  
5 relevant and helpful in you coming up with your ultimate in  
6 this case?

7 A The California ones I think were the most helpful.

8 Q Okay. And if you can go through the records that  
9 you feel are pertinent that formed your opinions that -- did  
10 you ultimately reach the conclusion that Emily is disabled  
11 under -- is -- meets the definition of handicapped under  
12 Nevada statute?

13 A Yes. So I -- I reviewed the Nevada Revised Statute,  
14 the 125B.110 as I was going through all of the records. I  
15 believe it's Exhibit 2 that has the California IEPs.

16 Q Right.

17 A And it wasn't until 2011 -- let's see. If we go to  
18 1389 called 0001389 --

19 Q Okay. That's in Exhibit -- just so we can get into  
20 the record

21 A Exhibit 2 is -- is the California -- the 1389.

22 Q Okay. Okay.

23 A So on this page, Emily's mom graded Emily high on  
24 anxiety scores, atypicality withdrawal, and functional

1 communication. This is in eleventh grade. When we get to  
2 1395 is when I think they were discussing her hospitalization.  
3 So in March of 2014, she was 17 in her high school was when  
4 she had the hospitalization at UC Irvine. And I -- I believe  
5 all of that is in Exhibit 5 is UC Irvine.

6 Q Okay.

7 A So the school had reviewed that and in her IEP -- so  
8 they refer to the medical records and quote that -- page 1396,  
9 the school psychologist said this auditory processing problem  
10 that they had actually been treating her for since the fifth  
11 grade, that was why she was in the IEP that young could  
12 actually be associated with anxiety or dissociation as she  
13 had, quote, sexually molested since age 8.

14 Q And that's on Exhibit 1396?

15 A 1396.

16 Q Okay.

17 A If you go to 1399, the school psychologist as well  
18 as a private psychologist had input into the IEP and they're  
19 quoted as saying she had severe anxiety and flashbacks at  
20 school. She demonstrated dissociation. Two to three times a  
21 week she left class to go see the school psychologist for  
22 between 50 minutes and two-and-a-half hours. And she was in  
23 the clinically significant range in terms of her scores on  
24 anxiety, atypicality, withdrawal, functional communication.

1 And you can see it on 1409. On 1409, her eligibility for the  
2 IEP was determined to be emotional distress. So this was the  
3 big change that came in 11th grade. They mentioned -- the  
4 school report mentions on 1417. She was having twice weekly  
5 panic attacks. She was doing twice weekly therapy with her  
6 outside psychologist and the school psychologist. On page  
7 1421, they again reference flashbacks and anxiety attacks,  
8 emotional -- emotionally fragile. And on page 1433 -- 1433  
9 there's a note that she can't attend school because of these  
10 medical needs and they had a plan to help her graduate.

11 Q And this was when she was in 17, a junior in high  
12 school.

13 A This is now. We've gone through her senior year.  
14 So we've just scrolled through the IEPs for her junior year of  
15 high school when she had the first hospitalization into her  
16 senior year she was 18 and she was still in school. And so we  
17 go into the IEP. And you can see that in May of 2015 they --  
18 she's -- they're talking about how to get her to graduate  
19 because she was starting an intensive medical program and she  
20 had had hospitalizations in March at Del Amo Hospital after  
21 trying to strangle herself and then was seen in April at UC  
22 Irvine again after an incident in which she was rolling around  
23 in the middle of the street screaming for 35 minutes and  
24 hearing voices. And the school psychologist couldn't get her



1 off the ground in the middle of the street for 35 minutes  
2 until EMS could arrive.

3 Q And that's for -- you reviewed all the UC Irvine  
4 records and the Del Amo records related to medi -- those  
5 hospitalizations?

6 A Yes, and the Center for Discovery as well.

7 Q All right. Continue.

8 A Where do you want me to pick up?

9 Q Okay. So you reviewed these I -- these school  
10 records and you said that -- I mean, before we move on, you  
11 said that on ER1409 this was a big change in her eligibility  
12 for the IEP. And I -- and you said that they changed the  
13 eligibility to emotional disturbance. And I'd like you to  
14 explain to the Judge why you feel like this was a big change  
15 at this time. And that was when she was still in eleventh  
16 grade at that time, correct?

17 A Emily's IEP when she was younger was based on  
18 hearing tests. And she was scoring lower in certain areas  
19 than her peers. And when you look through the early grades,  
20 the fifth grade and all of that, she was scoring in some areas  
21 less than the first percentile. She was having some kind of  
22 learning. And the IEP is -- they reportedly talk about the  
23 auditory issue and she had access to I guess a specialized  
24 kind of hearing sets. But she also had to have the option of

1 doing oral exams and -- and a retaking exam she failed and  
2 everything. And that's pretty consistent. I mean, the IEP  
3 changes gradually as -- as she gets older but it always been  
4 based on problems learning and this hearing problem. And it  
5 wasn't until this junior year -- junior year that the  
6 emotional disturbance was the first time it was what qualified  
7 her for her IEP.

8 Q Okay. And that emotional disturbance, does that  
9 continue to the present time? Does she continue to have  
10 emotional concerns?

11 A Yes.

12 Q Okay. And so before we move on from -- I'd like you  
13 to explain in detail about each of the hospitalizations that  
14 Emily had when she was in high school. And explain to the  
15 Judge what significance those that -- the hospitalizations in  
16 high school. Explain the significance of each of those and to  
17 the Judge. You said she was in Del Amo, UC Irvine, and Center  
18 for Discovery while she was in high school?

19 A Yes. So the first one is actually in Exhibit 5.

20 Q Okay.

21 A This is the UC Irvine. And it's actually put in --  
22 scanned in I think from most recent to oldest. So we have to  
23 go down. The discharge summary, she was admitted from March  
24 18th through April 7. This is a lengthy admission.

1 Q And what year --  
2 A You know --  
3 Q I'm sorry -- I'm sorry to interrupt you. March 18th  
4 through April what?  
5 A 7th.  
6 Q 7th of --  
7 A I think it was --  
8 Q -- what year?  
9 A -- in '14.  
10 Q 2014. And --  
11 A Yes.  
12 Q -- just so that -- just so that we're all clear,  
13 that was when Eli -- Emily was still in the eleventh grade,  
14 correct?  
15 A Yes.  
16 Q Okay. And tell me what happened that necessitated  
17 her being put into UC Irvine and UC Irvine and what your view  
18 of UC Irvine medical records in Exhibit 5 show.  
19 A So her discharge summary from the hospitalization  
20 summarized on 161.  
21 Q Okay. Can you --  
22 A It starts -- 161, you can -- actually, it starts on  
23 160 -- or maybe 1 -- it's hard to see where -- which page it  
24 is. I think it's 161.

1 Q Okay.

2 A She -- so she was there. You can see the dates at  
3 the top of the page, the admission date 3/18. She was brought  
4 to the ER on 3/17 and I think by the time she was admitted it  
5 was on 3/18 and the discharge date of April 7th, 2014. Below  
6 that are the diagnoses of major depressive disorder, chronic  
7 posttraumatic stress disorder, and --

8 Q Okay.

9 A -- social anxiety.

10 Q Wait. Wait. Wait. Wait. Slow down. Slow down  
11 here. Okay. So you're on Bates Number 161 that's a part of  
12 Exhibit 5. And this is the diano -- discharging diagnosis?

13 A This is the physician's -- what's called a discharge  
14 summary for the hospitalization. So a discharge summary will  
15 give me the admission date, the discharge date, diagnoses, a  
16 summary of the course of the hospitalization, medications that  
17 the person is being discharged with, a summary of the exams  
18 that they've done and -- and so it's -- it's kind of like one  
19 document that will explain the whole three weeks.

20 Q Gotcha. Okay. And if you can proceed. Thank you.

21 A So the diagnoses that were given to her at the time  
22 after this lengthy hospitalization which she was 17 were  
23 three, major depressive disorder, chronic posttraumatic stress  
24 disorder, and social anxiety disorder.

1 Q Okay. Now let me just stop you for a minute.

2 Currently today Emily has major depressive disorder. She  
3 continues to have that; is that correct?

4 A Yes.

5 Q And that was first diagnosed back in this exhibit  
6 that your referred to in the UC Irvine Exhibit 5, correct?

7 A To my knowledge, yes.

8 Q And today Emily's current diagnosis remains chronic  
9 PTSD; is that correct?

10 A Yes.

11 Q And that is also what was diagnosed back in the UC  
12 Irvine records when she was in eleventh grade, correct?

13 A Yes.

14 Q Okay. All right. Now is -- based on your review of  
15 all of the school records, the medical records, is it your  
16 opinion that these diag -- this diagnosis has been continuous,  
17 this major depressive disorder and chronic PTSD from at least  
18 a March of 2014 to the present?

19 A Yes.

20 Q All right. If you can continue, please.

21 A She was discharged from that hospital on five  
22 different psychiatric medications which are listed on 164. At  
23 the bottom she was on Fluoxetine, Clonazepam, Prazosin,  
24 Melatonin, (indiscernible).

1 Q Okay. Is that significant you -- that you would put  
2 somebody in eleventh -- eleventh grade on all those  
3 medications?

4 A Yes.

5 Q And why is that significant? Because I'm not into  
6 drugs so I don't really know what these drugs are. Why is  
7 that significant?

8 A It's just a lot of different medications to be on.  
9 I wouldn't want to be on five medication at my age for trying  
10 to treat one condition.

11 Q Okay. All right. If you can continue, please.

12 A So after her stay at UC Irvine, she wasn't stable  
13 enough to go home. And she was sent over to Center for  
14 Discovery. And she was there for 35 days.

15 Q Okay. If you can slow down. She was sent to Center  
16 for Discovery for 35 days?

17 A Yes. So --

18 Q How did she get --

19 A -- that record is Exhibit --

20 Q How did she get from -- do you know how she got from  
21 UC Irvine to the Center for Discovery?

22 A I'm sorry, there's so much of an echo, I can't hear  
23 you very well, Ms. Brennan.

24 Q I don't know why there's an echo. I apologize. Do

1 you know how she -- you said that she had to go to UC Irvine  
2 directly to UC -- the Center for Discovery because she was not  
3 stable enough to go home; is that correct?

4 A Yes. She needed ongoing care.

5 Q So despite the fact that she had just spent three  
6 weeks in UC Irvine she now had to go and be -- spend directly  
7 after that three weeks, thir -- another month, 35 days --

8 A 35 days.

9 Q -- in patient? Okay.

10 A Yes.

11 Q And tell me -- tell me about that.

12 A Oh, I don't know how to summarize 35 days easily.

13 Q Okay. Well, let's start with the date. So let's go  
14 there. The dates that she was in Center for Discovery.  
15 Center for Discovery is Exhibit 6.

16 A If you look at the end of this chart. So reason for  
17 discharge on page 189 wasn't that Emily met all the goals. It  
18 says Emily was discharged from the RTC, which is resident  
19 treatment center, level of care due to insurance denial,  
20 further authorization.

21 Q So based on your understanding and review of these  
22 Center for Discovery records, is it your understanding that  
23 the treating doctors did not believe she should be discharged  
24 at that time but she had -- they had no choice but to

1 discharge her because the insurance wouldn't pay for it?

2 A Correct.

3 Q Tell me what you find sig -- significant about this  
4 that -- what is the diagnosis? Did they make a diagnosis  
5 while they're in there? Or tell me what hap -- what did she  
6 do when she was in Center for Discovery? Just try to explain  
7 to us that.

8 A So it's all kind of summarized on that page.

9 Q 189?

10 A 189, that Emily's mother was there, attended family  
11 therapy appointments. They did family sessions working on  
12 communication. And Emily learned how to explain how complex  
13 PTSD symptoms apply to her. It says Emily's father  
14 participated in one family session. And I don't know if that  
15 means her biological father or stepfather.

16 Q Okay.

17 A And it says Emily's family members participated in  
18 therapeutic visits and passes throughout her stay and frequent  
19 phone calls throughout each week. And so they were working on  
20 strengthening family relationships. At the beginning of this  
21 treatment program she had to travel to Las Vegas to speak with  
22 detectives about the sexual abuse.

23 Q The criminal case?

24 A Yes, the criminal case. They note Emily struggled



1 with self-harm behaviors throughout her treatment stay. Emily  
2 often bit, pinched, or scratched herself following a panic  
3 attack or flashback. So they were teaching her some positive  
4 coping skills. She also struggled with restricting or  
5 purging. So this is food, relating this to either self-harm  
6 or psychosomatic symptom (indiscernible). So they had to have  
7 her meet with a dietician once a week to address nutritional  
8 concerns and to work on healthy eating patterns. And then  
9 they talk about how she changed over the course of the 35  
10 days, that she was very nervous and fragile and guarded at the  
11 beginning and really struggled to participate in groups,  
12 individual and family therapy.

13 She struggled frequently with anxiety and depressive  
14 symptoms as well as self-harm in the form of biting herself  
15 and suicidal thoughts. She started working on coping  
16 strategies with them, practicing communication skills.

17 She -- a few weeks into her stay slowly began  
18 processing aspects of her trauma history, specifically the  
19 anxiety and panic attacks she experiences in the shower. She  
20 was extremely tearful throughout the trauma processing work  
21 and reported increased anxiety after sessions. And she had a  
22 core belief of I am unsafe or people are unsafe. So she was  
23 receptive to -- during therapy sessions to cognitive  
24 restructuring but she struggled to apply that herself outside

1 of sessions. And she said she was nervous, scared at the end  
2 of treatment but also hopeful and determined.

3 Q Okay. And did you find this medical record  
4 significant to your ultimate decision --

5 A Yes.

6 Q -- opinion?

7 A Yes.

8 Q And why is that?

9 A Well, she's still in high school. She's 17 years  
10 old. And in all of these records the treatment providers are  
11 referring to chronic symptoms, chronic PTSD and things that  
12 have been going on for quite some time. So it -- at least to  
13 me it's clear that she has these symptoms and has had multiple  
14 hospitalizations as a 17-year-old, lengthy hospitalizations.

15 Q Okay. And I believe she had another hospitalization  
16 when she was in high school at Del Amo?

17 A Yes. So March of 2015 she was a twelfth grader. I  
18 believe she was 18 at this time. She was placed on an  
19 involuntary hold. So it would be a California 5150, but it's  
20 just a statute of an involuntarily hold for a danger to self  
21 or others. She had tried to strangle herself with a sweater,  
22 the arms of a sweater. This is in the Del Amo. So this is  
23 Exhibit -- you know which one Del Amo is?

24 Q Yeah, the one I think -- this one is Exhibit 11.

1           A     Yes.  So if you look at 014 --  
2           Q     Well, I'm sorry, which one?  
3           A     194.  
4           Q     Okay.  
5           A     This is her admission report.  She was admitted to  
6 Del Amo for danger to self because she attempted to strangle  
7 herself with a sweater.  She was evaluated by the school  
8 psychologist, was unable to say that she wouldn't be safe and  
9 not harm herself.  It says patient has a significant history  
10 of sexual abuse and multiple psychiatric hospitalizations.  On  
11 face-to-face evaluation, she made no effort to answer  
12 questions.  It says it appears to be preoccupied with internal  
13 stimuli which is kind of medical for listening to voices.  She  
14 was easily agitated, turned her head around and ignored the  
15 interviewer.  And the doctor found that at that time she was  
16 unpredictable, impulsive, and unsafe.  
17          Q     So what happened?  
18          A     She was admitted to the hospital and I believe this  
19 hospitalization was from March 7th through March 30th.  
20          Q     And that's at 2015; is that correct?  
21          A     2015.  
22          Q     And that is her senior year.  She was still in high  
23 school at the time, correct?  
24          A     Correct.

1 Q So for the -- from March 7th to March 30th of her  
2 senior year she spent that at Del Amo.

3 A Correct.

4 Q If you look at page 1 -- yeah, 195, what was the  
5 admitting diagnosis?

6 A Let me get back to 190 -- The admitting diagnosis  
7 was major depressive disorder severe with -- or sorry, with  
8 psychotic features and posttraumatic stress disorder.

9 Q And that what she still has today.

10 A Correct.

11 Q Okay. All right. If you can summarize as best you  
12 can this stay from March 7 to March 30th, 2015 in Del Amo.

13 A I think through -- I believe that this record --  
14 charge -- there was discharge paperwork. There wasn't the  
15 same discharge summary that the UC Irvine had.

16 Q I'm sorry, I didn't hear. What did you say?

17 A So the -- the record that came from Del Amo --

18 Q Yes.

19 A -- doesn't have the same discharge summary.

20 Q Oh, gotcha.

21 A There was these handwritten forms instead. So like  
22 214 and before that. So she -- you can see the diagnosis of  
23 posttraumatic stress disorder on 215. It's major depressive  
24 disorder.

1 Q (Indiscernible) --  
2 A (Indiscernible) --  
3 Q I -- you're making a diagno -- you're talk -- I need  
4 you to go slower. I can't follow you. I'm sorry, are you on  
5 214, PL214 up at the top, you have -- I mean --  
6 A Yes.  
7 Q -- can you walk me through -- I need you to walk me  
8 through what the diagnoses are here. I'm sorry.  
9 A Okay. So posttraumatic stress disorder.  
10 Q On PL234.  
11 A On 213. It is major depressive disorder with  
12 psychotic features.  
13 Q And it also got severe checked, correct?  
14 A It looks like it's checked and maybe crossed out,  
15 but typically where there is psychotic features, that is  
16 severe. The two go hand-in-hand. Psychosis is a medical term  
17 that just means a break with reality. So they had mentioned  
18 in the notes she's hearing voices. So she's hearing voices  
19 that if you're sitting next to her, you can hear. So that's  
20 what with psychotic features means. She has voices along with  
21 the depression.  
22 Q Thank you. You can continue.  
23 A After this hospitalization where she was given  
24 antidepressants as well as anti-psychotic medication, a few

1 weeks later she actually was taken back to UC Irvine. So we  
2 are now in April 16th, 17th, and then 18th through 20th back  
3 in Exhibit 5. There was an episode where the school  
4 psychologist encountered Emily in the middle of the street.

5 Q I'm sorry, what exhibit did you say? Where -- where  
6 are you?

7 A 5.

8 Q Exhibit 5? Thank you. What page?

9 A I believe it's 22.

10 Q Okay. I'm sorry, go ahead.

11 A Like 22. Yes. So 22 is actually the involuntary  
12 hold that she was placed on. And so she was held as a harm to  
13 herself because she was hearing voices, ran into a parking  
14 lot, rolled around on the ground and screamed for 35 minutes.  
15 And that's why she was being placed on a hold for dangerous  
16 self-harm.

17 Q And what's the date of this involuntary hold at UC  
18 Irvine?

19 A This is April 16th, 2015. So it's just a little  
20 more than two weeks after she was released from staying at Del  
21 Amo for several weeks.

22 Q And this was -- and she was in UC Irvine on this  
23 involuntary hold on the 16th of April to the 20th of April of  
24 2015?

1           A     So it looks like the 16th and the 17th they actually  
2 had her on a telemetry unit because of heart palpitations.

3 And then it was psychiatry from the 18th through the 20th.

4           Q     And this was when she was a senior in high school.

5           A     Correct.

6           Q     Do you -- can you explain the diagnosis or anything  
7 else on this record that you feel the Judge should know about?

8           A     She was hearing voices. She had suicidal ideation  
9 with a plan.

10          Q     What -- what page are you on? Are you on the right  
11 page?

12          A     24.

13          Q     24? Okay. So meaning that she not only had the  
14 idea to commit suicide but she had actually a suicide plan to  
15 carry out her intention?

16          A     It -- it says per mother's report because at the  
17 time the patient was -- had to be sedated. And so it -- that  
18 the suicidal ideation was planned. It says per mother's  
19 report.

20          Q     Okay.

21          A     She told the mother she heard voices.

22          Q     Before you explain this, I just have a general  
23 question. It doesn't relate specifically to this report but  
24 it relates to all the medical records that you've reviewed.

1 You mentioned a minute ago that some of these medical records  
2 contained handwritten information. Did you consider  
3 everything in these various medical records when rendering  
4 your opinions? I mean, you don't find that there's anything  
5 suspect about the fact that certain things are typed and other  
6 things are handwritten, do you?

7 A No. And I went through everything painfully with a  
8 fine toothed comb trying to determine to the best of my  
9 ability what had happened when she was a minor.

10 Q So you considered not only the typewritten  
11 information in all of these various records but also the  
12 handwritten records which -- is --

13 A Yes.

14 Q -- that true?

15 A Yes.

16 Q And you find that to be customary in medical records  
17 to have some things typewritten and some things handwritten?

18 A Yes. Sometimes people have access to dictation and  
19 other times they don't.

20 Q Okay. And another general question related to this  
21 whole process here. One thing we know is that you started  
22 treating Emily in March of 2016 and that your opinions related  
23 to the -- you have rendered the opinion that you believe Emily  
24 is handicapped under Nevada statute prior to turning 18 based



1 on your review like you said you went through everything  
2 painfully with a fine tooth. You weren't -- you weren't one  
3 of Emily's treating doctors when she was a minor. So you're  
4 reaching this opinion based on a review of these school  
5 records and a review of all these medical records that you  
6 said you painfully went through with a fine tooth is that --  
7 and if we -- is that customary? I mean, is there anything --  
8 like if you had been a treating doctor of Emily's back then,  
9 would you have had to do exactly what you did anyway even  
10 though --

11 A Yes.

12 Q -- you weren't one of her treating -- can you  
13 explain --

14 A Yes.

15 Q -- how --

16 A And --

17 Q -- that works to the Judge?

18 A You know, the medical record is a legal document.  
19 And so we have to document a certain way. The reason that it  
20 -- certain information has to be in there is so either you can  
21 look back at what's been going on or any other physician can  
22 take a look at what you've been doing and have an  
23 understanding of what's going on.

24 Q And so is it your opinion that base -- that -- that

1 even if the treating doctor would have had to go through all  
2 these records to -- because you -- most doctors would not have  
3 an independent recollection of what they did each time they  
4 saw a patient over years?

5 A Correct. That's why we document it in the record.  
6 We see thousands of patients and we can't remember details of  
7 what happened when or timelines. And so we relied just on  
8 looking at the record and what's documented.

9 Q So in reaching your conclusion that Emily is  
10 disabled under Nevada's statute 125B.110 and meets all the  
11 requirements for that, you base that based on your review of  
12 the school records, the medical records, the -- your  
13 consultations with other treating doctors and therapists, the  
14 information provided by Emily, the information provided by  
15 Emily's mom, the dad, the mom, the stepdad, the grandma? You  
16 relied on all of those things informing your incoming opinion;  
17 is that correct?

18 A Yes, for -- for the opinion of whether or not she  
19 was disabled or ill as it -- a minor. I had the records only.  
20 In making a determination now I have all those things you  
21 listed.

22 Q Okay. So what you're saying is that you initially  
23 didn't have as much -- when you wrote your initial report  
24 which is Exhibit 13, you didn't have nearly as much

1 information as you did when you wrote the November 21, 2019  
2 supplemental expert report that's attached as Exhibit 14, is  
3 that what you're saying?

4 A Yes.

5 Q Okay. And just for big picture here, when you --  
6 you supplemented your initial report with this Exhibit 14  
7 report to pick up from where the first report left off and  
8 continue to the present time that you issued that report; is  
9 that correct?

10 A Yes.

11 Q And your ultimate opinion in the supplemental  
12 report, Exhibit 14, is that Emily was disabled under the  
13 statute before the age of majority; is that correct?

14 A Yes.

15 Q And that Emily has no ability to engage in any  
16 substantial gainful activity; is that correct?

17 A Yes.

18 Q And it's your opinion to a reasonable degree of  
19 medical certainty that this inability -- this -- to engage in  
20 any substantial gainful activity is the result of a medically  
21 determinable physical or mental impairment which has lasted --  
22 or can be expected to last for a continuous period of not less  
23 than 12 months; is that correct?

24 A Yes.

1 Q And is it your opinion that Emily remains to this  
2 day unable to have any type of substantial gainful employment?

3 A Yes.

4 Q And explain why that is.

5 A Emily has been in and out of the hospital, in and  
6 out of treatment. She does not function in a health way on a  
7 day-to-day basis. Frequently sits idle. She continues to in  
8 adulthood have the same, for lack of a better word, meltdowns  
9 that she had when she was younger falling on the floor,  
10 screaming, yelling. She has kind have gone -- I said at the  
11 initial time I met her she was dissociating. What came out in  
12 her therapy with her other therapist was multiple different  
13 alters. So she goes back and forth between different  
14 personalities that have very behavior and different memories.  
15 And in the time that I've known her, she has not been able to  
16 participate in any gainful work.

17 Q And you believe that that has been the case since  
18 she was originally diagnosed purging with chronic PTSD and  
19 major depression when she was 17 years old? Do you feel like  
20 that is the situation?

21 A The behaviors and the symptoms now are consistent  
22 with what's in her medical record when she was a teenager.

23 Q So it's your medical opinion to a reasonable degree  
24 of medical certainty that --

1 THE COURT: Ms. Brennan, you've --

2 Q -- Emily --

3 THE COURT: -- asked this question four different  
4 times, okay? You've asked her this question over and over and  
5 over again. Please. It's not necessary. It's 3:15. It's  
6 almost two hours into your direct examination. Okay. We're  
7 not -- you -- you've established the witness's opinion. Okay.  
8 Please move your exam to conclusion, please.

9 MS. BRENNAN: If you can give me a minute, Your  
10 Honor. I'll do my best. Let me see if I can --

11 THE COURT: Well, I -- I want you to cover  
12 everything that you need to cover, but you asked the question  
13 -- the -- the same question four times in a row which caused  
14 me to interrupt because we're already at least 45 minutes past  
15 the estimated time for this witness. This witness needs to be  
16 completed today. You have a limited scope of time today.  
17 And, you know, as you said you got paid a flat fee for this.  
18 Okay. We set aside an hour-and-a-half -- a day-and-a-half for  
19 this case. You're not -- you're not using the time  
20 efficiently if you're asking the same question over and over  
21 again. So take a look at your notes, try to wrap up the  
22 direct examination so that we can take a break and -- and Ms.  
23 Roberts can get a piece of this case.

24 MS. BRENNAN: I'm sorry, Your Honor. I'm doing the

1 best I can. We've --  
2 THE COURT: I -- I --  
3 MS. BRENNAN: -- been waiting --  
4 THE COURT: It's not --  
5 MS. BRENNAN: -- to get to --  
6 THE COURT: It's -- it's a -- it -- it's just we --  
7 we're -- you know, we've -- we have --  
8 MS. BRENNAN: This is not -- well, let me just say  
9 for the record --  
10 THE COURT: All of the documentary proof that's been  
11 admitted, you've asked this witness her opinions, you've asked  
12 her the basis of her opinions. You've asked her four times  
13 whether or not she believes that the child is disabled  
14 pursuant to the statute. That's her fundamental opinion. And  
15 the Court will evaluate it based on all the evidence that's  
16 been presented in this case, okay?  
17 BY MS. BRENNAN:  
18 Q The report, the supplemental report that you issued  
19 which is attached as Exhibit 14 and that you wrote on a  
20 November -- it was dated November 21st, 2019, are all of your  
21 opinions and conclusions in Exhibit 14 based on your continued  
22 treatment of Emily as your treating psychiatrist from the date  
23 of that report to the present? Do all of your opinions and  
24 conclusions and the initial report and the supplemental report

1 remain your opinions and conclusions today?

2 A Yes, this letter reflects my opinion up until  
3 November when it was written but my opinion has not changed  
4 since the date of the letter.

5 Q Did you review all the hospitalizations that have  
6 occurred in -- in Emily's life in addition since high school?

7 A I haven't had access to all of the records since  
8 high school. We've requested whenever I've been treating her  
9 when she's admitted to the hospital I've requested to have  
10 those sent and hospitals aren't always compliant. And I think  
11 Emily's mom has done the best job she can in getting those  
12 released and sent to me.

13 Q Okay. And -- and so because it sounds like the  
14 Judge doesn't want you to go through and explain the medical  
15 records that in -- in the record here, is your -- which I  
16 would be happy to do and like to do, but for -- to move this  
17 matter along as the Judge has requested, is the information  
18 contained in the voluminous medical records that have been  
19 exhibited in this case you reviewed and all of the medical  
20 records that are indicated in your report and you believe all  
21 of those medical records and diagnoses in there confirm your  
22 conclusion and opinions as set forth in your expert reports;  
23 is that correct?

24 A Yes.

1           Q     Now Emily went on a trip to Mexico with some friends  
2 and a chaperone after graduation from high school. Mom did  
3 not go, another parent chaperone. Did you find anything about  
4 that to impact or change your opinions in this case?

5           A     I don't know the details of the trip so I can't  
6 answer that. I'm basing my opinion on her medical record and  
7 the opinions of all the physicians she saw throughout those  
8 various days as well as the school psychologist.

9           Q     But the fact that she went on a trip for let's say a  
10 week with being chaperoned by someone else, that doesn't  
11 change your opinion that she's disabled and can't work, does  
12 it?

13          A     No.

14               MS. BRENNAN: Judge, I don't have any further  
15 questions at this time. I -- I -- my -- prefer to take a -- I  
16 guess can just ask what additional questions -- I -- I don't  
17 know. I feel a little flustered that --

18               THE COURT: Well, you'll get a chance --

19               MS. BRENNAN: -- I'm being shut down.

20               THE COURT: -- to -- look, look. You know what --  
21 what happens after Ms. Roberts examines the witness?

22               MS. BRENNAN: I'm going to ask her questions --

23               THE COURT: You get --

24               MS. BRENNAN: -- again.



1 THE COURT: -- redirect, right? So if you forgot  
2 something --  
3 MS. BRENNAN: I know.  
4 THE COURT: -- or if you --  
5 MS. BRENNAN: I'm -- I'm sorry --  
6 THE COURT: -- or if you --  
7 MS. BRENNAN: -- Judge. I'm just --  
8 THE COURT: It's fine. Look.  
9 MS. BRENNAN: I'm trying to move this along, but I  
10 -- we've been waiting to get to trial for a long time. It's  
11 very important to me regardless --  
12 THE COURT: I --  
13 MS. BRENNAN: -- of the fact that I'm --  
14 THE COURT: I get it.  
15 MS. BRENNAN: -- (indiscernible).  
16 THE COURT: But the -- it's not like -- it's not  
17 like you should be worried that if you don't ask a particular  
18 question and Ms. Roberts talks about an issue on -- on cross  
19 that you need to cover, you -- the Court allows you another  
20 opportunity to examine the witness. So --  
21 MS. BRENNAN: Thank you, Judge.  
22 THE COURT: -- it's -- it's --  
23 MS. BRENNAN: I'm going to --  
24 THE COURT: -- about 3:22. Let's take about seven,

1 eight minutes. And I'd like to start up again at 3:30. And  
2 Ms. Roberts, you'll begin your exam at that time, okay?

3 MS. ROBERTS: Yes, Your Honor.

4 THE COURT: All right. We're -- we're off the  
5 record.

6 (COURT RECESSED AT 3:21 AND RESUMED AT 3:32)

7 THE COURT: We are continuing with the afternoon and  
8 the post judgment proceedings on the Draper and Reed case,  
9 338668. Dr. Love, you understand you're still under oath?

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: Great. So Ms. Roberts, your witness.

12 MS. ROBERTS: Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY MS. ROBERTS:

15 Q Dr. Love, can you tell me what happened for Emily's  
16 treatment between June of 2014 when she left Center for  
17 Discovery in March of 2015?

18 A No.

19 Q You have no history for the medical records during  
20 that time?

21 A I do not.

22 Q What happened from April of 25th -- April 20th of  
23 2015 until March of 2016 when she came to see you?

24 A I don't have access to those records.

1 Q Okay.

2 THE COURT: I think you guys need --

3 Q Is it true --

4 THE COURT: -- to speak -- I'm sorry. You guys are

5 both soft spoken and I want to make --

6 MS. ROBERTS: Oh, I'm sorry.

7 THE COURT: -- sure that it -- that the JAVS

8 recording picks up your -- your questions and answers. Dr.

9 Love, will you repeat your answer? The --

10 THE WITNESS: I said I don't --

11 THE COURT: -- question was --

12 THE WITNESS: -- have --

13 THE COURT: -- do you -- what happened between April

14 20th and -- and March of 2'16?

15 THE WITNESS: I don't have those medical records.

16 MS. ROBERTS: And just for the record, Your Honor, I

17 know she already answered, but I'll just try to speak louder.

18 Q And so the first question I asked was from June of

19 2014 when she left Center for Discovery and March of 2015 what

20 was -- what kind of treatment was she receiving?

21 A Based on the school IEP she was doing twice weekly

22 therapy with the school psychologist and twice weekly therapy

23 with an outside psychologist.

24 Q And you don't have the records to tell us who she

1 would see?

2 A It's in the IEP. And I believe it's Exhibit 2 is  
3 her high school IEP. I don't know who the --

4 Q So I couldn't --

5 A -- psychiatrist was.

6 Q You do or you don't, I'm sorry?

7 A No, I don't.

8 Q So I've looked through those records and I could not  
9 find a name for any of the alleged treatment providers during  
10 that period. And so is it your testimony that you do not know  
11 during those periods who her alleged treatment providers were?

12 A I have to pull up and look because it was my  
13 understanding -- a minute. So I'm in Exhibit 2. On 1399 it  
14 has Roxanna Grimes, Emily's private counselor, provided  
15 information to the school on Emily's progress and therapy.  
16 And then in this report is also the school psychologist's  
17 input into the IEP.

18 Q So you have never reviewed the therapist records  
19 from Roxanna Grimes in formulating your opinion regarding  
20 Emily's treatment and care.

21 A I read what she provided to the school for the IEP.

22 Q What did Ms. Grimes provide to the school for the  
23 IEP?

24 A You see that on page 1399.

1 Q Is that Exhibit 2? Sorry.

2 A Yes, Exhibit 2. Sorry. 1399.

3 Q That's okay.

4 MS. ROBERTS: Sorry, Your Honor. I'm trying to get

5 to it on my computer.

6 Q So there aren't -- there aren't any records, it's

7 just a statement about what she said pertaining to Emily's

8 progress.

9 A Correct.

10 Q Okay. So you have not received any medical records

11 from Ms. Grimes.

12 A No.

13 Q The -- while we're on the IEPs, the IEPs indicate

14 that her conditions do not -- are not likely to affect her

15 long term pursuant to Exhibit 2; is that correct?

16 A Can you tell me where you're referencing?

17 Q 1360 -- or 1363 and 1375.

18 A Okay.

19 MS. BRENNAN: 13 what? I'm sorry, I didn't get

20 that.

21 MS. ROBERTS: 13 --

22 MS. BRENNAN: What are the numbers?

23 MS. ROBERTS: -- 63, 1365 -- or 1375.

24 MS. BRENNAN: 1363 to 1375? Is that the range

1 you're using, Amanda?

2 MS. ROBERTS: Yes.

3 THE WITNESS: And -- and --

4 MS. BRENNAN: Okay. I'm sorry.

5 THE WITNESS: -- can you repeat your question? I'm  
6 on 1363.

7 Q So on 1363, it specifically says that the school did  
8 not feel that she demonstrated a handicap condition that was  
9 likely to continue for an indefinite period or a prolonged  
10 period of time. So therefore they did not recommend that she  
11 would attend summer school in any year based upon a review of  
12 all the IEP records.

13 A I don't --

14 MS. BRENNAN: Objection.

15 A -- that is -- on page 1363.

16 BY MS. ROBERTS:

17 Q So it's number 13 on 136 -- 1363, extended school  
18 year. The school -- the Court -- it says the student  
19 demonstrates. Do you see it at the bottom of the page?

20 A Oh, yeah. Okay. Yeah, I've got it.

21 Q So it says that they -- the school indicated that  
22 they did not believe that it was going to prolong or -- or  
23 cause an indefinite period or a prolonged period where she  
24 would have interruptions. So they didn't even recommend

1 extended school.

2 A I see that.

3 MS. BRENNAN: Dr. Love, take your time. Take your  
4 time to review the documents.

5 THE COURT: Why are you talking out of --

6 MS. BRENNAN: Because --

7 THE COURT: -- order, Ms. Brennan? Okay. That's  
8 not a proper, Ms. Brennan. Resume your exam, please.

9 MS. ROBERTS: I -- I think that she answered the  
10 question. I don't -- I don't have any other questions  
11 regarding that.

12 Q So then from after -- okay. So from April 20th of  
13 2015 to March of 2016 you don't know what she was receiving  
14 for treatment during that period, do you?

15 A Wait, I'm sorry. I'm -- I'm on that page you were  
16 on before and it looks like you're in 2011 to 2012.

17 THE COURT: Yeah, that's true.

18 Q That's fine. I --

19 THE COURT: They had --

20 Q -- gave you the next period which is --

21 MS. ROBERTS: I'm sorry, Your Honor. I didn't mean  
22 to cut you off.

23 THE COURT: No, that's fine. Yeah, that -- that's  
24 right. That's -- but you've made -- the question and the

1 answer has been given for this piece of Exhibit 2, right?

2 Q So then can you go then to the next one which is  
3 1375, Bate -- the school had the same answer to that response  
4 of question, correct?

5 A Let me get to that page. From 2012 to 2013, yes,  
6 they did. Both of these --

7 Q Okay.

8 A -- were prior to her hospital.

9 Q So then if you go to the next one, it was after  
10 that. Let me get to the page number. Well, let's go to 1423.  
11 In 2014 the Court -- the -- the school indicated --

12 A Hold on, please.

13 Q -- that -- I'm sorry.

14 A 1423?

15 Q 4 -- sorry, 1424.

16 A Okay.

17 Q So this IEP was dated October 22nd of 2014.

18 A Yes.

19 Q It indicates that she's on target to graduate. It  
20 also indicates that they're anticipating that she's going to  
21 transition to education or training. Do you see that?

22 A That was her goal, yes.

23 Q She in fact did graduate -- you indicate -- I think  
24 you did indicate she graduated, correct?



1 A Yes.

2 Q And you looked through these records. She graduated  
3 with 3.33 grade point average, correct?

4 A You're going to have to re -- refer me to the page  
5 with -- that has her final GPA.

6 Q 1436. Oh, I'm sorry. I mis -- I misstated. Her  
7 total GPA is a 3.78.

8 A I see that. Yes.

9 Q In that period that you talked about regarding her  
10 treatment -- so after -- so Center for Discovery was April 7th  
11 of 2014 for 35 days. And she didn't go back to Del Amo until  
12 March of 2015. Are you aware that Mom represented to her  
13 Counsel in writ -- writing which was provided to my office  
14 that the reason Mom removed her from treatment is because Mom  
15 wanted to do home treatment rather than continue her in a long  
16 term care facility?

17 MS. BRENNAN: Objection, lacks foundation.

18 THE COURT: What's the answer?

19 MS. BRENNAN: Your Honor, I objected. I said it  
20 lacks foundation.

21 THE COURT: Yeah, the overruled.

22 THE WITNESS: I don't have access to medical records  
23 that aren't listed in the exhibits.

24 BY MS. ROBERTS:

1 Q Would Mom removing her from the treatment center  
2 because she wanted to have home treatment done impact her  
3 stability and her diagnosis?

4 A It probably depends on what the treatment is.

5 Q Okay. Well, and -- and you don't specifically know  
6 what treatment she was doing, correct?

7 A Correct.

8 MS. BRENNAN: Objection, vague. What time period?

9 THE COURT: Look, this witness is an expert. She's  
10 being posed hypotheticals and other things that go to the  
11 essence of her opinions and her conclusions in this. She's --  
12 Counsel is allows to ask her these questions. And --

13 MS. BRENNAN: She's not being asked a hypothetical.

14 THE COURT: You -- you alle -- you objected and said  
15 it assumes facts not in evidence. She said can these  
16 decisions concerning treatment affect her opinions. And she  
17 can answer the question. There's nothing wrong with that part  
18 of it. Okay. The witness also said that the foundation for  
19 her opinions were her clinical interactions and review of all  
20 the papers that have been admitted into evidence.

21 BY MS. ROBERTS:

22 Q Dr. Love, if you have the --

23 MS. BRENNAN: I -- I just state that --

24 Q -- additional medical records with --

1 MS. ROBERTS: Oh, I'm sorry, Your Honor. I didn't  
2 mean to cut her off.

3 THE COURT: No. Go ahead, Ms. Roberts.

4 MS. ROBERTS: Okay.

5 Q Dr. Love, if you had the additional medical records,  
6 could that impact your outcome in this case?

7 MS. BRENNAN: Objection, calls for speculation.

8 THE COURT: That's exactly what --

9 MS. BRENNAN: What records --

10 THE COURT: -- what she -- that's what she -- she's  
11 an expert witness. She can be asked whether she stands by her  
12 opinions or whether or not additional information would affect  
13 her opinions in any way. The objection's overruled. Dr.  
14 Love, you can answer the question.

15 THE WITNESS: I would be interested in considering  
16 any input but I do not think it would change my expert  
17 opinion.

18 BY MS. ROBERTS:

19 Q Why?

20 A When I look back at the medical record dating back  
21 to 2014 and look at I've been treating her for a continual  
22 period other than institutionalizations 2016 there has been a  
23 continuation and even a progression of the severity. There is  
24 nothing in any of the documents provided that suggests that

1 she's been higher functioning.

2 Q However from April 20th of 2015 until of March of  
3 2016 there was no significant treatment records provided to  
4 you, correct?

5 A To the best of my recollection unless -- unless  
6 there is something in the exhibits.

7 Q And then after you started treating her in March of  
8 2016 when was she next hospitalized?

9 A Which exhibit? It was my -- I've summarized  
10 those --

11 Q 14 --

12 A -- in my exhibits.

13 Q 14 is your report. Your report doesn't have  
14 anything in it from March 2017 until I believe it says August  
15 of -- I'm sorry, March of 2016 until August of 2017.

16 A Are you looking at my -- what are you looking at?

17 Q I'm looking at your report.

18 A The --

19 Q It would be --

20 A -- first one?

21 Q -- specifically -- it would be 14. It'll be Exhibit  
22 Number 14.

23 A Oh. So Exhibit 14 is a continuation from the first  
24 letter that I wrote looking at the medical record from that

1 time to up until the date this was written. So in other  
2 words, the -- the first letter summarized through July 2017  
3 and this one picks up in August 2017.

4 Q Okay. So then your -- your first one is Exhibit 13.  
5 I'm looking at it. It says -- so March of '16 is when she was  
6 -- was the last period of non-treatment. So from -- you --  
7 she started with you in March. So after March how long until  
8 she was hospitalized?

9 A I -- I would have to go through my records  
10 page-by-page to know that.

11 Q Your -- your report is right in front of you at  
12 Exhibit 14.

13 A This opinion was whether she was disabled prior to  
14 the age of 18. So this report is a summarization of the  
15 medical and school records from high school.

16 Q Dr. Farrell -- Dr. Love, you indicated in your other  
17 report, Exhibit 14, that you were making a determination that  
18 she cannot go more than 12 months gainfully doing anything.  
19 So then that begs the question. When was her hospitalization  
20 after March of 2016? The records are completely devoid of  
21 anything from March of 2016 until August of 2017. That's what  
22 I'm trying to do is connect the dots because there's no  
23 records.

24 A Which exhibit has my medical record?

1 Q It's in multiple exhibits. So 15 is yours and I  
2 believe 19 are your records.

3 A Do we know which one my progress notes are in?

4 Q I find them in both sections which has made it very  
5 difficult. I can give you some of the pages. So in 15 --  
6 starting 15 -- oh, I'm sorry.

7 A We would need to go back to that time period.

8 Q So then I think that that is in Exhibit 19.

9 A Okay. So my first with her was in March of 2016.

10 Q Correct.

11 A That phone call with her therapist in April 2016, I  
12 had an appointment with Emily April 2016.

13 Q What page are you on, Dr. Farrell? I'm sorry, so I  
14 can follow along with you.

15 A 1939.

16 Q 1939.

17 A And -- and 1938 are the appointment notes from April  
18 29th, 2016.

19 Q Okay.

20 A And if you keep going down, there's an appointment  
21 on May 27th, 2016. There are notes on June 1st. There's a  
22 letter. Hoag emergency room. That's a -- then my next note  
23 is June 24th, 2016, July 22nd, 2016, August 23rd, 2016, and  
24 they go on from there.

1 Q So all she's doing is treating with you is what I  
2 see. There's been no hospitalizations or issues that --

3 A Well -- well, I haven't read through all the notes.  
4 I thought you were asking when she was seeing me. I have to  
5 read every single note to see if there had been a  
6 hospitalization.

7 Q Well, you said you summarized it in your -- in your  
8 report Exhibit 13 and 14, correct? If it's not in --

9 A Exhibit --

10 Q -- your report --

11 A -- 13 -- Exhibit 13 is a summary of what happened  
12 when she was in (indiscernible).

13 MS. ROBERTS: I'm -- somebody -- something beeped,  
14 Your Honor. I couldn't hear what she said. I'm sorry.

15 THE COURT: Repeat your answer, please.

16 THE WITNESS: Exhibit 13 is a summary of what  
17 happened when she was in high school.

18 Q But then you skip in your reports because it skips  
19 then from your report when she was in high school until 2017.  
20 And she had already graduated in 2017.

21 A I -- I just did the letters based on the dates I was  
22 asked to provide.

23 Q So you -- do you not know as her psychiatrist --  
24 you're a psychiatrist, correct?

1           A     Yes.

2           Q     You don't know what happened between when she  
3 graduated in June of 2015 until the report which is Exhibit 14  
4 starts on August of 2017? Besides coming to your office for  
5 generalized treatment.

6           A     No, she came to me in March of 2016.

7           Q     Right, but that's not in your report. All it -- all  
8 it is is that she came to you. It actually specifically said  
9 you're not going to give your notes that --

10          A     When I initially read the letter, I said -- I didn't  
11 want to submit her whole medical record. It -- it has been  
12 submitted in its entirety. My first appointment with her is  
13 at the beginning of Exhibit 19. And the date I saw her, she  
14 was 19, it was March 25th, 2016.

15          Q     In your sessions with Emily, it's been disclosed  
16 that part of the conflict that she's having that's creating  
17 problems for her is living in Mom's household, correct?

18          A     Can you -- can you repeat that? I'm sorry, I've got  
19 a weed whacker outside.

20          Q     In your session notes, it repeatedly indicates that  
21 Emily's conflicts and part of her issues regarding her  
22 diagnosis are -- deal with her conflict with Mom in -- in  
23 Mom's home, correct?

24          A     Can you show me in the notes what you're referring



1 to?

2 Q Sure. Exhibit 19, Bates Stamp 1974.

3 A 1974. Can you repeat your questions?

4 Q Part of the ongoing issues that Emily is having

5 directly relate to being in Mom's home, correct?

6 A All my note indicates is a sentence that says she's

7 had conflict with Mom.

8 Q So go to the next page. She actually tells you

9 she's actually going to live with grandma for a period of time

10 because of the conflict and tension in Mom's home, correct?

11 A Tensions with Mom in the home. Correct.

12 Q So at any point during your sessions with Emily,

13 does she -- when did she -- well, let me ask you this. Has

14 Emily disclosed to you that she's been sexually abused by her

15 stepbrother who lives in the home with Mom?

16 A Yes.

17 Q Okay. And when was this disclosed to you?

18 A Recently.

19 Q When did the sexual abuse by her stepbrother start?

20 A I have to look at -- I don't remember the dates. If

21 -- if you can give me the dates and I can look in the record,

22 then I'll have a recollection.

23 Q I actually don't have those records. They weren't

24 produced to me. I know because Emily told my client.

1           A     What records are you talking about?

2           Q     When was it disclosed to you?

3           A     I don't know. I have to look in her chart.

4           Q     What period of time was this occurring?

5           A     I don't know offhand.

6           Q     So in -- those records we went over in June of 2016

7 she said she was going to her grandma's to stay and then in

8 July of 2016 your notes indicate that she's actually been in

9 All right. Arizona with grandma and that things are better

10 for her. Do you see that? That's the next one, 1976.

11          A     Okay. Are we on Exhibit 19?

12          Q     Uh-huh.

13          A     I'll go back to that. So can you ask your question

14 about page 1976?

15          Q     She indicated that she's been with grandma. She's

16 now just returned to Mom's house and that returning to Mom's

17 house or being with grandma has made her feel better

18 essentially, correct?

19          A     We increased her medication. She said she felt more

20 peaceful all around that month. She had started doing a DBT

21 workbook with her therapist Elise which is all about coping

22 strategies and mindfulness and relaxation practices. So all

23 of those things were discussed that day. She felt the

24 medication was rally helping.

1 Q In fact, you said, and I quote, she's bright and  
2 interacted today in a way that she's never been in our session  
3 -- any -- in any of our sessions.

4 A Uh-huh (affirmative).

5 Q In fact, the next page it says that there's been a  
6 big improvement since being a grandma's house. Big  
7 improvement over past visits.

8 A Well, I said there was a big improvement over past  
9 visits but I don't indicate that it's real -- what the reason  
10 is.

11 Q I understand that, but before -- before in the next  
12 page you indicate that she's been in Arizona with grandma.

13 A It says she's been in Arizona. Yes.

14 Q Okay. So then if you can go to the next one which  
15 is August 23rd to the very next page. It indicates --

16 MS. BRENNAN: I'm sorry. Amanda, I'm sorry, I don't  
17 want to interrupt. If -- when you -- rather than saying the  
18 next page, I'm having trouble following you, could you at  
19 least tell me the Bates numbers so I can make sure I'm looking  
20 at the right page? I would appreciate that. I don't know  
21 what --

22 Q 19 --

23 MS. BRENNAN: -- page you're talking about.

24 Q 1978 and 1979 are your notes from August 23rd of

1 2016.

2 A Yes.

3 Q Okay. Can you assess the section, it says, and I  
4 quote, she is -- is somewhat brighter in effect today, still  
5 shy, but in participation and appointment more. But is --

6 A Yes.

7 Q -- participating in appointments more.

8 A Uh-huh (affirmative). Yes.

9 Q During this time you repeatedly throughout the  
10 medical records during this period of time comment that you're  
11 going to touch basis with Elise, you've talked to Elise, but  
12 we don't have any medical records from Elise. Can you tell me  
13 why that is, why you didn't review those?

14 MS. BRENNAN: Objection, mi -- objection, misstates  
15 the evidence. There -- there are records from Elise Collier  
16 in Dr. Farrell's records. They've been produced. They're in  
17 here.

18 THE COURT: Okay. The -- if you can establish those  
19 facts that are not in evidence, Counsel, then do it as  
20 foundation. Sustained.

21 MS. BRENNAN: Are you asking --

22 THE COURT: Ms. Roberts can --

23 MS. BRENNAN: -- Amanda to do that?

24 THE COURT: -- ask another question.

1 BY MS. ROBERTS:

2 Q Did you review the records from Elise Collier?

3 A I have reviewed all the records that are in all the  
4 exhibits.

5 Q Do you believe having Elise Collier's information  
6 and records would impact your opinion?

7 A I don't think it would change my opinion as to  
8 whether or not Emily is disabled or can work and support  
9 herself.

10 Q Would it be helpful to have those records?

11 A What way?

12 Q In any way.

13 A I'll try to stay in contact with my patient's  
14 therapist. I see in the notes we'll try to touch base and I  
15 think there's a whole section in there of -- of notes with her  
16 therapist, various therapists that she saw. And I think that  
17 just makes my practice of medicine better. But seeing her as  
18 regularly as I have been, I -- I don't think that there's  
19 anything that could happen in between sessions that would  
20 change my opinion of whether or not she's able to work unless  
21 in between my sessions she's been out working.

22 Q She's represented to you in the sessions that she  
23 has been working, correct?

24 A No, I believe she -- you'll have to tell me what

1 page you're looking at. I believe she went to her  
2 stepfather's to try to learn filing or something in my  
3 recollection, but I don't believe she ever have paid  
4 employment in the whole time I --

5 Q Did she tell you what her mother does for a living?

6 A Her mother left her job and we had to put her on  
7 FMLA to take care of Emily. I don't know what she's doing  
8 now.

9 Q Did she -- did Emily specifically tell you that she  
10 was working her mother's business?

11 A Her mom had for a time I think a cookie company.  
12 And she was helping her.

13 Q What period of time was that?

14 A I would have to look at my notes.

15 Q Okay. Well, I will direct you to 2007.

16 A In the same exhibit?

17 Q Yeah.

18 A 2007. What is your question regarding this page?

19 Q She represented to you that she was working in her  
20 mother's business, correct?

21 A And she was working with her mom baking for the  
22 business and sending emails.

23 Q Okay.

24 A I don't know whether --

1 Q And she enjoys it.

2 A -- she is a (indiscernible) -- I'm sorry?

3 Q And she said she enjoyed it, correct?

4 A Yes.

5 Q Did you ever follow up with her regarding how long

6 this tran -- how long this occurred?

7 A I -- I mean, I have to read through all the notes to

8 know. I -- I don't know that she was even in a -- a paid

9 employee. You would have to talk to her mother about that.

10 Q Well, if she's able to bake and she's able to send

11 the emails, I'm sorry, what did it say? Let me look. She's

12 able to bake, she's sending emails, she's clearly doing some

13 skills that an employee would do, correct?

14 A Possible. I don't know the capacity to which she

15 did that.

16 Q Would knowing this impact the outcome -- or impact

17 your opinion of the report?

18 A It depends how long. If I had evidence that she was

19 able to have substantial employment that would enable her to

20 support herself, then that would change my opinion.

21 Q But any employment is going to impact her ability to

22 support herself, correct?

23 A It will, but I believe that it needs to be gainful

24 employment. So working for profit which to my knowledge she

1 hasn't done and be able to support herself.

2 Q Based upon this statement, she's baking with her  
3 mother and sending the emails. So if she's capable of doing  
4 that for her mother's company without pay, she should be  
5 capable of doing it for pay, correct?

6 A I -- I think you would have to ask her mother what  
7 the extent of participation in that was.

8 Q In the records that we were going through before we  
9 switched from -- let me get there, I'm sorry. There's a gap  
10 in treatment it appears from the records provided. So it says  
11 -- if you go back to 1980, that is September of 2016. And  
12 then the records that I have show a gap that she did not come  
13 back until November 2016.

14 A 19 --

15 Q 19 --

16 A What exhibit are you --  
17 MS. BRENNAN: Exhibit 19.

18 Q Bates Stamp 1980.

19 A But what page are you starting on?

20 Q I see one on 1980 that starts on September 22nd of  
21 2016. Do you see that?

22 A 80 --

23 Q I'm sorry?

24 A Yes, I see that.



1 Q Okay. So the next -- the next essentially progress  
2 notes skip from September to November.

3 A Yes.

4 Q Okay. Do you know what happened between September  
5 and November?

6 A It looks like she was doing I believe therapy, was  
7 doing deep psychodrama group and a Skype session with her in  
8 addition to that.

9 Q So she didn't see you during that period of time?

10 A It doesn't appear.

11 Q Okay. In this report that -- the November 15, 2016  
12 report, it said that she had been on a road trip through  
13 California returning Saturday night with her anxiety starting  
14 Sunday. Who was she --

15 MS. BRENNAN: What -- what page?

16 Q -- on a road trip with, do you recall?

17 MS. BRENNAN: What Bates number? I'm sorry.

18 MS. ROBERTS: 1982.

19 MS. BRENNAN: Thank you.

20 A Do you have a question?

21 Q There was one pending. Yes. So who was she with on  
22 this trip?

23 A It's not document --

24 Q And why did -- and why did she have anxiety upon

1 returning to her mom's home?

2 A Not documented in the medical record.

3 Q And you never followed up on those issues?

4 A Well, I -- I didn't document it. I -- I -- we would

5 have had a discussion but I -- I -- this is -- I can't put

6 everything in the medical record that comes out of her mouth.

7 Q So then you do confirm she did work as an intern for

8 her stepfather. You just don't have specifics about what she

9 did, correct?

10 A My understanding is she did a trial at her stepdad's

11 maybe a day or so a week. I'd have to look back at my notes.

12 Q Throughout your treatment of Emily, how frequently

13 has she been going to stay longer than a week at grandma's

14 house?

15 A You know, I'd have to go through.

16 Q I'm sorry?

17 A I would have to go through her entire record to --

18 to look at when I documented where she was. I don't have like

19 one document that tells me where she was staying at any

20 specific time.

21 Q Is it more than five or six times to the best of

22 your recollection?

23 A I -- I can't speculate on the number of times she's

24 gone to visit her grandmother.

1           Q     So the more recent records are in Exhibit 15. Can  
2 you turn to those exhibits?

3           A     I'm getting there. Give the page number for me.

4           Q     1671. These records are dated December 3rd of 2019.  
5 This says that she's now staying with her grandmother and that  
6 things are pretty calm with her grandmother. Is that  
7 accurate?

8           A     I'm sorry, what was the question?

9           Q     The records state she's been staying with her  
10 grandmother. How long has she been with her grandmother?

11          A     Well, it -- according to my notes she had just left  
12 a treatment center called Pasadena Villa Smoky Mountain Lodge  
13 in Tennessee where she had been in residential treatment for  
14 three months. And so I don't know how long she had been with  
15 her grandmother at -- at that --

16          Q     Did she disclose to you the sexual abuse in her  
17 mom's home before or after going to the Pasadena Villa Smoky  
18 Mountain Lodge?

19          A     I would have to look through my record to find out  
20 exactly when that was.

21          Q     So I'm going to represent to you that nothing that  
22 you -- has been provided states anything about this disclosure  
23 in these records. Would that be something you would have  
24 documented?

1           A     Yes.

2           Q     You indicated in ER1938, so Bates Stamp 1938, those  
3 are the records from your visit on April 29th of 2016 you just  
4 testified about when she lost her driver's license.

5           A     Okay. Sorry, you're in exhibit what?

6           Q     19.

7           A     page 1938?

8           Q     Correct. You testified in reference to this page  
9 that this is when you learned that Emily had lost her driver's  
10 license after a session with Dr. Collier.

11          A     I'm not there yet.

12          Q     So --

13          A     Okay. 1938.

14          Q     So in relation to those pages, you testified that  
15 she had lost her dri -- her driver's license after a session  
16 with Dr. -- or with Elise Collier. You then did the letter on  
17 June 2nd for her so that she can get her driver's license  
18 reinstated. Did you review records from Elise prior to doing  
19 that letter on June 2nd?

20          A     I spoke with her. The -- the incident happened  
21 about a month before Emily came to see me and that was the  
22 reason Elise Collier referred Emily to see me. So that -- if  
23 we -- would probably be in my first -- so if you look at my  
24 initial visit with her, the 1820s, her history is outlined.

1 This is my first visit with her.

2 Q Where did you get the history? It would have been  
3 from records or would have been from somebody disclosing it to  
4 you during the session?

5 A Yes. So the procedure for these comprehensive  
6 evaluations is the applications and then someone close to them  
7 to fill out symptom checklists. And we ask the patient and  
8 their family to provide the history. So when I first meet  
9 with them, that's already been done with one of our  
10 therapists.

11 Q I'm sorry, you cut off. What -- what's been done  
12 with the therapist, filling out the forms or looking at the  
13 medical records?

14 A They -- they bring the forms in and the therapist  
15 meets with them, gets the history, gets everything into the  
16 form that you see it as it is. So when I meet -- when I met  
17 with Emily the first time I read through the history that was  
18 there, talked with them to make sure I was on the same page  
19 with them and had a good understanding of that then went over  
20 all of the testimony.

21 Q Since April 4th -- or April 7th of 2014 until  
22 present do you believe she's had any periods where she has  
23 been stable?

24 A Define periods. Like a week?

1 Q Well, you seem to see her every 30 days. So any  
2 period -- 30 day period that she's been stable?

3 A There were 30 day periods where she would have less  
4 suicidal ideation. Again, I'd have to go through note-by-note  
5 to go through with you.

6 Q Well, so I've gone through all of your medical  
7 records and every single note -- so for example, are -- are  
8 you still in 19 or are you back in 15? Just I'll make it  
9 easier for you.

10 A I'm in 19.

11 Q Okay. So go to 1974. Are -- are you there?

12 A Almost. 1974.

13 Q Okay. So in every medical note that you progress  
14 note, there's a section at the bottom that says thought  
15 content. Every single one of the medical records that I've  
16 read says something to the effect of no homicidal ideation or  
17 no suicidal ideation, no evidence of -- just like this one  
18 does. There's not one -- I'm going to -- go ahead. No, go  
19 ahead.

20 A What I was saying is so that is in this moment. So  
21 if she's having other suicidal ideation, it'll be in that --  
22 that first session.

23 Q So that would have been in the interval histories.

24 A Yes, since her last visit.

1           Q     Can you explain or did you inquire from anybody why  
2 after leaving Center for Discovery, that 35 day program, and  
3 when she went into Del Amo why it indicates that she was given  
4 medication at Center for Discovery but then when she checked  
5 into Del Amo she was on no medications?

6           A     I don't know how to answer that. I don't know  
7 how --

8           Q     What kind of -- oh, sorry.

9           A     I was just going to say I don't have, as I've said  
10 before, the record for in between where the medical record is  
11 that's been provided to me.

12          Q     So you don't have a complete record.

13          A     I have everything you have in each of the exhibits.

14          Q     The -- but there are no -- we've already established  
15 there are no medical records for that period and you do not  
16 know what happened during that period, correct?

17          A     Correct. And only based on the school report.  
18 There's no ma --

19          Q     What -- what insurance does your practice take?

20          A     We don't take any insurance.

21          Q     And are there other -- you're a psychiatrist,  
22 correct? You -- you prescribe her medication, you're her  
23 psychiatrist?

24          A     Correct.

1 Q Are there other psychiatrists in your general area  
2 that do accept insurance?

3 A I'm sure there are.

4 Q Do you know specifically why you were selected  
5 instead of going to somebody that's on insurance?

6 A Emily was referred to me --

7 Q Are you still there? It cut out.

8 A Yes. I said Emily was referred to me from her  
9 therapist.

10 Q So that's the only reason that you were selected  
11 rather than someone on insurance.

12 MS. BRENNAN: Objection, it calls for speculation.

13 MS. ROBERTS: I'll withdraw it, Your Honor.

14 THE COURT: Thank you.

15 BY MS. ROBERTS:

16 Q Did you ever discuss with Alecia Draper going to a  
17 psychiatrist that has -- that is covered by Emily's insurance?

18 A No, I'd have to look through the medical record to  
19 see.

20 Q Did you talk to Ms. Brennan before you testified  
21 today?

22 A Yes.

23 Q When did you talk to her?

24 A Yesterday.



1 Q What was the time? Go ahead.

2 A We spoke yesterday and touched base today.

3 Q What time did you talk to her today?

4 A She contacted me to tell me that I needed to be

5 ready to go at 1:20.

6 Q Was there anything else discussed during that

7 conversation?

8 A I think -- I took notes from our conversation

9 yesterday and today she just said she wanted me to be ready to

10 testify on the cases and the -- that the hospitalizations and

11 the IEPs from high school.

12 Q Was that yesterday she told you that or she told you

13 that today?

14 A Today.

15 Q Did she tell you anything that had gone on in the

16 morning from trust -- from trial?

17 A No, my recollection.

18 Q What did you talk about yesterday?

19 A She sent me a case to review, Edgington vs.

20 Edgington. We reviewed the NRS 125B.110. We looked at kind

21 of the case precedence. So I -- I -- we -- she talked to me

22 about it and then I read it last night. And she just talked

23 to me about taking things slowly, think before you speak, you

24 know, prepare -- kind of get to know the exhibit list. And

1 that's what we went through.

2 Q To the best of your knowledge, when was Emily most  
3 recently hospitalized?

4 A I'd have to look at the record.

5 Q Do you have those with you today? They have not  
6 been provided to us.

7 MS. BRENNAN: Yes, they have. Objection. They're  
8 in --

9 THE COURT: Stop.

10 MS. BRENNAN: -- the record.

11 THE COURT: Wait. Remember when you were directing  
12 this witness she said that her records had been produced but  
13 that her ongoing treatment records, specifically in a portion  
14 of 2020 had not been produced. Isn't that what you said, Dr.  
15 Love?

16 THE WITNESS: I believe --

17 MS. BRENNAN: That is what --

18 THE COURT: So presumably since --

19 MS. BRENNAN: I'm sorry, Judge.

20 THE COURT: -- she saw there was testimony that she  
21 saw the child as recently as this week. So those records  
22 haven't been produced. And I'm -- the discovery was cutoff a  
23 few months ago. So I imagine that records -- that from  
24 sessions since haven't been produced. So is it your question

1 Ms. Roberts going to -- to ask the witness what portion of  
2 the records have not been produced?

3 MS. BRENNAN: Judge --

4 MS. ROBERTS: Yes, Your Honor.

5 MS. BRENNAN: -- the question --

6 MS. ROBERTS: I want to know --

7 THE COURT: The objection --

8 MS. BRENNAN: Judge, I'm --

9 THE COURT: The -- we're -- it's the --

10 MS. BRENNAN: I'm sorry, Judge.

11 THE COURT: I -- we're talking at the same time.

12 The -- the Court did not take the question to mean that the  
13 witness was somehow withholding information that was required  
14 to be produced, that the case has been in the can so to speak  
15 since April. We were supposed to go to -- have an evidentiary  
16 proceeding at least twice over the last two to three months  
17 and it was delayed because of the pandemic. So is it -- is it  
18 your question Ms. Roberts is that there are some records from  
19 recent treatment that you haven't received? Isn't that what  
20 you're asking her?

21 MS. ROBERTS: Yes, Your Honor. And if she can tell  
22 me when she was most recently hospitalized.

23 THE COURT: Right. So -- so --

24 MS. BRENNAN: And --

1 THE COURT: -- it -- I -- I don't think that this is  
2 an indictment of production or Counsel or anything else. This  
3 is just a --  
4 MS. ROBERTS: It's not --  
5 THE COURT: -- question of --  
6 MS. ROBERTS: -- Your Honor.  
7 THE COURT: -- ongoing treatment. So --  
8 MS. BRENNAN: I understand that, Judge. I'm sorry,  
9 but my point is this -- the question misstates the evidence  
10 because the question specifically asked when was the last  
11 hospitalization of Emily and it's my understanding and belief  
12 that those -- that her lost hospitala -- lization records are  
13 in fact in these exhibits. I would have gone through --  
14 THE COURT: Well, I know that --  
15 MS. BRENNAN: -- that on --  
16 THE COURT: -- but look.  
17 MS. BRENNAN: -- direct --  
18 THE COURT: Look.  
19 MS. BRENNAN: -- but --  
20 THE COURT: It -- you -- you may know this case and  
21 the details of those type of facts better than the Court, but  
22 Counsel can ask the question of the witness so the witness can  
23 establish that point. It may be that the answer --  
24 MS. BRENNAN: I understand that.

1 THE COURT: -- to the question is that the last  
2 hospitalization is included in the records that had been  
3 presented. But that's not -- that's not a basis to object.  
4 Okay. So --  
5 MS. BRENNAN: The --  
6 THE COURT: -- the --  
7 MS. BRENNAN: -- obje --  
8 THE COURT: -- state --  
9 MS. BRENNAN: I'm sorry. The basis for my objection  
10 Your Honor just for the record is clear is that the question  
11 misstates the evidence because the question says and suggests  
12 that the last ho -- hospitalization for Emily is not in this  
13 record. And the last hospitalization for Emily is in fact in  
14 this record.  
15 THE COURT: All right. Well --  
16 MS. BRENNAN: It is --  
17 THE COURT: -- Coun --  
18 MS. BRENNAN: -- an exhibit in this --  
19 THE COURT: Counsel does -- I mean, I don't know  
20 whether Ms. Roberts has a -- has that understanding. She can  
21 ask the question.  
22 MS. BRENNAN: Well, it doesn't --  
23 THE COURT: You made your point.  
24 MS. BRENNAN: -- mean she can --

1           THE COURT: Ms. Roberts, state the question again,  
2 please.  
3 BY MS. ROBERTS:  
4       Q     Dr. Love, when was the last time that Emily was  
5 hospitalized?  
6       A     I'd have to look at the record since the last time  
7 her records were subpoenaed and sent in --  
8       Q     Okay.  
9       A     -- to see when the last --  
10      Q     Okay.  
11      A     -- one was.  
12      Q     So according to this document, the last time that  
13 happened was your report on November 21st of 2019.  
14      A     Okay.  
15      Q     Is that fair to say?  
16      A     It -- I remember -- I know that's the date of the  
17 report. I don't know the date of -- because I -- I don't work  
18 in the medical records department. So I don't know the exact  
19 date and when you requested the records to that date. I -- I  
20 believe it was sometime in -- in the end of November of 2019.  
21      Q     Regarding the records of the hospitalization?  
22      A     Regarding request for records. I believe that's as  
23 far as the records go.  
24      Q     And do you have independent recollection as we sit

1 here today about the last time she was hospitalized?

2 A She has been hospitalized in 2020.

3 THE COURT: All right. Let -- let me just --

4 Q And was that --

5 THE COURT: Let me just make -- I need to iron out  
6 this -- this dialogue here, okay? The witness was asked on  
7 direct whether she produced her entire file. She said she  
8 produced her entire file. She said the the only records of  
9 treatment were records of treatment in 2020. The question  
10 that was asked is when was the last time she had a  
11 hospitalization. Now the witness has said that there was a  
12 hospitalization in 2020 which creates a conflict based on the  
13 interjection that Ms. Brennan said. Okay. So let's not dance  
14 around it. If the witness knows that Emily was hospitalized,  
15 then she -- then she should give us a general understanding of  
16 when that occurred and if it occurred after the discovery  
17 cutoff or after her entire file was produced subsequent to  
18 that, that's the point that you're trying to establish, Ms.  
19 Roberts; is it not?

20 MS. ROBERTS: Yes, Your Honor.

21 THE COURT: All right. So it sounds like the  
22 witness said that Emily was hospitalized in 2020; is that  
23 correct?

24 THE WITNESS: Yes, sir.

1 THE COURT: All right. And is it possible that you  
2 produced your entire file and that the most recently  
3 hospitalization occurred after you produced your entire file?

4 THE WITNESS: Yes, Your Honor.

5 THE COURT: Okay. Go on, Ms. Roberts.

6 BY MS. ROBERTS:

7 Q Do you know when it happened in 2020?

8 A There was one hospitalization that I remember in  
9 early January. I would have to go through my record to see if  
10 there's been one since.

11 Q What was that hospitalization for in January of  
12 2020?

13 A It -- I'd have to pull up my medical record. I  
14 don't have that in front of me. What I've -- what I have in  
15 front of me is the dates she's seen me since November 2019.

16 Q Can you tell me those dates?

17 A Yes, she was seen on December 3rd, 2019. She -- her  
18 mom called me January 2nd because Emily was in the hospital so  
19 we cancelled her January 8th appointment. I saw her January  
20 30th, February 20th, March 17th, April 9th, May 7th, June  
21 15th, and August 4th.

22 Q Why no -- why no appointment in July?

23 A I don't know.

24 Q Why didn't you have an appointment in July?



1           A     I don't know.

2           Q     Oh, I'm sorry. I -- I didn't hear you. I didn't  
3 hear you say you didn't know. So she called you on January  
4 2nd and said that Emily was in the hospital.

5           A     Yes.

6           Q     Did she represent to you that day that Emily was in  
7 the hospital because it had been learned that she had been  
8 sexually abused by her stepbrother?

9           A     I have to look in the chart to see if -- what the  
10 timeline is on that.

11          Q     If you knew Emily's health insurance provider could  
12 you provide a list of psychiatrists who are covered under that  
13 insurance provider list?

14          A     I think the easiest thing is to look up your  
15 insurance like online or call the number in your card and see  
16 who's in network.

17               MS. ROBERTS: I have no further questions, Your  
18 Honor.

19               THE COURT: The -- Ms. Brennan, you're going to get  
20 a chance to redirect for a little bit, but let me just finish  
21 this point. You did a sub -- subsequent report that was  
22 admitted as Exhibit 14 at the end of November. And all of  
23 your records -- all of your files were produced around that  
24 time, right, Dr. --

1 THE WITNESS: Yes.

2 THE COURT: -- Love?

3 THE WITNESS: Yes, Your Honor.

4 THE COURT: And they're -- you -- since you're not  
5 just an expert, you're treating Emily, you have records that  
6 would deal with appointments and some clinical work that  
7 you've done between January and August, right?

8 THE WITNESS: Correct.

9 THE COURT: And the -- because this case has gone to  
10 trial and there's been eight months since the time we were  
11 organizing the setting of this trial or evidentiary  
12 proceeding, there may be notes that are part of your file that  
13 have come after the product that you have not produced, is  
14 that right?

15 THE WITNESS: Correct.

16 THE COURT: Okay. Ms. Brennan?

17 MS. BRENNAN: Yes, Judge. I prefer to take my -- be  
18 more efficient with my time to review these records and start  
19 tomorrow morning with my redirect because that way I'm not  
20 struggling to go through all -- I -- I -- what I would like to  
21 do is go through these various dates and exhibits where she's  
22 mentioned something and pull those out and find what questions  
23 I have because it went so quick. So I think it'll be more  
24 efficient for us to conclude at this time and let me pick up

1 with her tomorrow.

2 THE COURT: You want to carry the --

3 MS. BRENNAN: Or let her --

4 THE COURT: -- ex --

5 MS. BRENNAN: -- go ahead.

6 THE COURT: You're going to carry the expert over  
7 for another day? Look --

8 MS. BRENNAN: Yes.

9 THE COURT: -- the argument -- the argument is going  
10 to be whether or not the expert has -- whether the expert's  
11 opinion is more persuasive than the argument related to other  
12 facts that were considered. Okay. So you're going to go  
13 through -- I mean, you can cover what Ms. Roberts covered, but  
14 it's -- it's really going to be an argument as to what is --  
15 you know, what is more sufficient proof. Dr. Love -- Dr.  
16 Love, we're scheduled to start at 9:00 o'clock. Are you  
17 available at 9:00 o'clock tomorrow morning? So I -- I can't  
18 imagine that it will take more than, you know, an hour to go  
19 back and forth that way. Okay?

20 The one thing I wanted to ask you also is that you  
21 just saw -- you just saw Emily on the 4th, right?

22 THE WITNESS: Yes.

23 THE COURT: And I know she's not a minor, but, you  
24 know, this is a Family Court case involving a child of the

1 parties and -- and she's actually a party to this case. She's  
2 been put in a position of making a financial claim against her  
3 parents. But she's probably going to testify in this case and  
4 it's it was represented to the Court that you would advise  
5 that she not be a participate in a case until she testifies.  
6 Is that accurate?

7 THE WITNESS: Yes, I -- I was afraid that I might  
8 get asked about prognosis or something and -- and I just don't  
9 want her hearing any of that.

10 THE COURT: Okay. All right. And but the -- yeah,  
11 that's fine. I mean, I -- and what worries me is that it's  
12 just not possible that we're going to be able to complete all  
13 the evidence in three hours in the morning. So we'll do what  
14 we can. The matter will be adjourned until 9:00 o'clock. You  
15 guys were great. You were all ready to go five minutes or so  
16 before we came on. We'll be ready to go right on -- on time  
17 at 9:00 o'clock. And Ms. Brennan, you'll do redirect of Dr.  
18 Love. And then we'll decide what we do next.

19 I would like Emily available in case we take her out  
20 of order but this case cannot end without Ms. Roberts  
21 examining Ms. Draper and without Dad having an opportunity to  
22 testify. So, you know, the reality -- I talked to you about  
23 this at the pretrial conference. You know, circumstances have  
24 put the calendaring of the court in -- in difficult. I -- I

1 literally -- you know, it looks like this is a way that trials  
2 are going to be conducted especially civil domestic trials or  
3 any kind of civil trials for that matter. And I -- I told you  
4 that if we did not go this week it might be two months before  
5 we can resume with a full day. I mean, I have -- I have  
6 literally about 15 or 20 evidentiary proceedings set every  
7 afternoon for the next two or three months. That's just the  
8 way it is. So it's not -- it's not optimum for anyone.

9           Now we -- we'll -- we come back still. We'll look  
10 for a time that might come available. But the Court hears law  
11 and motion probably 20 to 30 cases every week on Monday,  
12 Tuesday, and Wednesday morning. So that's not going to be  
13 mornings available. They furloughed the clerks which means  
14 that they don't work on Fridays which means that we have to  
15 try to fill in with -- clerks if we can avail -- have them  
16 available for Friday morning like we're going to do tomorrow  
17 morning. So this is -- we're limping along trying to manage  
18 these type of cases that are important cases.

19           But the other thing I want to mention because -- I  
20 mean, I've tried a lot of cases in the last couple weeks that  
21 were timely and critically important. This dispute under like  
22 a lot Family Court cases is just about money. It's just  
23 money. Okay. So on the scale of importance for me, I -- you  
24 don't have me there because I'll sort it out and I'll figure

1 out whether their financial claims have merit or don't have  
2 merit and I'll deal with it. But this is not a termination of  
3 parental rights case, a removal case, a school case, a custody  
4 case, anything that involves like placement and other things.  
5 So it's not going to take priority on my calendar. And so,  
6 you know, we -- we made good progress today. We'll do the  
7 best we can tomorrow. And -- and we'll take stock of the case  
8 right before the noon hour. Thank you, Dr. Love. We'll see  
9 you in the morning. And Counsel, thank you very much. See  
10 you tomorrow.

11 MR. REED: Thank you, Your Honor.

12 MS. BRENNAN: Thank you, Your Honor.

13 THE WITNESS: Thank you.

14 (PROCEEDINGS CONCLUDED AT 4:40:52)

15 \* \* \* \* \*

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

19  
20 

21  
22 \_\_\_\_\_  
Adrian N. Medrano

23  
24