

IN THE SUPREME COURT FOR THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

Jeffrey Reed, Petitioner, vs. Alecia Reed nka Draper and Alicia Draper, as Conservator for Emily Reed, Respondent.	Supreme Court #: 82575 (Appeal) District Court Case #: 05D338668
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VOLUME 1 of 11 - RESPONDENT'S APPENDIX

BRENNAN LAW FIRM

/s/ Elizabeth Brennan

ELIZABETH BRENNAN

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<u>Trial Exhibit L</u> (Admitted 01/12/21) HIPPA Release Signed by Emily (Valid 11/16/20)	VOL. 11 RESP'T APP 2470 – 2471

Respectfully Submitted on this 10th day of January, 2022.

BRENNAN LAW FIRM

/s/ Elizabeth Brennan

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CERTIFICATE OF SERVICE

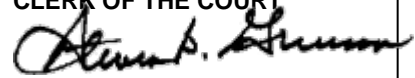
The foregoing **Respondent's Appendix** in the above-captioned case was served this date by mailing a true and correct copy thereof, via first class, postage prepaid and addressed as follows **and** by electronic service through the Court's electronic filing system:

Amanda M. Roberts, Esq.
Roberts Stoffel Family Law Group
Attorney for Appellant
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Las Vegas, Nevada 89121

Clerk, Nevada Supreme Court
201 S. Carson Street, Suite 201
Carson City, Nevada 89701

Dated this 10th day of January, 2022.

/s/ Elizabeth Brennan
an employee of Brennan Law Firm



NOTC
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Alecia Ann Draper,

Plaintiff,

v.

Jeffery Allen Reed,

Defendant.

Case No.: 05D338668

Dept. No.: H

**NOTICE OF NO OPPOSITION TO GRANTING OF RELIEF REQUESTED IN
MOTION FILED ON BEHALF OF EMILY REED ON 1/22/2019**

Alecia Draper (“Alecia”), appearing herein in her individual capacity, through undersigned counsel, Benjamin La Luzerne of La Luzerne Law, clarifies the record as requested by this Court and states the following:

Alecia acknowledges that Plaintiff’s Motion (as Conservator for Emily Reed) for Child Support For a Disabled Child Beyond the Age of Majority (“Emily’s Motion”), which was filed by Alecia in her capacity as Conservator for Emily Reed on January 22, 2019, is a request for BOTH of Emily’s parents, including Alecia, to be ordered to support Emily as a disabled child beyond the age of majority.

Alecia respectfully submits that she currently is the only parent supporting Emily. Alecia has no objection to this Court entering an order against BOTH Alecia and Emily’s father Jeffery Reed to support Emily in the future due to Emily being a disabled child beyond the age of majority. Alecia believes that NRS 125B.110 is applicable to Emily’s Motion and believes that BOTH parents, included Alecia, should be ordered to support Emily the duration of her disability as required by Nevada law.

RESP'T APP 0001

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LA LUZERNE LAW

/s/ Benjamin La Luzerne
BENJAMIN LA LUZERNE, ESQ.
Attorney for Plaintiff Alecia Draper Individually

RESP'T APP 0002

1 **CERTIFICATE OF SERVICE**

2 I certify that on this August 23, 2019, service of :

3
4 **NOTICE OF NO OPPOSITION TO GRANTING OF RELIEF REQUESTED IN
MOTION FILED ON BEHALF OF EMILY REED ON 1//22/2019**

5 was made by mandatory electronic service through the Eighth Judicial District Court's electronic
6 filing system to:

7
8 Amanda M. Roberts, Esq.
Attorney for Jeffery Allen Reed

9
10 Elizabeth Brennan, Esq.
Attorney for Emily Reed

11
12 By: /s/ Benjamin La Luzerne
13 BENJAMIN LA LUZERNE, ESQ.
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RESP'T APP 0003

1 TRANS

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2
3 ORIGINAL

Sharon A. Hoffman
CLERK OF COURT

4
5 EIGHTH JUDICIAL DISTRICT COURT
6 FAMILY DIVISION
7 CLARK COUNTY, NEVADA
8

9 ALECIA A. REED,)
10 Plaintiff,) CASE NO. 05D338668
11 vs.) DEPT. H
12 JEFFREY A. REED,) APPEAL NO. 82575
13 Defendant.) (SEALED)
14

15 BEFORE THE HONORABLE T. ARTHUR RITCHIE, JR.
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: EVIDENTIARY HEARING

18 THURSDAY, AUGUST 6, 2020

19 APPEARANCES:

20 The Plaintiff: ALECIA A. REED
21 For the Plaintiff: ELIZABETH R. BRENNAN, ESQ.
1980 Festival Plaza Dr., #300
Las Vegas, Nevada 89135
(702) 834-8888
22 The Defendant: JEFFREY A. REED
23 For the Defendant: AMANDA M. ROBERTS, ESQ.
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24 (702) 474-7007

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

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

ALECIA DRAPER	20	--	--	--
JENNIFER LOVE FARRELL	150	219	--	--

DEFENDANT'S
WITNESSES:

(None presented)

* * * * *

I N D E X O F E X H I B I T S

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DEFENDANT'S
EXHIBITS:

(None presented)

1 LAS VEGAS, NEVADA

THURSDAY, AUGUST 6, 2020

2 PROCEEDINGS

3 (The following transcript contains multiple indiscernibles
4 due to poor recording quality))

5 (THE PROCEEDINGS BEGAN AT 8:54:39)

6

7 THE COURT: Are we on?

8 THE CLERK: Yeah.

9 THE COURT: All right. Good morning, folks. We are
10 ready to begin the post judgment proceedings on the Draper and
11 Reed matter. The case number is D05338668. I appreciate you
12 guys being ready and on time. It looks like everyone's logged
13 in.

14 MS. BRENNAN: Good morning, Your Honor.

15 THE COURT: Ms. Brennan, will you state your
16 appearance, please?

17 MS. BRENNAN: Elizabeth Brennan, Your Honor, bar
18 number 7286, attorney for Emily Reed through her conservator
19 Alecia Draper.

20 THE COURT: Okay. Ms. Roberts, please?

21 MS. ROBERTS: Amanda Roberts, bar number 9294, on
22 behalf of the Defendant Jeffrey Reed who is present through
23 BlueJeans.

24 THE COURT: Okay. Now are the parties with Counsel

1 or are they separate in their own locations?

2 MS. BRENNAN: Your Honor, my client -- my -- Alecia
3 Draper and Emily are both in -- in California. And I am
4 separately here in Las Vegas.

5 THE COURT: Okay. When we had our pretrial
6 conference, we talked about how the witnesses would testify
7 and -- and we will have to discuss a protocol for a rule on --
8 on witnesses. The parties to the case are the parents
9 obviously and Emily. You had said that Dr. Farrell was going
10 to testify also, correct?

11 MS. BRENNAN: Yes, Your Honor.

12 THE COURT: And is that witness available today?

13 MS. BRENNAN: This afternoon.

14 THE COURT: Okay. The order of proof is that --

15 MS. BRENNAN: Your Honor --

16 THE COURT: -- we have --

17 MS. BRENNAN: -- can I just -- I'm sorry, Your
18 Honor. Can I just ask a question? I cannot see you. So am I
19 supposed to be able to see you? Because I -- if I am, I
20 can't.

21 THE COURT: Okay. Can you -- what do you see on
22 your screen?

23 MS. BRENNAN: Oh, I see you now. I see you now.
24 Yes. Okay.

1 THE COURT: All right.

2 MS. BRENNAN: So now what I see is you on the big
3 screen. Yes.

4 THE COURT: All right. We have a --

5 MS. BRENNAN: Okay. Thank you, Judge.

6 THE COURT: -- monitor that's positioned in the
7 well. You've been in the courtroom. The monitor has four
8 boxes on it right now. And I see Counsel and I see the
9 parties. So that -- that seems to be a workable situation.

10 As far as the parties are concerned, they probably
11 should mute their microphones until they're going to be
12 testifying. And Counsel, it should be fine for both of you to
13 leave yours open as we have this dialogue as we go through the
14 hearing.

15 MS. BRENNAN: Okay. Thank you, Your Honor.

16 THE COURT: We --

17 MS. BRENNAN: So -- can I just tell you one more
18 thing, Your Honor? So my client Alecia, the mom, is currently
19 on. Alecia, you need to go up to the top and mute your
20 microphone up there. I can see that you don't have it muted.
21 It's -- if you put your mouse up to the top of the screen, it
22 says mute audio. Do you see that up there? Because you're
23 not on mute.

24 MS. DRAPER: When I hit the microphone, then I can't

1 hear you.

2 THE COURT: Oh, yeah. Well, don't do that. You
3 have to be able to hear.

4 MS. BRENNAN: Okay. Well, then don't do that.
5 Okay. So the -- the only other thing I wanted to tell Your
6 Honor is that Emily is going to not be present during the
7 testimony because the psychiatrist does not believe
8 that's in her best interest to hear it all; however, if and
9 when Ms. Roberts wants to call her or the Court wants to call
10 her, then we'll make her available.

11 THE COURT: Yeah, that's up to you. It -- it is a
12 consideration and I was going to ask you that question. I
13 appreciate you offering that. I mean, she's technically a
14 party to this case. And she's not required to be here by any
15 means. But she will need to be available if either one of you
16 or when either one of you want to call her as a witness. And
17 then we'll --

18 MS. BRENNAN: And she is.

19 THE COURT: -- walk through how --

20 MS. BRENNAN: Yes.

21 THE COURT: -- she's there. Okay. So I assume that
22 the order of proof was either going to be Ms. Draper and Ms.
23 Farrell in your case, right?

24 MS. BRENNAN: Yes.

1 THE COURT: All right. And we have set aside today
2 for that. We -- you know, it's six hours of court time. If
3 for some reason we're not finished by the end of the day we
4 have time tomorrow to conclude. And Ms. Roberts, you had said
5 that even though -- I mean, you -- you may call your client
6 and you want to call Emily in your case, right?

7 MS. ROBERTS: Potentially, Your Honor. Yes.

8 THE COURT: All right. Good. If you need a break,
9 we'll probably try to take logical breaks, you know, when the
10 witnesses are finished. The parties need to testify but I
11 don't know how much of this case is really a factual issue
12 from their point of view. And if you need to -- if we need to
13 take a break outside of sort of the normal rhythm of the
14 morning, just let me know and we will -- we'll probably take a
15 break for at least an hour at noon for lunch and we'll resume
16 depending on when we break at the end of the morning.

17 So preliminaries are out of the way. Are there any
18 stipulations concerning the documentary proof that was
19 submitted to the Court?

20 MS. BRENNAN: Amanda, are you willing to stipulate
21 to the admission of all the exhibits and the Judge can give
22 them whatever weight he deems appropriate?

23 MS. ROBERTS: No, Your Honor.

24 THE COURT: Okay. So there's certain exhibits that

1 have been marked for identification. You know, I -- I'm sure
2 you're not going to go all -- over all of them, but you'll
3 have to lay the foundation and offer them and we'll walk
4 through the process of having certain exhibits admitted, okay?

5 MS. BRENNAN: Okay. Can I just ask opposing Counsel
6 do you stipulate to the admission of any of the exhibits? I
7 mean, I'm just -- it's a matter of time saving I have 85
8 exhibits. So is there -- are there any exhibits that you
9 stipulate to such that we never have to waste the Court's time
10 on that and that -- and that you -- we can just argue about
11 the admissibility of certain exhibits?

12 MS. ROBERTS: No, Your Honor.

13 THE COURT: Okay.

14 MS. BRENNAN: Okay.

15 THE COURT: Not a problem. We had a pretrial
16 conference. You were advised to discuss this. You did. And
17 we have no stipulations concerning documentary proof. Ms.
18 Brennan, will you -- will you -- do you want to make an
19 opening statement?

20 MS. BRENNAN: I'll -- I'll make a very brief opening
21 statement, Your Honor. Are you ready for me to proceed?

22 THE COURT: Yes.

23 MS. BRENNAN: Okay. Good morning, Your Honor. I
24 appreciate you taking this very difficult case to trial today

1 under these circumstances. What we have here is a request for
2 child support for Emily Reed. Emily is the -- was born on
3 November 16th of 1996. She is currently 23 years old and
4 resides with her mother in California. This is a request for
5 child support for Emily pursuant to NRS 125B.110. And the
6 Supreme Court case in Edgington is the only Supreme Court case
7 that I'm aware of that interprets that statute. And for the
8 Court's reference, the Edgington case is 119 Nev 577. It was
9 decided by the Supreme Court in 2003. That is the law that we
10 believe applies in this case. We will show you today and
11 tomorrow that Emily meets all the requirements of this statute
12 for both of her parents to have to pay child support for her
13 be -- as of today and going back to 2017 when this motion was
14 originally filed.

15 Just by way of a quick summary, Emily was -- has
16 been in the -- had been in special educational needs since
17 fifth grade. She was declared disabled and in need of special
18 educational needs from fifth grade all the way through her
19 graduation in high school. She graduated from high school in
20 June of 2015.

21 What you're going to hear is that Emily in addition
22 to all of the IEPs, the independent educational programs, and
23 diagnosis through her school records and whatnot, what you're
24 going to hear is that af -- the parents were divorced in

1 August 5th of 2005 when Emily was in second grade. And what
2 you're going to hear testimony is that Emily was sexually
3 molested for the next eight to 10 years of her life while she
4 was a minor while she was in the care, custody, and control of
5 the Defendant Dad by Dad's roommate, Alan Gorey (ph).

6 The -- what you're going to hear is that Emily's
7 revealed that she has been sexually molested for all these
8 years for the first time in February of 2014. That's when
9 Emily was in the eleventh grade. And in March of that year an
10 arrest warrant was issued and the rapist/molester Alan Gorey
11 was arrested. And he eventually was tried and -- well, he's
12 -- he -- he's serving jail time now for the felony molestation
13 charges against Emily.

14 You're going to hear the testimony that Emily was
15 hospitalized multiple times as a minor before she turned 18 as
16 a result of her chronic posttraumatic stress disorder and
17 other significant major depressive disorder and made -- other
18 diagnosis that we're going to go through as we go through the
19 presentation in this case. You're going to hear testimony
20 that Emily has been in and out of psychiatric treatment
21 facilities. She has attempted to kill her -- kill herself,
22 commit suicide numerous times starting before the age of 18
23 and continuing to this day. You are going to hear that Emily
24 has a diagnosis of -- one of her diagnosis is chronic PTSD.

1 It's also dissociative identity disorder. Dissociative
2 identity disorder is the modern term basically for multiple
3 personalities.

4 You're going to hear that -- from Dr. Love who is
5 not only Emily's treating psychiatrist, she has been treating
6 Emily from 2016 to the present. She's also the only expert
7 witness in this case. And she has issued her original report
8 back in 2017 and a supplemental report in 2019 which she will
9 be testifying to. And she's going -- which reveal that her
10 conclusion is that Emily has been disabled since before the
11 age of 18 that it has been a continuous lasted more than 12
12 months and that she is unable to engage in any substantial
13 gainful activity. She cannot perform economic activity
14 resulting in self support. And the reason -- or the nexus for
15 her inability to engage in any substantial gainful activity
16 which started before the age of 18 is due to the medical
17 diagnosis that her chronic PTSD and other diagnosis that Dr.
18 Love is going to explain.

19 Emily currently has approximately 16 -- 6-0, 60
20 different alters or personalities. They range from little
21 girls, you know, it could be a -- a second grader, a seven --
22 seven-year-old. They have all different personalities. They
23 -- when you're talking to Emily, you don't know if you're talk
24 -- you won't know if you're talking to Emily or Heidi or

1 Tiffany or Hannah or one of the multiple personalities that
2 she has.

3 And as a result of her -- her disability and all of
4 the requirements of the statute being met, we are asking that
5 Mom and Dad both split the cost of the expenses necessary from
6 2017 and -- and ongoing into the future pursuant to the
7 statute for the support of Emily which is required by the
8 statute NRS 125.110 because Ash -- Emily is not
9 self-supporting. She does receive social security and she
10 does receive aid for food, all of which we will explain, but
11 it's woefully insufficient for her needs. And what you will
12 hear in testimony is that -- that we are requesting child
13 support in the amount of thir -- \$1400 -- well, yeah. \$1400 a
14 month from each parent.

15 And that you will -- we will introduce Exhibit 81
16 which is a summary chart breakdown data compilation of all of
17 the expenses for Emily for 2017, 2018, and 2019. And you will
18 see there at the bottom of that exhibit that the a -- three
19 year average for Emily's expenses minus her social security --
20 you know, her income from that is -- is one -- the -- the
21 average that each person would be required to pay is
22 \$1,395.45. So I just rounded that to 1400 per parent.

23 And we'll also refer you to Exhibit 85 which is
24 Emily's updated financial disclosure form. And on page -- I

1 would call it the page right after the certificate of service
2 on that which I guess would be page 9 since certificate of
3 service is page 8 of 8. page 9 of that Exhibit 85 shows the
4 summary of Emily's expenses brought for -- through June -- for
5 -- for 2020, January through June of 2020 which also shows
6 that substantially more for -- for this year because of
7 expenses related to the litigation. But you can see once
8 those are backed out is that the average monthly expense for
9 each of them would -- as shown on that exhibit would be
10 \$1,371.74.

11 So I think the thing that makes the most sense if
12 the Court wanted to since the original motion for child -- the
13 motion that we're here on was filed in 2017, then you may just
14 want to order child support, you know, for 2017 based on the
15 num -- the number actually expended in 2017, 2018, and 2019
16 and then, you know, set a different -- you know, the average
17 going forward or something like that. What you're going to --
18 because we don't just want a -- a number, we want to make sure
19 that a hundred percent of her expenses are included if that
20 number is greater than what we're asking for. So in some kind
21 of way we're going to want the Court to fashion that in its
22 judgment.

23 What you're going to see here is that Mom has as you
24 know Judge has stated in these prior proceedings has consented

1 to judgment against her individually for one-half of Emily's
2 monthly expenses. And the only party in this case contesting
3 that is Dad. Dad has paid zero of Emily's expenses since
4 2017. And Mom has had to pay a hundred percent of those. So
5 we're going to have a -- a -- an arrearage that he's going to
6 owe assuming the Court enters judgment in our favor here.

7 And we're -- what you'll see from Defendant's
8 earnings history is that Dad does have the ability to pay.
9 Exhibit 83 shows that in 2017 Dad's gross income was 78,564.
10 So that's what his income was at the time that it was filed.
11 You'll see in Exhibit 84 his 2018 gross income was 80,301.
12 And we'll see what the -- what he contends his current income
13 is -- is. But he has been a long term employee with Palm
14 Mortuary. The funeral business is unfortunately busy right
15 now. And he either currently makes sufficient income or he's
16 voluntarily under employed for the duration -- for -- during
17 the last part of the marriage he was paying child support for
18 three kids. And I believe it was about 1400 a month. And
19 that was based on his income at the time of \$60,000 a year.

20 Emily has two brothers. They're both -- they're
21 both mi -- 19 and 21. So he -- there are no minor children
22 anymore. And he clearly has the ability to pay. And so
23 that's what we'll be requesting today, Your Honor.

24 THE COURT: Okay. Just to confirm, we're going to

1 hear some brief testimony from Mom and we're going to hear
2 from Dad and we're going to hear from your expert and we're
3 going to hear from Emily, right?

4 MS. BRENNAN: You're only going to hear from Emily
5 if the Court desires it or --

6 THE COURT: Okay. So you're not calling her in your
7 case. That's up to Ms. Roberts. Okay.

8 MS. BRENNAN: Yes.

9 THE COURT: Thank you. Ms. Roberts, your opening
10 statement.

11 MS. ROBERTS: I'm reserving Your Honor on the
12 opening statement.

13 THE COURT: I'm -- I'm sorry, I didn't hear you.

14 MS. ROBERTS: I'm reserving on the opening
15 statement.

16 THE COURT: All right. That's fine.

17 MS. BRENNAN: Your Honor, I guess I have one
18 question and I -- I just want to bring this to the Court's
19 attention and find out if you want to deal with it or not. I
20 -- you know, I -- as the Court is well aware, Ms. Roberts
21 filed a writ to the Supreme Court this week --

22 THE COURT: Yeah.

23 MS. BRENNAN: -- trying to get the Supreme Court to
24 rule on --

1 THE COURT: What -- what -- why --

2 MS. BRENNAN: -- a mot --

3 THE COURT: What -- what's your question?

4 MS. BRENNAN: Well, I guess my question is the writ
5 was denied and the issue that -- that Amanda had which the
6 Supreme Court said is not a basis for a writ because she could
7 appeal it after the trial is her issue is that the Court never
8 ruled on the motion to con --

9 THE COURT: Yeah, I --

10 MS. BRENNAN: -- extend --

11 THE COURT: Look. Look.

12 MS. BRENNAN: -- discovery.

13 THE COURT: When I decide this case, I will be going
14 over the procedural posture of the case and every issue that I
15 need to decide. Ms. Roberts is entitled to a ruling on those
16 matters. She'll have to answer if this matter goes on appeal
17 to everything that she did or didn't do in this case and the
18 Court will have to be -- is -- the record is what it is.
19 Okay. And --

20 MS. BRENNAN: Okay.

21 THE COURT: -- the -- there's no need to really go
22 over it now. It's a moot issue. The Court has said that
23 we're going forward on the case. And when the Court makes its
24 decision, it'll be going over the entire procedural posture of

1 this case from before the time the Court got it in 2018 to
2 now. Okay. So --

3 MS. BRENNAN: Okay.

4 THE COURT: -- the -- as a matter of housekeeping,
5 because of what -- because there was a notice of hearing on
6 matters related to proceeding that the issue is moot and the
7 September 9, 2020 hearing is vacated, we're going to be
8 resolving this matter today or if we need tomorrow, tomorrow.

9 Who's your first witness, Ms. Brennan?

10 MS. BRENNAN: Ms. -- Ms. Draper, Alecia --

11 THE COURT: Okay.

12 MS. BRENNAN: -- Draper.

13 (WITNESS SUMMONED)

14 THE COURT: Great. So ma'am, we have a Clerk that's
15 going to administer an oath for you to tell the truth. You
16 don't need to stand. If you'll just raise your right hand so
17 we can see you on the screen that you're taking the oath,
18 okay?

19 MS. DRAPER: Okay.

20 THE CLERK: Please raise your right hand. You do
21 solemnly swear the testimony you're about to give in this
22 action shall be the truth, the whole truth, and nothing but
23 the truth, so help you God?

24 MS. DRAPER: I do.

1 THE CLERK: Thank you.

2 ALECIA DRAPER

3 called as a witness on her own behalf, having been first duly
4 sworn, testified upon her oath as follows on:

5 DIRECT EXAMINATION

6 BY MS. BRENNAN:

7 Q Alecia, can you please state your name for the
8 record?

9 A Alecia Ann Draper.

10 Q And are you -- do you have any children?

11 A Yes.

12 Q And what are their names and ages?

13 A Emily she is 23, Anthony is 21, and Adam, he is 19.

14 Q And all three of those children are with the
15 Defendant Jeffrey Reed?

16 A Yes.

17 Q And you and Mr. Reed were divorced in 2005; is that
18 correct?

19 A Yes.

20 Q Okay. And I -- are you Emil -- have you been
21 appointed as Emily's conservator?

22 A Yes. That is correct.

23 Q And do you consent to the Court entering judgment
24 against you individually for the payment of child support for

1 Emily in this case as -- after the age of 18?

2 A Yes.

3 Q Okay. So where does Emily currently reside?

4 A She resides with me the -- at 20762 Crestview Lane,
5 Huntington Beach, California 92646.

6 Q And she's current -- she's in the home with you
7 today, correct?

8 A Yes.

9 Q But she's not present for this hearing be -- at this
10 time, is that right?

11 A That is --

12 Q In other words, you'll make her available for
13 testimony in the event that the Judge or Ms. Roberts wants her
14 to be called?

15 A Yes.

16 Q Okay. What -- did -- tell -- tell me about Emily's
17 educational experiences. Did -- when did -- did she have to
18 have special education as a child?

19 MS. ROBERTS: I object, Your Honor. It's leading.

20 THE COURT: Overruled.

21 THE WITNESS: Yes.

22 BY MS. BRENNAN:

23 Q What year did that start?

24 A Her IEP started in fifth grade to my best

1 recollection without looking at any documents.

2 Q Okay. I'd like -- I'd like you to -- I -- I'd like
3 to -- you to refer to Exhibit Number 1. What is Exhibit
4 Number 1? I mean, it -- big picture, not page-by-page right
5 now because we're going to work through getting these exhibits
6 admitted. So what is Exhibit 1?

7 A Exhibit 1 is the Clark County School District of Las
8 Vegas, Nevada Student Support Service Division Individual
9 Education Program IEP.

10 MS. BRENNAN: And -- and at this time I offer, file,
11 and --

12 Q And are these doc -- documents that you received
13 from the Clark County School District?

14 A Yes.

15 MS. BRENNAN: And are -- at this time, I offer,
16 file, and introduce Exhibit 1.

17 THE COURT: Do you want to state an objection Ms.
18 Roberts or do you agree?

19 MS. ROBERTS: No, Your Honor. I object as to
20 hearsay.

21 THE COURT: Okay. Overruled. Exhibit 1 is
22 admitted.

23 (PLAINTIFF'S EXHIBIT 1 ADMITTED)

24 BY MS. BRENNAN:

1 Q Okay. I'll show you what's been marked as Exhibit
2 Number 2. What -- tell me big picture what these documents
3 are, Ms. -- Ms. Reed -- Ms. Draper.

4 MS. ROBERTS: Objection, Your Honor. It lacks
5 foundation.

6 THE COURT: Overruled.

7 THE WITNESS: Exhibit 2 is the West Orange County
8 SELPA Individual Education Program.

9 BY MS. BRENNAN:

10 Q Okay. The whole exhibit -- we're going through
11 exhibits now to try to get admission of these exhibits out of
12 the way so that we don't interrupt all the testimony. I think
13 that would make it easiest. So is it fair to say that the
14 Exhibit 2 were the California school records for Emily?

15 A Yes.

16 Q And you received those directly from the state of
17 California, correct?

18 A Yes.

19 MS. BRENNAN: At this time, I offer, file, and
20 introduce the California school records, Exhibit 2.

21 THE COURT: Okay. Do you want to state an
22 objection?

23 MS. ROBERTS: I do, Your Honor. They're hearsay and
24 they are not complete records.

1 THE COURT: Okay. Well, let's -- just -- just so we
2 are -- I -- I understand the context, during the course of the
3 last two years there's been discovery and production of
4 documents, right, Ms. Brennan?

5 MS. BRENNAN: Yes.

6 THE COURT: And that these documents are part of
7 your document production?

8 MS. BRENNAN: They are, Judge.

9 THE COURT: I was looking through in preparation for
10 the hearing for any filing of any written objection to the
11 authenticity of documents like business records from the
12 school district. I didn't see any. Did you see any?

13 MS. BRENNAN: Well, yeah. No -- no -- Ms. Roberts
14 has never objected to the authenticity of any document.

15 THE COURT: All right. This document is not
16 necessarily authored for the detail within but to support your
17 argument and support a finding by the Court that the child had
18 independent programs with California and Nevada, right?

19 MS. BRENNAN: Right.

20 THE COURT: All right. The objection is overruled.
21 Exhibit 2 is admitted.

22 (PLAINTIFF'S EXHIBIT 2 ADMITTED)

23 BY MS. BRENNAN:

24 Q If you would look at Exhibit 3. What is Exhibit 3,

1 Alecia?

2 A Emily Reed's suicide note that was given to her
3 school psychiatrist -- psychologist.

4 Q And was -- and was this part of the school records
5 that you -- this was contained within the school records that
6 you received; is that correct?

7 A I can't recall if it was part of the record. I do
8 know that it was given to me by her school psychologist.

9 Q Okay. And are you familiar with Emily's
10 handwriting?

11 A Yes, I am.

12 Q Is this Emily's handwriting in Exhibit 3?

13 A Yes, it is.

14 MS. BRENNAN: At this time, I offer, file, and
15 introduce Exhibit 3.

16 MS. ROBERTS: I object to the foundation Your Honor
17 and as to lack of time.

18 THE COURT: Yeah, I -- I have some concerns about
19 this document on a bunch of levels whether or not your client
20 is the proper witness for this or whether it's even relevant
21 or material. There's no date on it. So I assume that it was
22 either in the California records or the Nevada records. And
23 the -- I mean, I -- I don't know. I -- I don't think I'm
24 going to be -- I mean, part of the case is for you to lay a --

1 a foundation of evidence so that you can make your argument
2 that these conditions occurred or were related to stuff that
3 happened before the age of majority. But it's not -- the --
4 the details of that is not material. It's really the subject
5 of examination with you, the expert, or otherwise. Are you
6 offering this suicide note to -- to support some sort of
7 finding that she attempted -- or she wrote this note prior to
8 the age of majority?

9 MS. BRENNAN: Yes.

10 THE COURT: Well, the real witness is Emily
11 unfortunately on this -- this piece.

12 MS. BRENNAN: Okay. All right.

13 THE COURT: The -- the Court's going to sustain the
14 objection, but that's -- I -- the -- the -- look, the details
15 of -- I mean, we're walking a fine line as to how much time
16 we're going to spend I guess on the -- the issues that Emily
17 had prior to the age of majority. We have to allow some
18 evidence in because it's going to have to have context in the
19 form of her treatment and, you know, your -- your element that
20 says that she has issues that arose prior to the age of
21 majority. So I'm not going to exclude all evidence about it,
22 but the details about it especially when she testifies are
23 going to be limited by the Court. So the objection --

24 MS. BRENNAN: Okay, Your Honor.

1 THE COURT: -- is sustained at this time, Ms.
2 Roberts, concerning 3.

3 MS. BRENNAN: Okay.

4 BY MS. BRENNAN:

5 Q If you can now turn to Exhibit 5, Alecia. Are
6 these a true and correct copy of the UC Irvine Health records
7 for Emily?

8 A Yes.

9 MS. BRENNAN: At this time, I offer, file, and
10 introduce into evidence Exhibit 5

11 MS. ROBERTS: I object Your Honor not to
12 authenticity but I object that they are not complete records
13 based upon the page numbers contained therein.

14 THE COURT: Well, I've got three or four binders
15 here. I assume that there's a lot of health records in this
16 matter. The --

17 MS. ROBERTS: They are, Your Honor. And part of the
18 argument that we made and part of the motion we filed in -- in
19 April dealt --

20 THE COURT: Yeah, the --

21 MS. ROBERTS: -- with the fact that these are not
22 complete records.

23 THE COURT: Well, they don't have to be complete to
24 be admissible. And the -- I haven't reviewed them. This

1 looks like some sort of in patient hospital record, right?

2 And --

3 MS. BRENNAN: Yes, Judge. These --

4 THE COURT: And --

5 MS. BRENNAN: -- are -- these are critical medical
6 records. We produced -- just -- just so we're clear --

7 THE COURT: Well, I know, but look.

8 MS. BRENNAN: -- we --

9 THE COURT: Look.

10 MS. BRENNAN: -- put to this --

11 THE COURT: Ms. -- Ms. Roberts can object to every
12 one of them and she's entitled to --

13 MS. BRENNAN: Yeah.

14 THE COURT: -- a ruling --

15 MS. BRENNAN: Okay.

16 THE COURT: -- on -- on whether or not the objection
17 is sustained or overruled. I -- I did not -- I have to review
18 the record and understand what it is. And I have to determine
19 whether her objection saying that this particular document
20 with control numbers 57 through 67 should be admitted over the
21 objection. The fact that they may not include every record
22 concerning this hospitalization is not a basis to exclude it
23 and the objection's overruled. And Exhibit 5 is admitted.

24 MS. BRENNAN: And -- and just so we're clear, Your

1 Honor, that's Bates Number PL1 through 175 is Exhibit 5.
2 THE COURT: No.
3 MS. BRENNAN: Yeah, I --
4 THE COURT: PL --
5 MS. BRENNAN: -- skipped over --
6 THE COURT: -- 00257 through PL --
7 MS. BRENNAN: Yeah, I skipped over Exhibit 4.
8 THE COURT: I understand that. And I got the tab
9 here. We print -- we spent hours printing this stuff out
10 under the protocol. And it is PL000257 through 000256.
11 That's what's been marked for identification as Exhibit 5.
12 MS. ROBERTS: Your Honor, that is not the exhibit
13 that I have as 5.
14 THE CLERK: Oh, I'm sorry, Judge.
15 MS. BRENNAN: That's not --
16 THE CLERK: 5's the wrong --
17 MS. BRENNAN: Yeah, that's not Exhibit 5. That's --
18 THE COURT: Well --
19 MS. BRENNAN: If you look --
20 THE COURT: All right. Hold on. Hold on. My Clerk
21 is providing me with another book. I don't know why we have
22 two docu -- two matters marked as 5. But it has been -- this
23 is in a separate book as 5. The control number is 0001. And
24 it goes through 00175.

1 MS. BRENNAN: Yeah. Thank you, Judge.

2 THE COURT: All right. Hold on. Let me look at it.

3 This is not a record of a hospitalization. This is a --

4 MS. BRENNAN: This is -- this is a --

5 THE COURT: -- a record --

6 MS. BRENNAN: -- record of --

7 THE COURT: -- a record from 2014.

8 MS. BRENNAN: This -- yes, Judge. These are records
9 from UC Irvine Health Center for the treatment rendered to
10 Emily as a minor --

11 THE COURT: Well, that's fine.

12 MS. BRENNAN: -- for --

13 THE COURT: I'm -- I'm looking at it and they have
14 objected saying that it should be excluded not because it
15 wasn't produced, not because it's not authentic, but because
16 it's not complete, right? So it looks like a series of
17 different business records from the University of California
18 Irvine Health care and it's to offered that she was
19 hospitalized or at least treated during this 2014 period of
20 time, is that right?

21 MS. BRENNAN: Right, Judge.

22 THE COURT: Okay. The objection's overruled. This
23 Exhibit 5 is admitted.

24 (PLAINTIFF'S EXHIBIT 5 ADMITTED)

1 MS. BRENNAN: Thank you.

2 BY MS. BRENNAN:

3 Q Alecia, if you turn to Exhibit 6 -- or is Exhibit 6
4 which is Bates Number PL176 through 190 the medical records
5 for treatment rendered to Emily as a minor at the Center for
6 Discovery Medical Center?

7 A That is correct.

8 MS. BRENNAN: At this time, I offer, file, and enter
9 Exhibit 6.

10 THE COURT: Ms. Roberts, do you want to state an
11 objection?

12 MS. ROBERTS: I do, Your Honor. I think they lack
13 foundation. I also think that they are hearsay documents.
14 And they've been redacted to the extent that we can't tell
15 what information is provided.

16 THE COURT: Interesting. The only page that I see
17 that has any redaction is pages 78 and 79. And the only thing
18 that's redacted is the address on 78 and the date of birth on
19 79. So what -- what material information is being redacted on
20 these documents?

21 MS. ROBERTS: That's the information that's
22 redacted, those three pages, Your Honor. The only thing is
23 that --

24 THE COURT: Okay. Thank you. Your objection is

1 noted and Exhibit 6 is admitted over the objection of the
2 Defendant.

3 (PLAINTIFF'S EXHIBIT 6 ADMITTED)

4 BY MS. BRENNAN:

5 Q I'll now go to Exhibit 11. Exhibit 11, Bates Number
6 1 -- PL000191 through 00215, are these the Del Amo Hospital
7 record -- medical records for treatment rendered to Emily at
8 that facility?

9 A Yes.

10 MS. BRENNAN: At this time, I offer, file, and
11 introduce Exhibit 11.

12 THE COURT: So the timing of this treatment would
13 have been after she turned 18 but before she graduated from
14 high school?

15 MS. BRENNAN: I believe so.

16 THE COURT: March 2015. They're offered to show
17 that she had -- that she had medical treatment. And in March
18 of 2015. Is that what these are offered for?

19 MS. BRENNAN: Yes, to support her continued
20 disability.

21 THE COURT: So this is an organiz -- this is just a
22 -- a group of records that were obtained by subpoena from this
23 group?

24 MS. BRENNAN: Yes, from Del Amo Hospital, Your

1 Honor.

2 THE COURT: So it --

3 MS. BRENNAN: These are --

4 THE COURT: -- contains, you know, like drug test
5 results or blood work, treatment notes.

6 MS. BRENNAN: So the --

7 THE COURT: And okay. So it's offered for the
8 purpose of showing that she was treated by the Del Amo
9 Hospital in March of 2015?

10 MS. BRENNAN: Yes.

11 THE COURT: You're not -- you're not seeking to have
12 the Court make any findings concerning any specific detail in
13 these records, are you? Diagnoses or --

14 MS. BRENNAN: Well, in all --

15 THE COURT: -- treatment --

16 MS. BRENNAN: -- all of these record -- I guess
17 Judge --

18 THE COURT: I mean, the fact of the --

19 MS. BRENNAN: -- these --

20 THE COURT: -- the fact --

21 MS. BRENNAN: -- all the medical --

22 THE COURT: -- of the matter is you're using your
23 client as a fact witness to go over records that probably are
24 part of the foundation for the opinions of an expert witness

1 that we're going to hear from later, right?

2 MS. BRENNAN: Right. Except for the fact that she's
3 -- my client is going -- becau -- we're talking about a child
4 that is 23 years old. So in order for my client to give you
5 the history of what's happened and the --

6 THE COURT: Yeah.

7 MS. BRENNAN: -- progression --

8 THE COURT: I -- I --

9 MS. BRENNAN: -- of her --

10 THE COURT: -- think --

11 MS. BRENNAN: -- disability --

12 THE COURT: But look, I'm -- I'm giving some
13 consideration to the notion that the Court is not going to be
14 reading these records and gleaning out statements that are
15 obviously statements someone other than Ms. Draper within
16 these records. They're offered for a different purpose.
17 They're offered to show that the child was hospitalized and
18 treated in March of 2015, right?

19 MS. BRENNAN: Right.

20 THE COURT: And, you know, these records or
21 witnesses is not the person to really lay the foundation for
22 these records other than the fact that the child may have been
23 with her during this time and she took her to these places.
24 You know, that's the foundation for this treatment, you know.

1 Emily lived with you, Emily was over 18, Emily had to go to
2 the hospital. She went to the Del Amo Hospital in March.
3 Yes, she did. Here's the records that show that. The
4 objection as to these records hearsay and for whatever other
5 statement that -- or other basis that Ms. Roberts advanced is
6 overruled. Exhibit 11 is admitted.

7 (PLAINTIFF'S EXHIBIT 11 ADMITTED)

8 MS. BRENNAN: Thank you, Judge.

9 BY MS. BRENNAN:

10 Q If you can refer to Exhibit 25.

11 MS. BRENNAN: I'm just trying to get these out of
12 the way right now so we don't have to interrupt all the
13 testimony, Your Honor.

14 Q Exhibit 25 and Exhibit -- well, Exhibit 25 and
15 Exhibit 26, are these UBH records regarding treatment rendered
16 to Emily, Alecia?

17 A Yes. That is correct.

18 MS. BRENNAN: Okay. And at this time offer, file,
19 and introduce Exhibit 25 and 26 to show treatment rendered to
20 Emily at this time period --

21 THE COURT: This UBH --

22 MS. BRENNAN: -- regarding her disability.

23 THE COURT: -- is the University Behavioral Health?

24 MS. BRENNAN: Yes.

1 THE COURT: And Emily was treated there?

2 MS. BRENNAN: Yes.

3 THE COURT: Is this -- is Exhibit 25 records related
4 to one particular period of time?

5 MS. BRENNAN: Yes.

6 THE COURT: February 2018, right?

7 MS. BRENNAN: Yes.

8 THE COURT: So that would have been after she became
9 an adult and was graduated from high school. Okay.

10 MS. BRENNAN: Febru -- yes, Your Honor.

11 THE COURT: And Exhibit 26 is --

12 MS. BRENNAN: Is the medi -- is -- is the bill that
13 goes with it.

14 THE COURT: Okay. And why is -- why is the bill
15 important?

16 MS. BRENNAN: Because we're seeking reimbursement of
17 expenses. That's one of Emily's expenses that we'll go
18 through that has been incurred.

19 THE COURT: Well, the statement shows that insurance
20 is paying this. It's a collateral source paid for it. So
21 17,500 from insurance and that zero is the balance in her --

22 MS. BRENNAN: Oh, okay. Yeah. True.

23 THE COURT: All right. Let's get back on point.

24 Ms. Roberts, do you object to 25?

1 MS. ROBERTS: I -- I do, Your Honor. If she's
2 asking for the Court to make it -- if it's just as to the
3 treatment date, fine, Your Honor. But if she's asking the
4 Court to interpret what this means, this one contains a
5 substantial amount of handwritten information, not all of it
6 legible. So if it's for just date purposes we're fine to have
7 it admitted, Your Honor. But if it's for the content of the
8 actual medical records, that's a different issue.

9 THE COURT: Right. Well --

10 MS. BRENNAN: No.

11 THE COURT: -- I -- I agree with that notion because
12 I think these documents -- I mean, the -- the statements
13 within the documents, she's -- Ms. Draper's not the real
14 witness for that. Okay. But they're going to come in for
15 that -- and they may actually be records that an expert
16 reviewed which means that they -- they can come in as a
17 foundation for an opinion. But either way, Exhibit 25 is
18 admitted to show that Emily was treated and that these records
19 are -- detail of that treatment. The Court respects this
20 notion that the comments written by someone other than Ms.
21 Draper are out of court statements by someone not subject to
22 examination and that the Court should not base any findings
23 concerning the contents of those documents.

24 Exhibit 26 just looks like a bill showing that

1 somebody's insurance paid \$17,500 for that service. And that
2 also supports a finding by the find that in case it is -- I
3 mean, look, this is very tedious. I mean, I -- we usually go
4 through this if there's a question of fact as to whether Emily
5 was actually treated by these folks. Okay. So, you know,
6 you're -- you're killing that with a hammer with this but I --
7 I understand why. 26 and 25 are being admitted over the
8 objection of the Defendant.

9 (PLAINTIFF'S EXHIBITS 25 AND 26 ADMITTED)

10 MS. BRENNAN: Thank you, Your Honor.

11 BY MS. BRENNAN:

12 Q 27 and 28, Ms. Draper, are these medical records for
13 treatment rendered to Emily during the time period stated in
14 here?

15 A Yes.

16 MS. BRENNAN: I offer, file, and introduce into
17 evidence Exhibits 25 and 26 -- 26 --

18 THE COURT: Or 27 --

19 MS. BRENNAN: -- and --

20 THE COURT: -- 28.

21 MS. BRENNAN: -- 27. I'm sorry, Judge.

22 THE COURT: So this would be treatment in 2019.

23 MS. BRENNAN: Yes.

24 THE COURT: And this would be -- one of them -- or

1 20 -- 28 is just a prescription summary --
2 MS. BRENNAN: Discharge.
3 THE COURT: -- right?
4 MS. BRENNAN: Yeah, it's a discharge summary -- I
5 mean, for medication reconciliation.
6 THE COURT: Right.
7 MS. BRENNAN: That's correct.
8 THE COURT: Well, 27 looks like something from July
9 of 2019 and 28 looks like something from March of 2018.
10 MS. BRENNAN: July of 2019, the first page, that's
11 the request for the medical records and that's their response
12 for it.
13 THE COURT: Oh, okay.
14 MS. BRENNAN: If you go --
15 THE COURT: So the --
16 MS. BRENNAN: -- back --
17 THE COURT: -- the treatment was --
18 MS. BRENNAN: If you go back further in there,
19 you'll see the treatment date that was -- we're talking about
20 is in 2015. She was admitted. If you'll look at Bates Number
21 ER1142, she was admitted on March 7th of 2015. So it's
22 regarding this hospitalization in March of 2015.
23 THE COURT: So this ties back to records that had
24 been admitted before. The same time frame.

1 MS. BRENNAN: Yeah, my -- in March of 2015 Your
2 Honor she was still in high school.

3 THE COURT: Right. I -- it was -- I made the
4 comment that she was 18 but it was a few -- a month or two
5 before the graduation. All right.

6 MS. BRENNAN: And my --

7 THE COURT: Ms. Roberts, do you object to object to
8 27 or 28, for the record?

9 MS. ROBERTS: I do, Your Honor. I still have the
10 same objections. Lack of foundation, hearsay. Again, these
11 contain not as much in 27, Your Honor, but they do contain
12 some notes. So if the Court is going to do it for the fact of
13 the matter versus just date wise, then that of course is the
14 objection, Your Honor.

15 THE COURT: All right. The Court --

16 MS. BRENNAN: Well, let me --

17 THE COURT: -- recognizes the objection concerning
18 the -- the detail, but that's not a basis to keep the document
19 out. The document can be admitted for the purpose Ms. Brennan
20 advanced which is to support a finding that the child was
21 treated and that these records show that treatment during that
22 time. The objection's overruled. 27 and 28 are admitted.

23 (PLAINTIFF'S EXHIBIT 27 AND 28 ADMITTED)

24 MS. BRENNAN: Thank you, Judge.

1 BY MS. BRENNAN:

2 Q If we go to Exhibit 33 --

3 MS. ROBERTS: Your Honor, could -- could I be heard
4 just briefly on 28, Your Honor? I'm sorry. 28 is not related
5 to the medical records in 27. Just so the Court's aware of
6 that.

7 THE COURT: 28 is a business record that shows that
8 the Del Amo Hospital summarized the medications on admissions
9 in -- on March 26th, 2018. It -- it may be a separate time
10 frame but it's -- it -- it wasn't represented to be related to
11 2015. The date --

12 MS. ROBERTS: Okay.

13 THE COURT: -- on this --

14 MS. ROBERTS: I'm sorry, Your Honor. I thought
15 that's what you said.

16 THE COURT: I made -- maybe I did. The -- the
17 record comes in to show treatment under -- I mean, I don't
18 know if I'm going to be making all these findings. But 28
19 would support a finding that Emily received some sort of
20 treatment with the hospital and that this business record
21 showing that she was a patient and that this summary of her
22 medications is dated March 26th, 2018. It looks like an
23 authentic record from that hospital.

24 MS. BRENNAN: Your Honor --

1 THE COURT: All right. So -- so 33 you said,
2 Counsel?

3 MS. BRENNAN: Yes.

4 BY MS. BRENNAN:

5 Q Ms. Draper, is 33 a copy of the medical records for
6 Emily at Wellshire Ho -- Hospital (ph) in September of 2019
7 or.

8 A 33?

9 Q Yes.

10 A That is correct. And if I can explain on the Del
11 Amo because I requested and ordered all of her medical records
12 for Del Amo. That record contains multiple hospitalizations
13 at Del Amo. So I believe to my understanding if you look
14 through the entire documents of records it's going to have
15 2015 and 2018 of her history at that hospital.

16 THE COURT: Right. Well, you --

17 MS. BRENNAN: Okay.

18 THE COURT: -- you just need to answer the
19 questions. The Court -- let -- your testimony is evidence
20 concerning the frequency of hospitalizations also as well as
21 records. The records can be a source of a finding just as
22 your testimony can be. The question you were asked is whether
23 or not the records marked for identification as 33 are
24 additional records showing treatment.

1 MS. BRENNAN: Yes.

2 THE COURT: Okay. Go on, Ms. Brennan.

3 MS. BRENNAN: I offer, file, and introduce Exhibit
4 Number 33.

5 THE COURT: Okay. So Ms. Roberts, do I understand
6 that your concern is with the detail, the treatment notes, the
7 -- the other things that are out of court statements but that
8 if the Court is admitting these to show that there was
9 treatment I guess September 30th, 2019, then --

10 MS. ROBERTS: Yes, Your Honor. That's correct.

11 THE COURT: -- you object but the Court would admit
12 it over that objection on -- on that basis.

13 (PLAINTIFF'S EXHIBIT 33 ADMITTED)

14 MS. BRENNAN: Thank you, Judge.

15 BY MS. BRENNAN:

16 Q Emily, if you can go to Exhibit 34. Are these
17 photographs at Ridgeview Hospital on August 29th, 2019?

18 A Yes.

19 Q And you took these pictures, correct?

20 A It could have been my mom's phone or my phone. I
21 don't recall.

22 Q You --

23 A But yes.

24 Q -- were present -- you were present when these

1 pictures were taken by either you or your mom on that date?

2 A Yes.

3 Q Are these true and correct copies of the photographs
4 you took of Emily on that date?

5 A Yes.

6 Q Either you or your mom?

7 A Yes.

8 MS. BRENNAN: At this time, I offer, file, and
9 introduce into evidence Exhibit 34 which depicts Emily's
10 physical condition that my client will testify about on August
11 29th of 2019.

12 THE COURT: Well, okay. The -- the photographs are
13 -- are black and white. I can see a couple of them that might
14 describe some injury, but you have commentary on anyone --
15 every one of these photographs. I mean, there's no -- who
16 made the commentary? And -- and what are they being offered
17 to show?

18 BY MS. BRENNAN:

19 Q Alecia, did you make the comments on this above each
20 photo?

21 A Yes.

22 Q And these are being offered to show Your Honor
23 Emily's physical condition caused by her inability to control
24 herself on that particular date while she was in the hospital?

1 THE COURT: Well, I -- I don't know. I mean, what
2 does that mean? I mean, was -- were the -- is this how she
3 presented at the hospital? Is this something that happened at
4 the hospital? What's the -- what's the context of these
5 photographs?

6 MS. BRENNAN: If -- if you want, we can wait until
7 we get to the testimony on it, Your Honor. I'll just wait for
8 that. We can come back to this one.

9 THE COURT: Well, let me --

10 MS. BRENNAN: Because I think --

11 THE COURT: Before we -- before we do that, Ms.
12 Roberts, do you object to Exhibit 34 coming in at this time?

13 MS. ROBERTS: Yes, Your Honor.

14 THE COURT: All right. Then we'll defer -- you'll
15 offer it later if you want it in.

16 MS. BRENNAN: Yes.

17 THE COURT: Okay?

18 MS. BRENNAN: I -- I will, Judge.

19 BY MS. BRENNAN:

20 Q At this time, I'd like to look at Exhibit 35 and 36.

21 MS. BRENNAN: And -- and Judge, just for the record,
22 this --

23 Q Alecia, is 35 and 36 together a complete copy of the
24 Pasadena Villa medical records for treatment rendered to Emily

1 during these all -- September 8th through -- September 8 --
2 starting in September 8, 2019 time period?

3 A Yes.

4 MS. BRENNAN: At this time, I off -- offer, file,
5 and introduce into evidence Exhibit 35 and 36. Your Honor,
6 just for your knowledge, the only reason these are separated
7 in two exhibits is because it was the uploading of -- you
8 couldn't put it all in one upload to the court. It was too
9 big.

10 THE COURT: Okay. So in September and October of
11 2019, she was treated. And these are the --

12 MS. BRENNAN: Yes.

13 THE COURT: -- business records from the Pasadena
14 Villa Hospital?

15 MS. BRENNAN: Yes.

16 THE COURT: Ms. Roberts, do you object to them
17 coming in?

18 MS. ROBERTS: I do again, Your Honor. These contain
19 all those handwritten notes. It's toward the back. If the
20 Court looks at the back, there's a bunch of handwritten notes.
21 So if it's as to the date only, it's acceptable, Your Honor.
22 But if it's as to the content of the medical record, then I
23 don't think it's appropriate and we -- I would object as to
24 foundation and hearsay.

1 THE COURT: Okay. Exhibit --
2 MS. BRENNAN: Well, just --
3 THE COURT: -- 35 --
4 MS. BRENNAN: -- to be clear --
5 THE COURT: -- and 36 -- Exhibit 35 and 36 are
6 admitted over the objection of the Defendant. They're being
7 accepted by the Court to show this medical treatment in this
8 time frame. These are authentic business records from that.
9 (PLAINTIFF'S EXHIBITS 35 AND 36 ADMITTED)
10 MS. BRENNAN: Thank you, Your Honor.
11 THE COURT: The Court is not going to be making any
12 specific findings concerning the statements or diagnoses or
13 other opinions contained therein.
14 MS. BRENNAN: And I don't know what you mean by
15 that. I mean, I -- my --
16 THE COURT: Your -- your testimony -- your client's
17 testimony and your expert's testimony are going to be the
18 basis for the Court determining you -- this child qualifies
19 under the statute. Okay. I'm not going to be gleaning some
20 statement by a nurse or a doctor who's not subject to
21 examination within these records. That's why you have an
22 expert who can testify and offer opinions and those -- that
23 testimony and opinions can come from personal interaction or
24 review of records. You know that.

1 MS. BRENNAN: Yes. It's --
2 THE COURT: All right.
3 MS. BRENNAN: Thank you, Your Honor.
4 THE COURT: So you're not --
5 MS. BRENNAN: Also --
6 THE COURT: So you cannot say Judge, you should make
7 a finding that this child qualifies under the statute because
8 at page 27 and 86 of Exhibit 36, somebody that I never heard
9 from or Ms. Roberts had never an opportunity to examine said
10 something. Okay. That's what that means.
11 MS. BRENNAN: Yeah, I under -- yeah, I --
12 THE COURT: All right.
13 MS. BRENNAN: -- understand that, Judge. What we're
14 going to do is we're going to -- our expert is going to go
15 through these records and --
16 THE COURT: Well --
17 MS. BRENNAN: -- my --
18 THE COURT: -- the expert -- the expert will -- will
19 offer opinions and then the examination will go to what is the
20 basis for those opinions, okay? We're not going to go through
21 these things like a nitpick or with an expert witness like we
22 are right now. This is -- you're -- you'd be well to move the
23 case forward. So keep going.
24 MS. BRENNAN: Oh, I'm just trying --

1 THE COURT: You're about -- you're about --

2 MS. BRENNAN: -- to introduce --

3 THE COURT: You're about halfway -- you're about
4 halfway through your exhibits. Keep plowing ahead, okay?

5 MS. BRENNAN: Okay. Thank you, Judge.

6 BY MS. BRENNAN:

7 Q Exhibit 39, is that the discharge rec -- record from
8 Pasadena Villa, the discharge summary that -- for Pasadena
9 Villa?

10 A Yes, it is.

11 MS. BRENNAN: I offer, file, and introduce Exhibit
12 39.

13 THE COURT: Okay. Any objection?

14 MS. ROBERTS: Hold on, Your Honor. I'm sorry, I'm
15 trying to flip through this book.

16 THE COURT: It's a short one.

17 MS. ROBERTS: I'm just trying to get through it.
18 I'm sorry if that's a bit commerce. As to the date, no, Your
19 Honor. It's as to what specifically was said, then that's the
20 issue.

21 THE COURT: Yeah, but it's --

22 MS. ROBERTS: I think this is

23 THE COURT: It -- it -- okay. Exhibit 39 is
24 admitted. We'll consider that over the objection of the

1 Defendant as it relates to the content of the document.

2 (PLAINTIFF'S EXHIBIT 39 ADMITTED)

3 BY MS. BRENNAN:

4 Q If we can refer to Exhibit 37. Alecia, are these
5 the medical records for treatment rendered at LeConte Medical
6 Center in Tennessee to Emily in October of 2019?

7 A Yes.

8 MS. BRENNAN: I offer, file, and intro --

9 Q And Exhibit 38, are those the medical records also
10 from LeConte Medical Center in October of 2019?

11 A Yes.

12 MS. BRENNAN: At this time, I offer, file, and
13 introduce into evidence 37 and 38.

14 THE COURT: All right. Ms. Roberts --

15 MS. BRENNAN: The LeConte --

16 THE COURT: -- do you object --

17 MS. BRENNAN: -- Medical --

18 THE COURT: -- to 37 --

19 MS. BRENNAN: -- records.

20 THE COURT: -- and 38?

21 MS. ROBERTS: I do, Your Honor. The same
22 objections. I --

23 THE COURT: Thank you.

24 MS. ROBERTS: -- understand you're going to overrule

1 it.

2 THE COURT: Yes. 37 and 38 are admitted.

3 (PLAINTIFF'S EXHIBITS 37 and 38 ADMITTED)

4 BY MS. BRENNAN:

5 Q Exhibit 40, are these medical records for treatment
6 rendered to Emily during the December of 2019 time period?

7 A Yes.

8 MS. BRENNAN: I offer, file, and introduce into
9 evidence Exhibit 40.

10 THE COURT: Is this just another time when she went
11 to this facility?

12 MS. BRENNAN: Yes, Your Honor. And the reason
13 they're broken up is because we're trying to put them in
14 chronological order for you.

15 THE COURT: All right. This would have been at the
16 end of last year and the January of this year?

17 MS. BRENNAN: Yes.

18 THE COURT: Okay. Any objection to 40?

19 MS. ROBERTS: Yes, Your Honor. Again, these contain
20 handwritten information and medical records, the same as the
21 prior Del -- Del Amo record.

22 THE COURT: All right. Thank you. Exhibit 40 is
23 admitted. Overruled.

24 (PLAINTIFF'S EXHIBIT 40 ADMITTED)

1 MS. BRENNAN: Thank you.

2 (COURT RECESSED AT 9:54 AND RESUMED AT 9:54)

3 MS. BRENNAN: -- Your Honor. All right. I think
4 we'll -- we'll be done with the exhibits for now. And let's
5 start with some substantive testimony, Your Honor.

6 BY MS. BRENNAN:

7 Q Ms. Draper, can you tell me -- we can go to Exhibit
8 1, please. When was the first time that Emily receipted a --
9 received a disability rating? A disability diagnosis I guess
10 is the question. Was it back in May of 2008 with this IEP
11 from Clark County School District --

12 A That is correct.

13 Q -- on -- okay. If you can turn to Exhibit 1, Bates
14 Number ER1288. Tell me were you present at -- at this -- tell
15 me what happened back in -- in this time period in -- in 2008.
16 Was Emily in the fifth grade?

17 A Yes.

18 Q And why did -- tell me what was going on with her
19 and tell me why she had to get into the special education
20 program and get evaluated for an IEP back then. What was
21 going on with her?

22 A She was falling behind in her reading at home. I
23 was noticing that she was not able to comprehend information
24 from books at home. And she was skipping words and not able

1 to pronounce small words that she was able to -- to say the
2 previous year. So I -- I raised my concerns with the school
3 to test her ability at grade level.

4 Q And back at that time and if we look at Bates Number
5 ER1288, is it your understanding that she was diagnosed with
6 special needs and was given her first IEP?

7 A Yes.

8 MS. ROBERTS: Your Honor, I'm going to object. I
9 don't think the school can diagnose her.

10 THE COURT: Well, look. We -- the law is not that
11 every child that has an IEP qualifies for post majority
12 support. It -- it -- I -- I assume that this is just --
13 you're -- you just want to walk through that period of time
14 between 2008 and her emancipation, right? You just want
15 background.

16 MS. BRENNAN: Yes, Judge. I'm going to --

17 THE COURT: All right.

18 MS. BRENNAN: -- quickly --

19 THE COURT: They --

20 MS. BRENNAN: -- walk through these.

21 THE COURT: But when you talk about like disability
22 diagnoses and stuff like that, it has no relevance to the
23 ultimate issue in this case. Okay. Because if she had the
24 IEP in fifth grade and even had it all the way through high

1 school, that doesn't mean that she qualifies under the
2 statute. It --

3 MS. BRENNAN: I understand --

4 THE COURT: It -- it --

5 MS. BRENNAN: -- that, Judge --

6 THE COURT: Yeah.

7 MS. BRENNAN: -- but the point is is that our expert
8 is going to talk about the relevance of all of this. So I --

9 THE COURT: I understand --

10 MS. BRENNAN: -- do understand --

11 THE COURT: -- but we have thousands of kids that
12 have IEPs within the district. You don't have a right for
13 post majority support. It's -- I -- your -- your expert can
14 talk about it and your client can certainly talk about her
15 journey with Emily throughout this school period. But, you
16 know, this notion that she has an IEP and that it has
17 relevance to -- or it's going to be a material factor that the
18 Court considers is -- is sort of misguided. Okay.

19 MS. BRENNAN: Well, Judge, I would respectfully
20 request that you reserve judgment on that because --

21 THE COURT: Well, it depends --

22 MS. BRENNAN: -- when you --

23 THE COURT: -- on the nature of it. We have some
24 kids that have IEPs that are handicapped without any question

1 whatsoever and we have other folks who have IEPs because they
2 have speech issues or reading issues or otherwise and they
3 have no -- they are not qual -- they are not handicapped
4 within the meaning of the statute. So it depends on the facts
5 and circumstances of this case. I just --

6 MS. BRENNAN: I understand --

7 THE COURT: -- when you throw out terms like --

8 MS. BRENNAN: -- Judge and the only --

9 THE COURT: -- disability diagnosis and those kind
10 of things, technically that is a term of art that the district
11 may use to justify an IEP but it doesn't go to the ultimate
12 issue in this case. Just -- just go on. It's okay. Just
13 proceed with --

14 MS. BRENNAN: Okay.

15 THE COURT: -- your exam.

16 MS. BRENNAN: Okay.

17 BY MS. BRENNAN:

18 Q So if we look at -- is it -- if we look at Exhibit
19 1, ER1288, is it your understanding that the eligibility
20 category that caused her to get placed in this IEP was primary
21 hearing impairment, other specific learning disability?

22 A Yes, it is.

23 Q Okay. And this exhibit outlines the special
24 educational adjustments that were granted to her at that time;

1 is that correct?

2 A Yes.

3 Q Okay. Now if we look at Exhibit 1, 1306, is this
4 reflect the IEP done on Emily in sixth grade by the Clark
5 County School District?

6 A Yes, grade six.

7 Q Okay. And looking at Bates Number 31 -- 1306 on
8 that, the eligibility chara -- category given by the Clark
9 County School District was primary hearing impairment other
10 special learning -- specific learning disability; is that
11 correct?

12 A Yes.

13 Q And the rest of the -- this section deals with the
14 special educational adjustments that Clark County made for
15 her; is that correct?

16 MS. ROBERTS: Objection, Your Honor.

17 A Correct.

18 MS. ROBERTS: It's leading.

19 THE COURT: The -- the form of the question is
20 leading, but sustained.

21 BY MS. BRENNAN:

22 Q What does -- what does Bates Number 1306 through
23 1315 -- does this reflect her individualized placement at --
24 at that time in sixth grade?

1 A Can you repeat the question?

2 Q Exhibit 1, Bates Number 1306 through 1315 is a 10
3 page document. Does this -- is it your understanding that
4 this is the IEP for Emily for sixth grade?

5 A Yes.

6 Q You can turn to Exhibit 13 -- ER13716 and Exhibit 1
7 through Exhibit -- 1325. That's an 11 page -- that says 1
8 through 11. Is this what you understand the IEP for her
9 seventh grade?

10 A Yes.

11 Q And Bates Number ER1316, the eligibility category,
12 was primary hearing impairment, other specific learning
13 disability; is that correct?

14 A Yes.

15 MS. ROBERTS: Your Honor, I'm going to object again.
16 These are all hearsay -- or I'm sorry, they're all leading.

17 THE COURT: Well, I'm -- I'm not sure. The -- the
18 form of the last question was leading, but this is background.
19 What is the real question that you're asking the witness? The
20 document's been admitted. The IEP -- the child -- I already
21 have enough evidence to make a finding that the child had an
22 IEP with the district from fifth grade forward.

23 MS. BRENNAN: Okay. Well, I'm just -- I want to get
24 some testimony because you made it clear that you wanted

1 testimony on this. So --

2 THE COURT: Well, why don't you --

3 MS. BRENNAN: -- I need the testimony --

4 THE COURT: -- ask her what she observed as a
5 parent? What -- what type of indicia of -- I mean, it -- it
6 do -- look, I'm not -- just continue on with your case, but
7 you're -- you can't -- you can't ask leading questions about
8 the document over the objection of the Defendant, okay?

9 MS. BRENNAN: Okay.

10 BY MS. BRENNAN:

11 Q Is it your -- did -- did Emily get a -- what was the
12 basis for the IEP? What was the eligibility requirement that
13 was found by Clark County for seventh grade for her IEP?

14 A It was for -- do you have Bates number?

15 Q E -- ER1316.

16 A It was eligibility -- eligibility category hearing
17 impairment and specific learning disability.

18 Q If you can turn to Exhibit 1345 -- I mean, Bates
19 number 1345. Well, no. Let's go to ER1330. In eighth grade,
20 what was the eligibility requirement for -- found for her IEP?
21 Bates Number 1330.

22 A Eligibility was hearing impairment and specific
23 learning disability.

24 Q Okay. If you can return to Bates Number 1345. Is

1 this a -- what -- what occurred -- what is -- what is 1345
2 through 1351? Is that an IEP or is that something different?

3 A It is a multi-disciplinary evaluation team report.

4 Q Okay. And if you -- as a result of this
5 multi-disciplinary report, is it your -- was -- did the multi
6 -- multiple disciplinary team believe that Emily needed to
7 continue with her special education and her IEP?

8 A Yes.

9 Q And when -- when we -- when you moved to California
10 she started high school in ninth grade in Orange County,
11 California; is that correct?

12 A Yes.

13 Q And Exhibit 2 shows the various IEPs and diagno --
14 the -- the eligibility criteria that Cal -- the state of
15 California found for Emily during high school; is that
16 correct?

17 A That is correct.

18 Q Okay. And I'll get Dr. Love to test -- to -- to go
19 through her understanding of all these records. Is it fair --
20 did Emily ever from fifth grade to the time that she got out
21 of high school, did she ever not need an IEP or special
22 education from fifth grade on?

23 A She never -- can you rephrase the question? I'm
24 sorry.

1 Q What -- from fifth grade to the time she completed
2 high school, was she always on an IEP, a special educational
3 program?

4 A Yes.

5 Q Okay. And what -- can you tell the Judge generally
6 for what was going on with Emily because what was -- what was
7 going on from fifth grade through high school you're -- based
8 on your observations with Emily regarding her disability?

9 MS. ROBERTS: Objection, Your Honor.

10 A My observations --

11 MS. ROBERTS: Lack of foundation.

12 THE COURT: You're asking her as to the mother to
13 testify about the specifics of her understanding of her
14 daughter's condition? Is that what you're asking her?

15 MS. BRENNAN: I'm asking her to explain, you know --
16 yeah, I mean what did she --

17 THE COURT: Well, I know, but the --

18 MS. BRENNAN: -- personally observe?

19 THE COURT: I -- I -- look, it -- the -- both
20 parents can testify concerning what their understanding is but
21 it's not -- it's not going to have -- it's not going to --
22 it's not going to have much weight as it relates to a finding.
23 This is a clinical issue. I'll allow her to answer the
24 question. You can answer the question, ma'am.

1 THE WITNESS: Emily's very quiet and shy. I mean,
2 she did -- I noticed that she had a difficult time expressing
3 emotions and feelings. She would explain to me that she felt
4 numb inside. She had no thoughts or emotions.

5 MS. ROBERTS: Objection, Your Honor. That's
6 hearsay.

7 THE COURT: Yeah, that I -- Ms. Brennan didn't
8 specifically ask you what Emily said. She's the real witness
9 for that statement. It's more observations from you. So the
10 objection is --

11 MS. BRENNAN: Okay.

12 THE COURT: -- sustained. Ask another question, Ms.
13 Brennan.

14 BY MS. BRENNAN:

15 Q What behaviors of Emily did you observe before she
16 turned 18 if any created concerns with you regarding the fact
17 that she may have some medical issues with behaviors?

18 A One -- one observation we would go into her IEP team
19 meeting in high school and Emily would sit on the floor in the
20 corner in the room. So I was concerned and the behavior
21 concerned me.

22 Q Okay. What other behaviors? Did Emily ever attempt
23 suicide before she turned 18?

24 MS. ROBERTS: Objection, Your Honor. It's leading.

1 THE COURT: No, overruled.

2 THE WITNESS: Yes.

3 BY MS. BRENNAN:

4 Q Tell the Judge about that.

5 A Emily broke down in high school and said she wanted
6 to commit suicide. Her school counselor --

7 MS. ROBERTS: Objection, Your Honor. That's
8 hearsay.

9 THE COURT: I -- that -- I'm not taking the -- look.
10 Ms. Brennan asked you what happened. Did she do it, what
11 time, when was this, without asking you to make -- relate a
12 statement from Emily. Okay. So put us in a place and time
13 and then describe what happened.

14 THE WITNESS: Can you give me a minute to recall my
15 recollection --

16 THE COURT: It --

17 THE WITNESS: -- of events?

18 THE COURT: I -- yes, but, again, the -- the general
19 question was Emily turned 18 was there an issue? And you said
20 yes.

21 THE WITNESS: The incident was that she wrapped a
22 sweater around her neck and tried to strangle her.

23 BY MS. BRENNAN:

24 Q And what -- what -- is there a document you can

1 refer to -- or do you know what -- can you give the Judge some
2 time period, what month, what year, or do you need to refer
3 some documents to do that?

4 A I would need to refer to some documents in the
5 records.

6 Q Okay. Is there any particular exhibit that will
7 refresh your recollection? If you could refer to whatever
8 exhibit will refresh your recollection to get the Court the
9 date?

10 A It would -- to my recollection, it would be in the
11 UCI medical record.

12 Q Okay. So if we could refer to -- is it -- was that
13 back in 24 -- March of 2014? Can you turn to Exhibit 5 which
14 is the UCI Irvine medical record? Is this the medical record
15 for her -- why -- why did she go to the hospital in Exhibit 5?
16 What was going on with Emily at the time that you personally
17 observed that caused her to go to the hospital on April 14th
18 of 2015 or -- well, yeah, April 14th of 2015? Was this her
19 medical?

20 A Well, the -- to my recollection, the first
21 hospitalization she was in high school. I was called by the
22 school nurse to come pick her up and take her to the hospital.
23 That was in 2014. And she was in a state, a catatonic state
24 on the floor in a ball rocking back and forth. And my husband

1 and I picked her up off the floor and brought her to the
2 emergency room. She was unable to communicate, she wasn't
3 responding.

4 Q Okay. And how did you learn of the fact that she
5 was potentially suicidal? You said the school called you?

6 A Yes.

7 Q And was it your understanding at that time -- did
8 she see a therapist by the name of Stephanie Frasier (ph) back
9 in March of 2014?

10 A Yes.

11 Q And what was the purpose of her seeing Stephanie
12 Frasier March of 2014?

13 A The purpose --

14 Q Was that --

15 A -- was -- sorry? The --

16 Q I'm sorry --

17 A The purpose --

18 Q -- go ahead.

19 A -- was to address her suicidal ideation.

20 Q Okay. Did she have any diagnosis at that time of
21 PTSD to your knowledge?

22 A To my knowledge, the first diagnosis for PTSD was
23 given at -- by Stephanie Frasier. She's in her notes. She
24 thought she had PTSD. And that diagnosis was on her medical

1 record at UCI.

2 Q Okay. And did Emily try to commit suicide another
3 time while she was in high school a second time?

4 A Yes.

5 Q How many times in high school did she try to commit
6 suicide? Was it twice or more?

7 A To my best of my knowledge, one time in high school
8 schedule ran into -- ran out of a classroom into the street to
9 attempt to get hit by a car. I was --

10 Q What --

11 A -- called -- yeah.

12 Q Go ahead.

13 A Don't recall what year that was. I know she was in
14 high school. And she had been expressing she wanted to commit
15 suicide.

16 Q Did she go to the hospital that sec -- that time for
17 that incident?

18 A Yes.

19 Q And what hospital did she go to for that incident?
20 Was that also UC Irvine Medical Center?

21 A I don't recall.

22 Q Okay. But it's your understanding that twice in
23 high school she -- she -- you tried to commit suicide the
24 first time being the one that you describe where she wrapped

1 the sweater around her neck and the school called you and she
2 had to go to the hospital and the second time when the -- the
3 school called you and she ran into the street and tried to get
4 herself hit by a car; is that correct?

5 MS. ROBERTS: Your Honor, I'm going to object as
6 to --

7 A No.

8 MS. ROBERTS: -- leading.

9 A The -- the sui --

10 THE COURT: Hold on. Hold on a second.

11 A The -- the sweater --

12 THE COURT: Ms. -- I didn't hear you, Ms. Roberts.
13 Did you interject?

14 MS. ROBERTS: Sorry, Your Honor, I had it on mute.
15 Yes, I was trying to object as to the fact that these are so
16 leading question specifically.

17 THE COURT: They -- well, I'm not sure that that
18 question is leading. I think that it's asking her for detail
19 concerning something she's already described. The -- the
20 objection's overruled. Ms. Brennan, ask another question,
21 please.

22 MS. BRENNAN: Okay.

23 BY MS. BRENNAN:

24 Q At -- at some point in time -- was Emily ever

1 sexually molested to your knowledge?

2 A Yes.

3 Q And tell me about -- was -- is there somebody in
4 jail right now because of that?

5 A Yes.

6 Q Okay. And what is that man's name?

7 A Allen Richard Gorey (ph).

8 Q Okay. Can you tell the Judge how -- is he -- how
9 many years did Allen Gorey sexually molest Emily?

10 MS. ROBERTS: Objection, Your Honor. That would be
11 hearsay.

12 THE COURT: Well, no. The -- there's got to be
13 foundation for it. I mean, you -- you mentioned in our
14 opening statement that there was either a trial or an
15 adjudication. Mom may have knowledge from that. You just
16 have to establish where she -- where she has the basis, what
17 the foundation is for her knowledge. Okay.

18 BY MS. BRENNAN:

19 Q Well, let's start with this. When did it first come
20 to your attention or when did you first learn that Emily had
21 been sexually molested by Allen Gorey?

22 A At UCI Medical Center.

23 Q And what year was that?

24 A 2014.

1 Q And is that the Exhibit 5 medical records -- was it
2 in the UC Medical Center that she -- how did you learn that
3 she had been sexually molested? Did she tell you? Did she
4 tell a doctor? Did she tell a school teacher? How did it
5 first come to your attention?

6 A She first told her aunt that she --
7 MS. ROBERTS: Your Honor, objection.

8 A -- was --
9 MS. ROBERTS: Hearsay.

10 A -- molested.

11 THE COURT: Overruled.

12 MS. BRENNAN: It -- it --

13 THE COURT: Go on. Finish your answer.

14 THE WITNESS: She spoke to her aunt -- aunt about
15 the sexual molestation and that it was reported to the
16 personnel at the hospital. And then I was told.

17 BY MS. BRENNAN:

18 Q The UCI -- the UC Medical -- UC Irvine Exhibit 5
19 documents?

20 A Yes.

21 Q Okay. And what happened as a result of Emily's
22 disclosure at the hospital about this? Did -- was a criminal
23 case opened?

24 A That is correct.

1 Q And was -- in the context of the criminal case, what
2 -- what -- was he -- did he plead guilty? What happened in
3 the case?

4 A The case was heard and tried -- or not tried, but he
5 took a plea deal for lesser charges. The Judge overturned the
6 plea deal that the DA had given and he's serving five to 15
7 years.

8 Q And is it your understanding from the criminal case
9 that Emily was molested for somewhere from eight to 10
10 years --

11 A Correct.

12 Q -- by Mr. Gorey?

13 A Correct.

14 Q And where did this molestation take place? Over the
15 course of what years? From -- did this happen -- from what --
16 from -- before the divorce, after the divorce?

17 A After the divorce.

18 Q Okay. Who --

19 A Til --

20 Q -- is Mr. Gorey? Who -- Allen Gorey, the guy that
21 molested Emily, was he -- did he live with Dad? Was he
22 Jeffrey Reed's roommate or did the kids stay with Allen Gorey
23 while he was in the -- the children were supposed to be in the
24 care and custody of Dad?

1 A He was --
2 MS. ROBERTS: Objection, Your Honor.
3 A -- a friend --
4 MS. ROBERTS: (Indiscernible).
5 A -- of --
6 MS. ROBERTS: (Indiscernible) --
7 A -- he was friend --
8 MS. ROBERTS: It's leading.
9 THE COURT: Ms. Roberts, did you state an objection?
10 MS. ROBERTS: I -- did, Your Honor.
11 THE COURT: Yeah, the --
12 MS. ROBERTS: She started to answer --
13 THE COURT: -- objection is sustained. Just ask her
14 -- ask her who he was and let -- and lead it at that instead
15 of leading her through her testimony, okay?
16 BY MS. BRENNAN:
17 Q Who is -- who is Allen Gorey?
18 A He is a friend -- close friend, family friend of --
19 of Jeffrey and roommate.
20 Q Okay. What else do you know about Allen Gorey?
21 A He was married and he was the primary caretaker for
22 Emily and her two brothers during --
23 Q And does --
24 A -- visitation his time.

1 Q And is -- when is -- did -- did the kids spend the
2 night at Allen Gorey's house? Or what do you know about that?

3 A That is correct. Jeff had an apartment or a home.
4 I'm not sure at this point. I can't recall if he had a home
5 or an apartment but another residence and the children were
6 dropped off to Allen and his wife to spend overnight visits at
7 their home from the time --

8 MS. ROBERTS: Objection, Your Honor. It lacks
9 foundation.

10 THE COURT: Yeah, the -- there's no foundation for
11 that and I don't know that the detail since this matter has
12 been adjudicated and the Court can make a finding based on the
13 criminal case. She -- she wasn't there. The inf -- the
14 source of the information hasn't been established. And so the
15 lack of foundation objection has merit. The details of how
16 this occurred are not material. I'm not sure that it's even
17 contested Ms. Brennan that this occurred. If it's contested,
18 then the Court's going to give you a lot of leeway into
19 establishing the detail. But I have testimony of a report. I
20 have testimony of treatment. I have testimony of a conviction
21 and incarceration of the perpetrator. Okay? So --

22 MS. BRENNAN: Great. Thanks.

23 THE COURT: -- if you want to lay the foundation and
24 get this point in, then back up and do it. If not, move on.

1 BY MS. BRENNAN:

2 Q When Mr. Gorey -- when it was -- if you can look at
3 Exhibit 5 --

4 MS. BRENNAN: One second, Your Honor. Let me get to
5 the page.

6 Q Is it your understanding that Emily was di -- was
7 diagnosed with PTSD by the UC Irvine Medical Center in April
8 of 2015?

9 MS. ROBERTS: Objection, Your Honor. It's --

10 MS. BRENNAN: I'm sorry.

11 THE COURT: -- asked and answered.

12 THE COURT: Sustained. Sustained. This is not --
13 she is not the real witness for that, okay?

14 MS. BRENNAN: Okay.

15 BY MS. BRENNAN:

16 Q Let -- let me ask you this, Alecia. What diagnosis
17 are you aware of Emily being diagnosed with prior to the age
18 of 18?

19 A It's my knowledge and understanding she is diagnosed
20 with PTSD, major depressive disorder, and social anxiety
21 disorder.

22 Q And what time frame -- is it your understanding that
23 occurred when she was still in high school?

24 A Yes.

1 Q Okay. Did -- tell -- explain to the Judge once
2 Emily disclosed that this -- she had been molested for eight
3 to 10 years by Mr. Gorey, tell me how that impacted her
4 functioning and like following that -- what -- what time
5 period was that just so we're clear on when did you discovered
6 that?

7 A I discovered that around March 2014.

8 Q Okay. And --

9 A During --

10 Q -- explain -- and Emily when that was revealed, she
11 was 17 years old; is that correct?

12 A Yes.

13 Q And tell me about her condition, what behaviors you
14 observed in Emily from the time she disclosed that until the
15 time she graduated from high school.

16 A She had multiple breakdowns. A breakdown would
17 consist of crying, rolling on the floor, not able to
18 communicate, self-injury behaviors. She was having flashbacks
19 and panic attacks. She was banging her body up against the
20 wall, the floor. I know now that's similar behavior to a
21 pseudo seizure. The behavior -- her beha -- she -- she was I
22 would consider unstable.

23 Q Okay. Did -- did she finish school actually in
24 school classroom or did something else have to occur for her

1 to finish school?

2 A She finished her last credits in home schooling.
3 She tried to go down to a -- a more supportive level of care
4 in high school. And she was unsuccessful. She -- that is the
5 incident from school where she ran out of the room and tried
6 to get hit by a car.

7 Q Okay.

8 A And she was in the middle of the street.

9 Q Okay. If you could turn to Exhibit 11. If you
10 could go to Bates Number 213.

11 A Exhibit 11?

12 Q Yes. What was the reason for the admission here?
13 Actually, I think it's on 194. What's -- what's the -- the
14 reason that she was admitted? If you can go to Bates Number
15 194 and refresh your rec -- if you need to -- if you need to
16 refer that to refresh your recollection --

17 A Yeah.

18 Q -- as to --

19 A So this is --

20 Q -- (indiscernible).

21 A -- recalling the -- according to the whole -- the
22 patient, attempted to strangle herself with a sweater. As she
23 was evaluated by the school psychologist and unable to
24 contract for safety. And it speaks to her history of sexual

1 abuse. We had a lot of internal stimuli according to this
2 document.

3 Q Okay. And so she was hospital -- this is the
4 hospital records for her attempt to strangle herself with the
5 sweater back in high school, correct?

6 A Yes.

7 Q And that was in -- as reflected on Bates Number 194.
8 She was admitted to Del Amo Hospital March 7th of 2015 for
9 that suicide attempt; is that correct?

10 A Yes.

11 Q And Emily was still in high school at that time,
12 correct?

13 A Yes, she was.

14 Q Okay. If you could turn to Exhibit 11, Number
15 PL213. What is your recollection of the diagnosis Emily was
16 given when she was discharged from this suicide attempt in
17 high school?

18 A The -- the --

19 Q On Bate -- it was it -- if -- if I look at Bates
20 Number PL213, it says depressive -- major depressive disorder,
21 severe with psychotro -- tropic features. Is that your
22 understanding of the diagnosis at that time?

23 A That's correct. Psychotic features.

24 Q Psychotic features. And she was still in high

1 school at that time, correct?

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

3 A That is correct.

4 MS. BRENNAN: Ms. Brennan, you are torturing
5 yourself by you -- by trying to get this information in when
6 your client is not the witness who has -- the -- it doesn't --
7 first of all, the Court admitted this exhibit to show the
8 treatment. The Court supports the objection that the
9 statements that are -- the statements by other folks than your
10 client are not going to be considered for the truth of the
11 fact asserted. Okay. She's already testified in general
12 sense as a parent as to why her child was there. But you're
13 -- you're -- I mean, I don't want the record to be confusing.
14 The Court is not going to make any findings about any other
15 treatment diagnosis statements because the person who made
16 those statements is not the witness. You have an expert.
17 That's why you called an expert so that that expert can offer
18 opinions and can answer questions like the one you just asked
19 of your client. Okay. The real witness would be the person
20 who made that note or an expert. Okay.

21 MS. BRENNAN: Right. I'll let --

22 THE COURT: So --

23 MS. BRENNAN: My expert will be testifying to that,
24 Your Honor.

1 THE COURT: Right. So let's not do it twice.
2 Besides, I don't want there to be any misunderstanding that
3 these records were admitted because they were -- they were
4 authentic and because you produced them and because they --
5 they show that the child was treated at these facilities
6 during those times.

7 MS. BRENNAN: Okay.

8 BY MS. BRENNAN:

9 Q As a result of -- did you apply for social -- what
10 -- tell me about -- is Emily currently receiving social
11 security?

12 A Yes, she is.

13 Q And when did she first start receiving social
14 security?

15 A I believe it was on or about in 2015 October. I'm
16 not certain of the date, but I applied --

17 Q Okay.

18 A -- for SSI in high school.

19 Q Okay. If I can have you turn to Exhibit 9.

20 A Okay.

21 Q What is Exhibit 9? Are these the social security
22 records for Emily?

23 A Yes.

24 Q And tell me -- are you familiar with Exhibit 9?

1 A Yes.

2 Q Does Exhibit 9 show your appli -- your request for
3 Emily's social -- her -- the (indiscernible) of social
4 security for Emily?

5 A Yes.

6 Q How much -- can you look at this -- what was the
7 first time that Emily received --

8 MS. BRENNAN: I -- I offer, file, and introduce
9 Exhibit 9.

10 THE COURT: Any objection to 9?

11 MS. ROBERTS: No, Your Honor.

12 THE COURT: 9 is admitted.

13 (PLAINTIFF'S EXHIBIT 9 ADMITTED)

14 BY MS. BRENNAN:

15 Q Okay. And tell the Judge -- you applied for social
16 security when she was still in high school, correct?

17 A Yes.

18 Q And it was --

19 A I believe I -- I believe I -- I applied in high
20 school. I'm not a hundred percent to the date. I don't
21 recall exactly if it was -- she was still in high school or
22 immediately following high school. The information was given
23 to me from school to apply.

24 Q Okay. And -- and what was the -- how much -- did --

1 did social security approve Emily for social security?
2 A Yes, they did.
3 Q And how much -- has she been received social
4 security from 2015 to the present?
5 A Yes, she has.
6 Q And does this Exhibit show the amounts that she
7 received for certain time periods within that?
8 A Yes.
9 Q how much is she currently receiving for 2020?
10 A She receives 686.24 per month.
11 Q And what -- what -- does she receive -- what did she
12 receive in 2015?
13 A 645.07.
14 Q And 20 --
15 A Oh, I'm sorry.
16 Q -- 16 --
17 A I apologize. I take that back. It's 648.50.
18 Q 648.50 is what she received per month in 2015. What
19 about 2016? What did she receive per month?
20 A Yeah, I'm sorry. It was 20 -- it was 645.07 in
21 2015, 2016, 648 --
22 Q Wait. Wait. Wait.
23 A -- 50 --
24 Q Wait. Wait. Wait. You've got to slow down. How

1 much in 2015?

2 A 645.07.

3 Q 2016?

4 A 648.50.

5 Q 2017?

6 A I don't recall unless I had it in front of me. I

7 apologize.

8 Q Do you have any summary charts?

9 A Yeah, I would have to look at her expense sheet --

10 Q Okay.

11 A -- to know that exact number.

12 Q You can look at any document that's necessary to

13 refresh your recollection if you will so that we can get the

14 amounts for 2017, '18, and '19.

15 MS. BRENNAN: Ms. Brennan, come on, man. They --

16 they -- there's no material issue that the Court needs to

17 spend more than a minute on that the amount that she receives

18 is some number between 648 a month and 686 a month, okay? The

19 Court doesn't need to know to the penny what she received in

20 these years. The testimony that she applied for was granted

21 and she received amounts that are adjusted by the federal

22 government within that range. Okay? It's not necessary.

23 MS. BRENNAN: Okay, Judge.

24 THE COURT: And you filed a --

1 MS. BRENNAN: Okay.

2 THE COURT: -- financial, what, a yesterday, day
3 before, saying that the current amount is 686. That's what
4 your client confirmed today.

5 MS. BRENNAN: Yes.

6 BY MS. BRENNAN:

7 Q Does your client -- does Emily receive any other
8 financial assistance from the government from -- at any time
9 other than SSI?

10 A Yes.

11 Q What other government assistance has Emily received
12 in her life?

13 A She's getting a CalFresh EBT card for food.

14 Q And when did that start?

15 A In 2020.

16 Q And what is the amount that she receives for that
17 per month?

18 A 194.

19 Q Did Emily receive a stimulus payment because of
20 COVID?

21 A Yes.

22 Q And what was the amount of that?

23 A \$1200.

24 Q And that's a one time payment --

1 A That is correct.

2 Q -- so far?

3 A Yes.

4 Q Okay. Has Emily earned any -- worked and earned any
5 income outside -- since graduating from high school?

6 A No.

7 Q Has she worked at all since age 18 to the present?

8 A No.

9 Q Why not?

10 MS. ROBERTS: Objection, Your Honor. Calls for
11 speculation.

12 THE COURT: It does. Sustained.

13 BY MS. BRENNAN:

14 Q Were you -- at what point in time were you -- were
15 you ever appointed conservator for Emily?

16 A Yes.

17 Q And what year was that?

18 A Let me refer to the exhibits.

19 Q Do you need to refresh your memory?

20 A Yes. I received the letters of conservatorship on
21 October 2nd, 2018 on or about that time they were filed.

22 Q And that -- and that conservatorship allows you to
23 make decisions regarding Emily's medical care; is that
24 correct?

1 A Yeah, that is for her person and estate.
2 Q Which includes her medical care?
3 A Correct.
4 Q At some point in time -- at any point in time did
5 Emily or you on behalf of Emily try some type of vocational
6 placement with -- through social security --
7 A Yes.
8 Q -- with Emily? Can you tell the Judge about that?
9 A Emily was approved for vocational training as a --
10 as a child with a disability. And so we made the appointment
11 with that department. During the appointment --
12 Q What year --
13 A -- I was --
14 Q -- was this? I'm sorry, what year?
15 A This was in 2000 -- 2015.
16 Q Okay. Go ahead.
17 A Emily and I attended the appointment. I witnessed
18 her unable to answer the questions asked by the vocational
19 training specialist that was with us that day. She began to
20 cry and she put her head on her lap.
21 Q As -- did -- and what was the result of that
22 appointment?
23 A We weren't able to finish the interview for any type
24 of job training that would have been recommended through that

1 program. And later they said that she wasn't eli -- eligible
2 based on her disability I believe to my understanding. I
3 would have to check similar records and my notes.

4 Q Have you attempted to -- have you gotten treatment
5 for Emily over the years for her various issues that Dr. Love
6 is going to talk about?

7 A Yes.

8 Q And are you requesting that you and Jeff both have
9 to be responsible for the support of Emily from the date of
10 the filing of your motion in 2017 forward?

11 A Yes.

12 Q Okay. And did you -- does Emily have a service dog?

13 A Yes, she does.

14 Q And the service dog's name is Monarch?

15 A Yes.

16 Q And is that a PTSD service dog?

17 A Yes.

18 Q And can you tell me when she got Monarch and the
19 reason for Monarch?

20 A It was recommended by her -- one of her therapists,
21 Elise Collier, to -- a service dog might help her stable -- to
22 be more grounded out in public places and offer her more
23 supports for her suicidal ideation.

24 MS. ROBERTS: Your Honor, I'm going to object.

1 A This is my understanding --
2 MS. ROBERTS: This would be hearsay.
3 THE COURT: Yeah, the -- the Court will disregard
4 the statement of the third party. And it wasn't specifically
5 asked by Ms. Brennan. Just ask another question, Counsel.
6 MS. BRENNAN: Okay.
7 BY MS. BRENNAN:
8 Q It -- does -- so from 2015 -- what year was that the
9 -- the service dog was purchased -- was the service dog
10 purchased in February of 2016? Can you turn to Exhibit 60?
11 A So -- so February 6th, 2016.
12 Q Okay. What is Exhibit 60?
13 A It's a contract to purchase the dog, Monarch.
14 Q Okay. Is it a true and correct copy of the contract
15 to purchase the dog?
16 A Yes.
17 MS. BRENNAN: I offer, file, and introduce into
18 evidence Exhibit 60.
19 THE COURT: Any objection to 60?
20 MS. ROBERTS: No, Your Honor.
21 THE COURT: Thank you. 60's admitted.
22 (PLAINTIFF'S EXHIBIT 60 ADMITTED)
23 BY MS. BRENNAN:
24 Q And you paid the money for the dog as reflected in

1 this exhibit; is that correct?

2 A Yes.

3 Q Exhibit 61, are those -- is the first page of
4 Exhibit 61 show -- on Bates Number 1023 show Monarch's PTSD
5 iden -- service dog identification tag?

6 A Yes.

7 Q And does the rest of Exhibit 61 reflect that bills
8 that you've incurred for her service dog?

9 A Yes.

10 MS. BRENNAN: I offer, file, and --

11 Q Is this an accurate and complete copy of your vet
12 records with Corona del Mar for this dog? Is this a true and
13 correct copy of the vet records at this in -- at this
14 facility, Alecia?

15 A Yes, but --

16 MS. BRENNAN: I --

17 A -- yes, this is true. Sorry.

18 MS. BRENNAN: I offer, file -- file, and introduce
19 Exhibit 61.

20 THE COURT: Any objection to 61?

21 MS. ROBERTS: Just lack of foundation, Your Honor,
22 and -- and --

23 THE COURT: Well, I mean, look. I -- just because
24 they're admitted doesn't mean it's -- it -- it's a financial

1 obligation. But they're offered to show bills that she paid
2 that are related to the acquisition and maintenance of this
3 dog, right, Ms. Brennan?

4 MS. BRENNAN: Yes, Judge.

5 THE COURT: All right. What's -- what --

6 MS. BRENNAN: That's Emily --

7 THE COURT: She laid the foundation and that she
8 said that these are bills that she paid for the service dog.
9 Isn't that what she said?

10 MS. BRENNAN: Yes, Judge.

11 MS. ROBERTS: She then said but Your Honor and
12 Counsel cut her off. It's been a leading -- again, it comes
13 back to the leading. So she cut her --

14 THE COURT: Yeah.

15 MS. ROBERTS: -- off --

16 THE COURT: I --

17 MS. ROBERTS: -- when she said --

18 THE COURT: Look, the -- I -- I understand. Exhibit
19 61 is admitted over the objection of the Defendant.

20 (PLAINTIFF'S EXHIBIT 61 ADMITTED)

21 BY MS. BRENNAN:

22 Q Exhibit 62, Alecia, are these vet bills that you
23 occurred for the -- Emily's service dog at Triple A Animal
24 Hospital? Exhibit 62.

1 A Yes.

2 MS. BRENNAN: I offer, file, and introduce into
3 evidence Exhibit 62.

4 THE COURT: Any objection to 62?

5 MS. ROBERTS: It's the same objection, Your Honor.

6 THE COURT: All right. Exhibit 62 is admitted.
7 Thank you.

8 (PLAINTIFF'S EXHIBIT 62 ADMITTED)

9 BY MS. BRENNAN:

10 Q Exhibit 64 are this Twin Peaks vet records that --
11 for vet expenses that you have incurred for Emily's service
12 dogs at Twin Peaks. Exhibit 64.

13 A Yes.

14 MS. BRENNAN: I offer, file, and introduce into
15 evidence Exhibit 64.

16 THE COURT: What is the relevance of these records?

17 MS. BRENNAN: These are all expenses that have been
18 incurred for Emily that we're seeking payment for because both
19 parents should have to pay for the support of their disabled
20 child. These are expenses that my client has paid for and
21 we're seeking as part of the child support request. All of
22 these are expenses that Emily has that she needs to maintain
23 her life.

24 THE COURT: Okay. I know that's contested, Counsel.

1 Same objection?

2 MS. ROBERTS: Yeah. The only other thing Your Honor
3 is I -- I believe that Plaintiff just testified that she paid
4 these. These actual credit card statements are for someone
5 other than the Plaintiff.

6 THE COURT: Yeah, what was it, like her husband or
7 something?

8 MS. ROBERTS: No, it's for somebody named --

9 THE COURT: All right. All right.

10 MS. ROBERTS: -- Elizabeth Olden (ph) --

11 THE COURT: So that why don't you -- why don't you
12 cure that foundational defect since the -- these bills are
13 being offered for contribution -- a contribution claim? Why
14 don't you ask Ms. Brennan who actually paid these bills?

15 BY MS. BRENNAN:

16 Q Did -- did -- and who paid these -- who paid Exhibit
17 64 bills? I mean, if we look at Exhibit 64, Bates Number
18 ER1041 on the lefthand side, there is a credit card receipt
19 for Elizabeth Olden. Who is Elizabeth Olden?

20 A My mom and Emily's grandma.

21 Q Okay. And did she pay for that bill?

22 A She would have paid that bill in Arizona if the dog
23 was there and then I would have reimbursed her.

24 Q Okay. Did you in fact reimburse your mom for any

1 payments that she made to Twin Peaks vet center in Arizona?

2 A I don't recall.

3 Q Did -- is the -- the one -- did you pay the bill in
4 10 -- is the one with -- so do you -- you don't recall whether
5 you were reimbursed for these from your mom or not? Did --

6 A No, I -- and she paid the bills. She has paid the
7 bills and assistance to help with Emily's care and treatment.
8 So I know I owe her money and she has a total of that. But
9 I'm not sure if I paid her back this amount of money as
10 listed.

11 Q Okay.

12 A I don't recall.

13 MS. BRENNAN: I offer, file, and introduce into
14 evidence Exhibit 4 for the purpose of showing --

15 THE COURT: All right.

16 MS. BRENNAN: -- medical --

17 THE COURT: Exhibit 64 --

18 MS. BRENNAN: -- bills for the dog.

19 THE COURT: Exhibit 64, the same -- do you object,
20 Ms. Roberts?

21 MS. ROBERTS: Yes, Your Honor. It's --

22 THE COURT: Okay.

23 MS. ROBERTS: -- the same objection.

24 THE COURT: Exhibit 60 -- 64 will come into evidence

1 and we'll argue over whether or not there's any consequence
2 over the objection of Defendant.

3 (PLAINTIFF'S EXHIBIT 64 ADMITTED)

4 THE COURT: All right. Go on, Counsel.

5 BY MS. BRENNAN:

6 Q Exhibit 65, are these bills incurred at Beach City
7 Animal Hospital for Emily's service dog?

8 A Yes.

9 MS. BRENNAN: I offer, file, and introduce Exhibit
10 65.

11 THE COURT: Any objection to 65?

12 MS. ROBERTS: I -- I do, Your Honor, as to
13 foundation. These -- specifically these bills don't list that
14 they're for -- oh, maybe I do and I missed it.

15 THE COURT: Well, that's fine. I mean, look. These
16 are bills that she paid it looks like normal vet visits in
17 2016 and -- your client is objecting to having to pay any of
18 these bills, right? But they -- there's no real objection to
19 the admissibility other than relevance. But I --

20 MS. ROBERTS: Yes, Your Honor.

21 THE COURT: -- I'm overruling that. 65 is admitted.

22 (PLAINTIFF'S EXHIBIT 65 ADMITTED)

23 MS. BRENNAN: Thank you, Judge.

24 BY MS. BRENNAN:

1 Q Exhibit 74 -- what does Exhibit 74 reflect?

2 A This is dog training Monarch received.

3 Q And that's training for service dog for -- to train
4 Monarch to be a service dog; is that correct?

5 A It's continued training for the service dog work
6 that she's trained to do.

7 Q And you incurred these expenses, correct, as set
8 forth in Exhibit 74?

9 A Yes.

10 MS. BRENNAN: Offer, file, and introduce Exhibit 74.

11 MS. ROBERTS: I'm going to object, Your Honor. Part
12 of this contains emails which would be hearsay. Specifically
13 at ER001286 are the emails.

14 MS. BRENNAN: And that's not being offered to prove
15 the truth of the matter therein. So it's not hearsay.

16 THE COURT: Well, I -- I -- it's just part of the --
17 you -- you obtained the records from the place, right?

18 MS. BRENNAN: Yes --

19 THE COURT: And --

20 MS. BRENNAN: -- Judge.

21 THE COURT: -- so this was produced by them because
22 it happened to be in their file.

23 MS. BRENNAN: Right.

24 THE COURT: The Court's going to disregard the

1 communication. It's offered in support of your client's claim
2 that he be responsible somehow for a portion of this dog
3 training.

4 MS. BRENNAN: Yes.

5 THE COURT: All right. The objection is noted. He
6 objects to being responsible for the dog training and he
7 objects to the --

8 THE COURT: -- attachments, but it's a complete
9 record and the foundation's been laid. And so it'll be
10 accepted to show that -- I mean, with Plaintiff's testimony
11 that she paid 525 for dog training services.

12 MS. BRENNAN: Thank you, Judge.

13 (PLAINTIFF'S EXHIBIT 74 ADMITTED)

14 BY MS. BRENNAN:

15 Q Looking at further, Exhibit 63. Are these more dog
16 training services that you incurred for Emily's service dog,
17 Exhibit 63?

18 A Yes.

19 MS. BRENNAN: Offer, file, and introduce into
20 evidence Exhibit 63.

21 THE COURT: So she paid 525 to one group and 1790 to
22 another? Is that what this is supposed to be?

23 BY MS. BRENNAN:

24 Q Is that correct, Alecia?

1 A Yes.

2 THE COURT: So she paid 1200 for the dog and now
3 we're up to like 5 or \$6,000 total for all these miscellaneous
4 expenses?

5 MS. BRENNAN: Yes, Judge.

6 THE COURT: Yeah. All right. Do you object to 63?

7 MS. ROBERTS: Yes, Your Honor. It's the same
8 objection.

9 THE COURT: All right. You objected to this notion
10 that your client should be responsible for this expense. The
11 Court is overruling the objection and that the document will
12 be admitted based on the foundation of Plaintiff's testimony
13 that she paid this expense. And I -- I just want to make sure
14 that Ms. Draper is clear because there's a redaction here
15 about how it was paid that she actually paid this and not her
16 folks, right? Do you recall actually paying this, ma'am?

17 THE WITNESS: If it's a bill I submitted for
18 documents I had in her file because I was requested to submit
19 all documents and bills and statements for Monarch --

20 THE COURT: Well, I -- you can --

21 THE WITNESS: -- but --

22 THE COURT: -- see someone -- someone redacted the
23 payment information on this document, this one page document.
24 So we can't tell whether you paid it or whether someone else

1 paid it like your mom. And I just want to make sure that you
2 understand that I'm accepting this document on your testimony
3 that you paid this, do you know?

4 THE WITNESS: I do. This means that I paid this,
5 this dog obedience training.

6 THE COURT: Okay. Now is your role as conservator,
7 are these the expenses that you submit with your annual
8 reporting through the California court?

9 THE WITNESS: I have not submitted annual reporting
10 bills to the court.

11 THE COURT: Okay.

12 THE WITNESS: I --

13 THE COURT: That's --

14 THE WITNESS: -- get a call --

15 THE COURT: That's fine.

16 THE WITNESS: -- from SSI.

17 THE COURT: All right. So 63 is going to be
18 admitted over the objection of the Defendant.

19 (PLAINTIFF'S EXHIBIT 63 ADMITTED)

20 THE COURT: Go on, Ms. Brennan.

21 MS. BRENNAN: Okay.

22 BY MS. BRENNAN:

23 Q Exhibit 59, do these -- does 59 reflect pet grooming
24 expenses that you paid on behalf of Emily's service dog?

1 Q Oh, that's a dog training park. Okay. And is this
2 expense you incurred for her service dog?

3 A Yes.

4 MS. BRENNAN: Offer, file, and introduce Exhibit 66.

5 THE COURT: Ms. Roberts?

6 MS. ROBERTS: Same standing objection, Your Honor.

7 THE COURT: All right. Exhibit --

8 MS. ROBERTS: As -- as it --

9 THE COURT: -- 66 is admitted over the objection of
10 the Defendant.

11 (PLAINTIFF'S EXHIBIT 66 ADMITTED)

12 BY MS. BRENNAN:

13 Q Exhibit 68 -- are Exhibit 68 reflecting payments
14 made by you on Emily's behalf for treatment rendered by -- at
15 the Amen Clinic for Emily?

16 A Yes. Yes.

17 Q Yes? And --

18 A Yes.

19 Q -- that document reflects that it's -- if you look
20 on --

21 MS. BRENNAN: I offer, file, and introduce into
22 evidence Exhibit 68.

23 THE COURT: Any objection to 68? Counsel? It looks
24 like --

1 MS. ROBERTS: I'm sorry, Your Honor. I'm trying to
2 look at it.

3 THE COURT: -- the therapist or the psychiatrist
4 billing statements, right?

5 MS. BRENNAN: Yes.

6 THE COURT: Okay.

7 MS. ROBERTS: I -- I -- yeah, I object as to
8 relevance, Your Honor.

9 MS. BRENNAN: We're seeking reimbursement of this --

10 THE COURT: Well --

11 MS. BRENNAN: -- as part of --

12 THE COURT: -- yeah. I --

13 MS. BRENNAN: -- Emily's --

14 THE COURT: Yeah, okay. That's fine. And she can
15 -- she can object as to relevance. The objection is overruled
16 and Exhibit 68 is admitted.

17 (PLAINTIFF'S EXHIBIT 68 ADMITTED)

18 MS. BRENNAN: Okay.

19 THE COURT: Now I'm looking in this. I see the
20 charges which describe the testing and interviews and other
21 clinical stuff that is being done. And I see payments. But I
22 don't know whether that's payments from a collateral source
23 like insurance or whether that's payments from somebody.
24 So --

1 MS. BRENNAN: Okay. Well, let's ask her.

2 BY MS. BRENNAN:

3 Q Alecia, the -- if you look at Exhibit 68 at the end,
4 it -- it totals 13,050. Are those payments that you made or
5 are those payments made by the insurance company?

6 A Payments I made.

7 Q Okay. Thank you.

8 THE COURT: Well, wait. You got to ask the next
9 question which is --

10 Q Did you get --

11 THE COURT: -- whether or not she --

12 Q -- reimbursed --

13 THE COURT: -- was --

14 Q -- by --

15 THE COURT: -- reimbursed but -- okay?

16 MS. BRENNAN: Yeah.

17 Q Did you get reimbursed for that from the insurance
18 company?

19 A No.

20 Q Okay. I'll show you Exhibit 67. Are these records
21 from Dr. Ro -- Rounsens (ph) reflecting payments made by you to
22 Dr. Rounsens?

23 A Yes.

24 Q Okay. And were all the payments reflected in

1 Exhibit 67 paid by you?

2 A Yes.

3 MS. BRENNAN: And I offer, file, and introduce

4 Exhibit 67.

5 THE COURT: This is the therapist billings?

6 MS. BRENNAN: This is -- yes, this is one of the

7 therapist, judges -- Judge. Psychotherapy for Emily.

8 THE COURT: Any objection?

9 MS. ROBERTS: A lack of foundation, Your Honor.

10 Where -- what time period, what -- where --

11 THE COURT: Well --

12 MS. BRENNAN: -- is this the one --

13 THE COURT: -- you kind of have to glean it. It

14 looks like '17, '18 --

15 MS. BRENNAN: The dates of service Your Honor are on

16 -- listed on each page there. It shows the --

17 THE COURT: Right.

18 MS. BRENNAN: -- date of service --

19 THE COURT: But it's like '17 and '18. This is the

20 therapist that Emily had before Love, right?

21 MS. ROBERTS: No, Your Honor.

22 MS. BRENNAN: Yes. Yeah. Well, Dr. Love is going

23 to explain who saw who and when and what. This is just to get

24 the bills in that my client paid for the treatment.

1 THE COURT: I understand, but -- but by -- if -- at
2 -- on the face of these documents, the last time Mom paid for
3 any services and presumably any therapy would be a
4 year-and-a-half ago in April of 2018 or a little over --

5 MS. BRENNAN: Yes.

6 THE COURT: -- two years ago.

7 MS. BRENNAN: Is -- that is --

8 THE COURT: Or two years --

9 MS. BRENNAN: -- correct.

10 THE COURT: A little over --

11 MS. BRENNAN: These are --

12 THE COURT: -- two years ago. Okay.

13 MS. BRENNAN: These are complete billings records
14 for this therapist.

15 THE COURT: Okay. All right. The objection is
16 noted and overruled. 67 is admitted.

17 (PLAINTIFF'S EXHIBIT 67 ADMITTED)

18 MS. BRENNAN: Thank you, Judge.

19 BY MS. BRENNAN:

20 Q Alecia, you -- did you pay Brennan Law Firm legal
21 fees for -- to represent Emily specifically in this case?

22 A Yes.

23 Q And you paid me a \$20,000 flat fee for attorney's
24 fees to represent Emily in this case; is that correct?

1 A Yes.

2 Q And you -- have -- also agreed in addition to the
3 20,000 that you have to pay me back for all costs incurred on
4 behalf of Emily in this case; is that correct?

5 A Yes.

6 Q And to be clear, the \$20,000 that you paid Brennan
7 Law Firm the flat fee on, that is separate and distinct from
8 the previous payments you made to Brennan Law Firm for me to
9 represent you previously in your individual capacity; is that
10 correct?

11 A Yes.

12 Q So nothing about the \$20,000 flat fee that you paid
13 to me deals with my representation of you personally. A
14 hundred percent of that flat fee is for my representation of
15 Emily; is that correct?

16 A Yes.

17 Q Okay. I would -- go to Exhibit 75. Exhibit 75 is
18 -- 75, is that a payment by you for \$8500 to Pasadena --
19 Pasaden -- for residential psychiatric treatment by Emily in
20 Pasadena Villas?

21 A Yes.

22 Q And what was -- the -- this -- the treatment that
23 she received at Pasadena Villas is reflected in --

24 MS. BRENNAN: I'm sorry, Your Honor. One minute.

1 Q Is reflect in Exhibits 35, 36, and 37 that the Judge
2 already admitted; is that correct?

3 A Yes.

4 MS. BRENNAN: Okay. And this time, I offer, file,
5 and introduce Exhibit 75.

6 THE COURT: Any objection?

7 MS. ROBERTS: As to relevance, Your Honor, I mean --

8 THE COURT: Well, it's offered to show that Ms.
9 Draper paid through her credit card \$8500. I -- again, you
10 know, I -- I have questions about based on the age of the
11 child whether she's under insurance, whether or not this was
12 reimbursed, whether or not this was a net charge or a gross
13 charge. If she's asking for reimbursement, all it do -- shows
14 is that she made a payment. And I didn't even -- what's the
15 date on this payment? I mean, I -- it relates back to Exhibit
16 35, 36, and 37, right?

17 MS. BRENNAN: Right. That's for the treatment
18 rendered pursuant to that time frame, Your Honor.

19 THE COURT: Okay. The objection's noted and
20 overruled. Exhibit 75 is admitted.

21 (PLAINTIFF'S EXHIBIT 75 ADMITTED)

22 MS. BRENNAN: Okay.

23 BY MS. BRENNAN:

24 Q Alecia, that -- why did you have to pay \$8500 to

1 Pasadena Villa? Was that -- why did you have to make that
2 payment?

3 A Emily has an insurance policy, a PPO, and that's the
4 max -- you have to meet the max out-of-pocket before they kick
5 in and cover a treatment facility. So \$8500 was the max for
6 the year with her -- her additional insurance that we paid
7 for. So she has a PPO insurance plan.

8 Q Were you -- were you reimbursed at all for -- by her
9 insurance for the \$8500?

10 A No.

11 Q Are any of the requests for payment -- or for all
12 the payments that you're requesting this case, has insurance
13 reimbursed you for any of them?

14 A No.

15 Q And -- okay. So I -- I -- okay. Exhibit 76, is
16 this -- let's see, 70 -- 70 -- 76, does that reflect your
17 payments made for counseling by Emily with Roger Bowman (ph),
18 PhD?

19 A Yes, this is -- yes, Roger Bowman.

20 MS. BRENNAN: At this time --

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

22 MS. BRENNAN: And I offer, file, and introduce
23 Exhibit 76.

24 MS. ROBERTS: I -- I object, Your Honor. This is

1 letter from Dr. Bowman. It -- it contains other information
2 that is not medical records and it -- other than just the
3 financial information regarding the alleged payment.

4 THE COURT: Yeah, the Court -- this person Bowman is
5 not a witness in this case and in as much as this letter which
6 is a combination of counseling bill and proof of payment with
7 some sort of diagnosis. The Court will admit it over the
8 objection of the Defendant only to show the counseling costs
9 of 6250 which was paid and that the amount due is zero. And
10 the Court will disregard the other portions of the letters as
11 hearsay.

12 (PLAINTIFF'S EXHIBIT 76 ADMITTED)

13 MS. BRENNAN: Thank you, Judge.

14 BY MS. BRENNAN:

15 Q I'll show you Exhibit 77. Does that reflect a
16 payment made by you for -- to an in clinic for Dr. Love's test
17 -- as an expert witness?

18 A Yes.

19 MS. BRENNAN: Offer, file, and introduce Exhibit 77.

20 THE COURT: Any objection to that?

21 MS. ROBERTS: She --

22 THE COURT: Do you object to the cashier's check
23 coming in?

24 MS. ROBERTS: No, Your Honor.

1 THE COURT: All right. Exhibit 77 is admitted.

2 (PLAINTIFF'S EXHIBIT 77 ADMITTED)

3 BY MS. BRENNAN:

4 Q Exhibit 78, does this reflect payments made by you
5 on behalf of Emily to LeConte -- to the Ridgeview institute
6 and LeConte?

7 A This is a statement where -- these are bills that
8 have not been paid currently. And they --

9 Q They're not --

10 A -- were --

11 Q -- paid?

12 A Yeah, it's listed on her financial disclosure form.

13 Q So these are pending bills that you're seeking that
14 you and the Defendant split?

15 A Correct.

16 MS. BRENNAN: Okay. And at this time, I offer,
17 file, and introduce into evidence Exhibit 78.

18 THE COURT: And this is just the one bill for 431?

19 MS. BRENNAN: There's one for 431. The second page
20 is for 1537. The third page is for 438.34. And the next page
21 is for 290.87.

22 THE COURT: Why haven't these been paid?

23 THE WITNESS: We aren't --

24 MS. BRENNAN: Why haven't these --

1 THE WITNESS: -- making --

2 THE COURT: So --

3 THE WITNESS: These are bills that were just
4 received from her hospitalization. So I've been calling and
5 trying to work with them through the insurance and were --
6 these are just getting -- these are the statements that I
7 submitted for this proceeding.

8 THE COURT: Okay.

9 THE WITNESS: At that time. On my financial
10 disclosure form that I filled out for Emily, it shows the
11 bills and the totals due.

12 THE COURT: Are -- is it typically your practice
13 when she gets bills that she needs to pay that you pay them
14 from the seven or \$8,000 she gets a year from social security?

15 MS. BRENNAN: Yes.

16 THE COURT: Okay. How long have you been a
17 conservator in California for her? What Exhibit --

18 THE WITNESS: 2018.

19 THE COURT: -- Ms. Brennan are the documents from
20 the guardianship case?

21 MS. BRENNAN: I'm sorry, Judge. I didn't hear you.

22 THE COURT: What -- what exhibit number is the
23 documents from the guardianship case?

24 MS. BRENNAN: 20 -- 21.

1 THE COURT: Okay.

2 MS. BRENNAN: 21 are the letters of conservatorship.

3 I have it. I can offer, file, and introduce those --

4 THE COURT: That's fine.

5 MS. BRENNAN: -- if you'd like them --

6 THE COURT: 70 --

7 MS. BRENNAN: -- introduced. I -- I need --

8 THE COURT: 78 is admitted.

9 (PLAINTIFF'S EXHIBIT 78 ADMITTED)

10 THE COURT: Ms. Roberts, just so my notes are

11 accurate, did you object to that, 78?

12 MS. ROBERTS: The 78 billing records, Your Honor/

13 THE COURT: The unpaid bills.

14 MS. ROBERTS: Yes, Your Honor.

15 THE COURT: Okay. The objection's noted and

16 overruled. Go on, Ms. Brennan.

17 MS. BRENNAN: Okay.

18 BY MS. BRENNAN:

19 Q Exhibit 85, is that a copy of Emily's most recent

20 financial disclosure form filed on 8/4/2020?

21 A Yes.

22 MS. ROBERTS: I'm sorry, I thought we --

23 MS. BRENNAN: Offer, file and --

24 MS. ROBERTS: -- we went to 21. I'm sorry, Your

1 Honor, where are we now?

2 THE COURT: No. No. No. No. No.

3 MS. ROBERTS: I thought she was in 21.

4 THE COURT: I asked -- I asked whether or not there
5 were -- what -- what number because I want to look at them.
6 It was just out of order. I asked a question about she --
7 she's -- she's wearing two hats. She's a conservator and
8 she's also the mother. And she keeps talking about these
9 financial things that she's either paying on behalf of the
10 ward or the protected minor or protective adult or she's
11 paying -- or that are owed. Okay. And I want to look at the
12 -- I mean, she's -- she's asking for a claim on behalf of
13 Emily for this. So I'm trying to keep this organized. The --
14 the financial that was filed two days ago is where Ms. Brennan
15 is going and that's been marked for identification as Exhibit
16 85, right?

17 MS. BRENNAN: Yes.

18 THE COURT: And that's what you want the witness to
19 look at.

20 MS. BRENNAN: I want the -- I want the -- I'm
21 offering --

22 BY MS. BRENNAN:

23 Q Is that the -- a true and correct copy of the
24 financial disclosure form that you completed and filed on

1 behalf -- we filed on behalf of Emily, the most recent one?

2 A Yes.

3 MS. BRENNAN: I offer, file, and introduce Emily's
4 updated financial disclosure form attached as Exhibit 85.

5 THE COURT: Any --

6 MS. ROBERTS: No --

7 THE COURT: -- objection?

8 MS. ROBERTS: -- objection, Your Honor.

9 THE COURT: Thank you. 85 is admitted.

10 (PLAINTIFF'S EXHIBIT 85 ADMITTED)

11 MS. BRENNAN: Okay.

12 BY MS. BRENNAN:

13 Q Now just for -- for clarity because the Judge was on
14 it, if we can go back to 21. 21 -- 21 is -- just is 21 a true
15 and correct copy of the letters of conservatorship of
16 California, Alecia?

17 A Yes.

18 MS. BRENNAN: And at this time, I offer, file, and
19 introduce into evidence Exhibit 21.

20 THE COURT: Any objection to 21?

21 MS. ROBERTS: No, Your Honor. That's fine.

22 THE COURT: Okay. 21's admitted.

23 (PLAINTIFF'S EXHIBIT 21 ADMITTED)

24 THE COURT: Look, the -- the question that I had for

1 you Ms. Brennan as we look ahead to the end of this case is at
2 -- she has responsibilities under California law as a
3 conservator to account for the income of the child and to
4 report what she's expended. I want to know whether or not
5 there's been any reporting to the California court and if so
6 how they line up with the evidence that you're presenting,
7 okay? So just be -- be prepared to -- to address that issue
8 at the end of the case.

9 MS. BRENNAN: Well, we'll address right -- okay. So
10 21 you admitted. So -- oh. Let's answer that right now so we
11 don't forget.

12 BY MS. BRENNAN:

13 Q Have you had any reporting to us pursuant to your
14 conservatorship to the California court? Any written reports?

15 A No written reports at this time have been submitted.

16 Q Were -- you were required to submit any written
17 reports and failed to comply with that?

18 A No.

19 Q Okay. So your understanding, are you in compliance
20 with your obligations as a conservator under California law to
21 the best of your knowledge?

22 A Yes.

23 Q A minute ago the Judge asked you regarding Emily's
24 medical bills and whether you pay them with her social

1 security payments and you said yes, correct?

2 A Yes.

3 Q Okay. So is it fair to say that the -- Emily's
4 expenses including her living expenses and medical expenses
5 exceed her social security and any other government assistance
6 that you explained earlier?

7 A Yes.

8 Q And so is it fair to say that you have -- had to
9 come out-of-pocket personally to supplement Emily's life
10 including her medical expenses and her living expenses as
11 shown in these expenses because she doesn't have enough money
12 to be self supporting based on her expenses?

13 A Yes.

14 Q Okay. Go to Exhibit 51. Or it -- Exhibit 51's
15 Emily's bank statements, Emily's U.S. Bank statements?

16 A Yes.

17 Q And do these reflect payments on Emily's bank
18 statement for Emily's support?

19 A Can you ask the question again? I'm sorry.

20 Q What -- what is you -- this U.S. Bank account of
21 Emily's used for, these -- these payments reflected in this
22 exhibit, what are -- what are those for, this -- her -- to
23 support her -- some of her expenses?

24 A Yes, it's the documentation that supports the Excel

1 spreadsheet that was created for her expenses.

2 MS. BRENNAN: Okay. At this time, I offer, file,
3 and introduce Exhibit 51.

4 THE COURT: Any objection, Counsel?

5 MS. ROBERTS: I'm just -- I'm -- I'm unclear about
6 something, Your Honor. Is -- is the claim that this is
7 Emily's bank account where she makes withdrawals.

8 THE COURT: Well, yeah. I -- I -- Ms. Brennan
9 clarified this. I make -- I'm taking this document to mean
10 that Emily has a debit card and this is her purchases, is that
11 accurate?

12 BY MS. BRENNAN:

13 Q Alecia, is that accurate? Explain to us what this
14 is.

15 THE COURT: I mean, Ms. Draper's not going to
16 GameStop and buying and game and stuff like this with a debit
17 card, right?

18 THE WITNESS: Right. Emily has a checking account
19 on her payee for SSI. And the money that she gets from SSI is
20 deposited into her checking account that's tied to my account
21 as her payee and she has a debit card to make purchases --

22 THE COURT: Right. So --

23 THE WITNESS: -- and payee --

24 THE COURT: So during the course of December of 2017

1 which is when this first statement, these are debit card
2 purchases that she made with her U.S. Bank debit card, right?
3 That's what --

4 THE WITNESS: Yes.

5 THE COURT: -- Ms. Roberts (sic) is asking. And --

6 MS. BRENNAN: Yes.

7 THE COURT: -- it's just a miscellaneous
8 transactions. Some of them are at Costa Mesa GameStop, one of
9 them's to buy dog food at a Petsmart. There's an expense here
10 for \$10 at some place in Tucson, Arizona. So -- but you're
11 not making these purchases. Emily's making these purchases,
12 right?

13 THE WITNESS: Correct. Out of her account.
14 Correct.

15 THE COURT: Okay. Any objection to 51, Ms. Roberts?

16 MS. ROBERTS: No, Your Honor.

17 THE COURT: 51's admitted.

18 (PLAINTIFF'S EXHIBIT 51 ADMITTED)

19 MS. BRENNAN: Okay.

20 BY MS. BRENNAN:

21 Q I'll show you Exhibit 52. Exhibit 52 -- what is
22 Exhibit 52? Are these your credit card -- Capital One credit
23 card Mastercard statements?

24 A Yes.

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.

17 And -- and so the -- let's say that this child had a
18 need that was exponentially greater than what the formula
19 obligations are. Well, that's a problem that the Court has to
20 resolve because if what you're showing Ms. Brennan is that
21 over the class -- pa -- past couple years your client has
22 expended thousands and thousands of dollars for the benefit of
23 this child, right?

24 MS. BRENNAN: Yes.

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

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

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

16 (PLAINTIFF'S EXHIBIT 54 ADMITTED)

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

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

19 (PLAINTIFF'S EXHIBIT 55 ADMITTED)

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

23 THE COURT: 56 --

24 MS. BRENNAN: -- 58.

1 THE COURT: -- is Capital One. I think that's in
2 already.

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

5 THE COURT: This is 513?

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

7 THE COURT: Okay.

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

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

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

17 THE COURT: Okay.

18 MS. BRENNAN: That's a duplicate. I believe that's
19 a duplicate.

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

24 MS. BRENNAN: Yeah.

1 THE COURT: -- I mean, like Bubbles Dog Grooming and
2 -- I mean they're -- what I'm curious about is that you've
3 introduced evidence concerning these expenses for these dog
4 expenses and these credit cards have charges and the debit
5 card had charges for animal expenses how much of this crosses
6 each other. Believe me, I'm not going to dig in and find out
7 because it -- it -- but --

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

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

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

11 THE COURT: -- we have --

12 MS. BRENNAN: -- summary.

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

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

22 THE COURT: Right.

23 MS. BRENNAN: -- summarizes --

24 THE COURT: This is the source --

1 MS. BRENNAN: -- all --
2 THE COURT: This -- this is the source documentation
3 for that summary in case you get --
4 MS. BRENNAN: That's right.
5 THE COURT: -- an objection that -- that it's not
6 related or it's not accurate, right?
7 MS. BRENNAN: Exactly. That's what all of these
8 are, the source documents, because once I put the source
9 documents in, then I'm going to be asking to put the data
10 compilation in.
11 THE COURT: I'm with you. Go -- keep going.
12 MS. BRENNAN: So I offer, file, and introduce
13 Exhibit 56, Capital One Visa of my client.
14 THE COURT: Okay. Any objection for the record?
15 MS. ROBERTS: No, Your Honor. It's fine. 57's fine
16 as well.
17 THE COURT: 56 and 57 --
18 MS. BRENNAN: Offer --
19 THE COURT: -- are admitted.
20 (PLAINTIFF'S EXHIBITS 56 AND 57 ADMITTED)
21 MS. BRENNAN: And 58 is my client's cell phone bill.
22 I offer that in for the same purpose to show Emily's cell
23 phone expenses.
24 THE COURT: 58 -- so Emily's on her plan or she has

1 a separate phone?

2 MS. BRENNAN: Yes.

3 THE COURT: All right. Any objection to 58?

4 MS. ROBERTS: No, Your Honor.

5 THE COURT: All right. Thank you.

6 (PLAINTIFF'S EXHIBIT 58 ADMITTED)

7 THE COURT: Ms. Brennan, go on.

8 BY MS. BRENNAN:

9 Q Exhibit 69, are the -- is this a bill -- a true and
10 correct copy of your bill with the Law Office of Elizabeth
11 Yang for the conservatorship?

12 A Yes.

13 MS. BRENNAN: Offer, file, and introduce Exhibit 69.

14 THE COURT: 69?

15 MS. BRENNAN: 69, yes.

16 THE COURT: Elizabeth Yang. Who is that?

17 MS. BRENNAN: This is a lawyer that she uses to --
18 for the conservatorship where -- that's part of Emily's
19 expenses that we're seeking here.

20 THE COURT: Okay.

21 MS. BRENNAN: These are the backup documents that go
22 to the data compilation summary.

23 MS. ROBERTS: I'm going to object as to relevance,
24 Your Honor, and I'm --

1 THE COURT: Well, I mean, look, I -- I'm not -- I'm
2 not going to keep it out for that. I mean, she wants him to
3 be responsible for a portion of her legal fees so that she can
4 be the conservator of the child?

5 MS. ROBERTS: Yes --

6 MS. BRENNAN: Yes.

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

8 THE COURT: All right.

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

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

11 (PLAINTIFF'S EXHIBIT 69 ADMITTED)

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

17 THE COURT: Okay. The same objection?

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

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

22 (PLAINTIFF'S EXHIBIT 70 ADMITTED)

23 MS. BRENNAN: Exhibit 71, 72, and 73 I offer, file,
24 and introduce. These are U.S. Bank statements for 2017, '18,

1 and '19 that are backup for payments made on behalf of Emily
2 by my client that will support the data compilation summary as
3 well.

4 MS. ROBERTS: On 71, Your Honor, they don't appear
5 to be -- to -- my copies don't appear to be the bank
6 statements. It's some kind of breakdown --

7 THE COURT: Yeah, is this an American Express or
8 is --

9 MS. ROBERTS: No.

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

11 MS. BRENNAN: Alecia --

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

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

14 Let's --

15 BY MS. BRENNAN:

16 Q What is this, Alecia?

17 A It looks like the summary of the credit card
18 statement that is tied to my U.S. Bank account.

19 THE COURT: Oh, so U.S. Bank will -- will organize a
20 pie chart for you on your spending then.

21 MS. BRENNAN: Yes.

22 THE WITNESS: Yes.

23 THE COURT: And her testimony is that the only thing
24 she spends -- uses this card for is for Emily?

1 MS. BRENNAN: No, this shows within it the various
2 expenditures that she has paid on behalf of Emily that are
3 part of Emily's living and -- and -- medical expenses that
4 she's seeking reimbursement for. This is data backup for our
5 data compilation chart that we're going to submit.

6 THE COURT: Yeah. I --

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

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

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

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

1 MS. ROBERTS: I --

2 THE COURT: All right.

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

7 THE COURT: Right.

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

9 THE COURT: All --

10 MS. ROBERTS: -- from Amazon.

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

12 MS. ROBERTS: Right.

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

16 (PLAINTIFF'S EXHIBITS 71-73 ADMITTED)

17 MS. BRENNAN: Thank you.

18 BY MS. BRENNAN:

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

22 A That's correct.

23 Q Now okay. So 79 -- Exhibit 79, 80, and 81 are --
24 did you -- you prepared Exhibit 79, 80, and 81 from the backup

1 documents that we just introduced; is that correct?

2 A Yes.

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

8 A Yes.

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

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

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

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

18 MS. ROBERTS: She also --

19 THE COURT: -- two hours going through the source.
20 Their -- their representation is that they produced these
21 documents, that they have summarized them in this compilation
22 and that these numbers that are in these categories line up to
23 the exhibits that have been admitted into evidence. It's not
24 substantive proof. If these are not accurate, then the Court

1 may not admit them. But I certainly expect you to object.
2 And the Court will -- you know, I don't know how -- what the
3 relevance is of them, but the Court may -- may review them to
4 determine whether or not it's a -- it's a summary that would
5 be helpful to the Court.

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

10 THE COURT: Let me --

11 MS. ROBERTS: So --

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

14 MS. ROBERTS: Sorry, Your Honor.

15 THE COURT: You're talking about the April 2017
16 expenses?

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

21 THE COURT: Yeah.

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

23 THE COURT: Yeah --

24 MS. ROBERTS: -- at least --

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

3 MS. ROBERTS: Oh, no, there's tons. It's all
4 throughout the whole entire spreadsheet, Your Honor.

5 THE COURT: Pure Light Counseling?

6 MS. ROBERTS: Yes. So it's on --

7 THE COURT: 17 --

8 MS. ROBERTS: -- January 5th, January 12th --

9 THE COURT: All right. So let's -- that's a --
10 that's a fair question. What -- what is the source to the
11 Pure Light Counseling expenses? It looks like a hundred
12 dollar co-pay or some sort of payment on a recurring basis.
13 Where is that evidence?

14 BY MS. BRENNAN:

15 Q Alecia, where did you pay Pure Light? Was -- was it
16 -- what bank statement, credit card?

17 A It's paid on American Express and that's -- Elise
18 Collier is the therapist that's Emily's current treating
19 therapist. She saw her in the past and she's seeing her
20 currently --

21 THE COURT: Okay. So --

22 A -- three times.

23 THE COURT: -- the American Express was Exhibit 53.
24 I'm not going to do this now, but I'll look in 53 and see

1 whether or not those charges -- the -- it looks like they're
2 pretty predictable on a --

3 MS. ROBERTS: But Your Honor --

4 THE COURT: -- routine basis --

5 MS. ROBERTS: I'm --

6 THE COURT: -- charges.

7 MS. ROBERTS: I'm going to object again as to
8 foundation because where are the records from Ms. Collier and
9 where are the alleged statements from Ms. Collier that this
10 treatment is for Emily?

11 THE COURT: Again --

12 MS. ROBERTS: This is part --

13 THE COURT: -- I -- I don't -- I get it. They don't
14 come in as substantive proof in any event. It's the Court's
15 responsibility if there's an objection to try to make sure or
16 form a -- a finding as to whether or not these are essentially
17 accurate that they line up with the documentation. Before I
18 give them any weight or refer them as accurate information,
19 the Court will check. And so the Excel spreadsheets that have
20 been used to organize information which is not substantive
21 proof will be accepted by the Court over the objection but the
22 Court will not -- I -- and, you know, if you can point out any
23 specific instances of error, I mean, really what you're
24 arguing about is -- is an argument as to whether these are

1 expenses that your client has any responsibility for which is
2 a -- a legal argument.

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

7 THE COURT: Well, I know --

8 MS. ROBERTS: -- from this company.

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

1 And I'll be careful to make sure that I understand
2 your objections as it relates to -- I -- look, if there -- if
3 there's an American Express charge, a recurring American
4 Express charge for Pure Light Counseling, the summaries come
5 in. You -- you're making the same argument whether it comes
6 in or not as to whether or not this is an expense that he
7 should owe under any circumstance. Okay. Go on, Ms. Brennan.

8 MS. BRENNAN: Okay. Exhibit 82 Your Honor --
9 BY MS. BRENNAN:

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

15 A Yes.

16 Q And that's to --

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

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

23 MS. ROBERTS: Yes, Your Honor.

24 THE COURT: -- specific expenses of like a hundred

1 and twenty thousand dollars.

2 MS. ROBERTS: Yes, Your Honor. That's what we're
3 trying -- yes.

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

12 MS. BRENNAN: Exactly --

13 THE COURT: -- Ms. Roberts.

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

15 THE COURT: I mean, they --

16 MS. BRENNAN: -- to aid --

17 THE COURT: -- they --

18 MS. BRENNAN: -- the Court.

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

1 to grant the relief. If the Court denies it, I want to be
2 able to describe it. And you're going to want to get a
3 specific ruling to reject the relief. So it's a helpful tool.
4 Exhibit 82 will be admitted over the Defendant's objection.

5 (PLAINTIFF'S EXHIBIT 82 ADMITTED)

6 THE COURT: It's not --

7 MS. BRENNAN: Okay.

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

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

11 BY MS. BRENNAN:

12 Q Exhibit -- Alecia, let me talk about Elise Collier.
13 Who is Elise Collier?

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

20 Q I'm not asking if --

21 A -- her current -- she's her current treating
22 therapist.

23 Q Okay. I'm not asking about documents. I'm asking
24 who she is. So Elise Collier is a therapist that has treated

1 Emily over the years; is that correct?

2 A Yes.

3 Q And she initially saw Emily back in 2015; is that

4 correct?

5 A Yes.

6 Q And she again started giving therapy to Emily in

7 2020, is that what you're saying as well?

8 A Yes.

9 Q And the backup documents that we submitted, any of

10 the charges that you see in any of the exhibits -- of exhibit

11 -- Elise Collier, those were payments made by you on behalf of

12 Emily for Emily's therapy session with Elise Collier; is that

13 correct?

14 A Yes.

15 Q Okay. Who is Dr. Love Farrell who -- is it -- what

16 is your understanding? Does she go by Dr. Love?

17 A Yes.

18 Q Okay. And who is Dr. Love?

19 A She is Emily's psychiatrist, medical doctor. I --

20 to my understanding, a medical doctor. She prescribes

21 medication.

22 Q Okay. So is -- is it fair to say that Dr. Love is

23 Emily's treating psychiatrist?

24 A Yes.

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

3 A Yes.

4 Q And Dr. Love -- when was -- is she -- is Dr. Love --
5 when did she last see Emily?

6 A On Tuesday morning.

7 Q Okay. So she -- Emily continues to remain under Dr.
8 Love's care?

9 A Yes.

10 Q Okay. And is it your understanding that Dr. Love
11 has reviewed all of Emily's medical records that were provided
12 to her and her schooling records and has rendered some
13 opinions based on what she believes is going on with Emily?

14 A Yes.

15 Q Have you -- Dr. -- on Exhibit -- Exhibit 15, 16, 17,
16 18, 19, are those -- Exhibits 15 through 19 true -- true and
17 correct copies of Dr. Love's records related to Emily?

18 A Yes.

19 MS. BRENNAN: I offer, file, and introduce Exhibits
20 14 through 19 as Dr. -- I mean, 15 through 19 as Dr. Love's
21 records.

22 THE COURT: Any objection?

23 MS. ROBERTS: Yes, Your Honor, as to foundation. It
24 relates to the report she's going to give. I think that she's

1 the proper person to testify as to that.

2 THE COURT: Yeah, I -- she -- she can lay foundation
3 for her own reports, but these were received from the treating
4 psychiatrist. They were produced in discovery. They're
5 authentic. And the objection is noted and it's overruled.
6 15, 16, 17 and 18 and 19 are admitted.

7 (PLAINTIFF'S EXHIBITS 15-19 ADMITTED)

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

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

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

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

23 THE COURT: Well, I mean, I -- I guess I shouldn't
24 presume it, but you -- you want that in when Dr. Love

1 testifies, right, Ms. Roberts?

2 MS. ROBERTS: Yes, Your Honor.

3 THE COURT: Yeah, that's fine.

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

5

6 BY MS. BRENNAN:

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

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

12 MS. BRENNAN: Okay.

13 THE COURT: Let's --

14 MS. BRENNAN: Yeah.

15 THE COURT: -- bring it --

16 MS. BRENNAN: What --

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

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

20 BY MS. BRENNAN:

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

1 A Yes.

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

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

4 A Yes.

5 Q And what is your average monthly income?

6 A \$4100 per month.

7 Q And you are --

8 MS. BRENNAN: I have no further questions at this
9 time. I pass the witness at this time.

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

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

19 THE COURT: Well, the other thing is I -- I know you
20 didn't mean to say this. You want the Court to find -- you're
21 not asking for judicial notice on any factual request. I'm
22 not taking judicial notice of what her income is. I'm making
23 a ruling as to what her income is. The last financial
24 disclosure form that's on file that I saw was filed by you for

1 her on April 9th, 2019. And she said that she worked for
2 Moonwood Coffee company as a partner owner and that she was
3 making \$18,000 a year or \$1500 a month. Okay.

4 So, you know, don't -- I -- I know that we're at the
5 end of the day and we've spent -- I mean, we didn't take a
6 break. We cruised through three hours of just direct exam for
7 your client, but she just testified that she works making
8 \$4100 a month. So I don't -- did -- did I miss a financial
9 disclosure form, Ms. Roberts?

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

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

14 MS. BRENNAN: Judge --

15 THE COURT: You have -- you have --

16 MS. BRENNAN: -- in fact --

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

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

21 THE COURT: Well, I --

22 MS. BRENNAN: -- her --

23 THE COURT: -- I want --

24 MS. BRENNAN: -- so --

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

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

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

13 I want to -- I -- I can have the expert testify at
14 1:30 and get that done today and then --

15 MS. BRENNAN: Perfect, Judge.

16 THE COURT: -- Ms. Roberts --

17 MS. BRENNAN: Yeah.

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

22 MS. BRENNAN: It's --

23 THE COURT: Is -- I mean, you just went three hours
24 with your client who's not even the main witness in this case.

1 You -- are -- what's your plan on time with the expert?

2 MS. BRENNAN: Judge, thank you. I think the reason
3 it went so slow is because we did admit all the exhibits. I
4 -- I think it will go fairly quickly with the expert. But I
5 did have --

6 THE COURT: I mean --

7 MS. BRENNAN: -- to get --

8 THE COURT: -- as in an hour?

9 MS. BRENNAN: -- my exhibits.

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

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

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

23 So you get the evidence in today as much as you can.
24 And as it is, there's no opportunity to finish this hearing

1 today because we haven't even heard from the Defendant. Okay.
2 So I'm suggesting that you get your expert lined up for this
3 afternoon, that we get that testimony done, give Ms. Roberts
4 an opportunity to examine the Plaintiff and move the case
5 forward quicker. Okay. So --

6 MS. BRENNAN: Yes, Your Honor.

7 THE COURT: -- what do you think -- I mean, and also
8 you guys are all holed up. I expect you to get lunch. It's
9 going to take an hour. You probably aren't going to be able
10 to go anywhere. I hope you have arranged to be able to get
11 something. But we're -- we're going to recess until probably
12 1:15, 1:30. Okay. So if you want to think about it and tell
13 me, Ms. Brennan, what your plan is then, that's fine. And --

14 MS. BRENNAN: No, I --

15 THE COURT: -- if you --

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

18 THE COURT: All right. Good.

19 MS. BRENNAN: I would like to --

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

21 MS. BRENNAN: -- call her.

22 THE COURT: -- is Ms. Roberts, we'll take that
23 witness out of order and as soon as we're done with that, then
24 you can decide whether you want to examine Mom now or whether

1 you want to defer and call her in your case so to speak. It's
2 up to you. Okay?

3 MS. ROBERTS: Okay.

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

12 MS. BRENNAN: Yeah, I --

13 THE COURT: -- before --

14 MS. BRENNAN: -- I can --

15 THE COURT: Any questions before we go off the
16 record?

17 MS. BRENNAN: No, Your Honor.

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

19 MS. BRENNAN: I can --

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

23 MS. BRENNAN: She does.

24 THE COURT: Great. Then we'll -- we'll be in recess

1 on this matter until 1:30 today.

2 MS. BRENNAN: Thank you, Judge. And I also want to
3 thank you for taking -- making special arrangements for
4 tomorrow. I really appreciate that.

5 THE COURT: All right. Thank you.

6 MR. REED: Thank you, Your Honor.

7 MS. BRENNAN: Thank you.

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

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

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

15 THE COURT: All right.

16 THE MARSHAL: There he is.

17 THE CLERK: There he is.

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

1 THE MARSHAL: She's on mute.

2 THE CLERK: She's -- yeah, she needs to take it off
3 mute.

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

5 MS. BRENNAN: I'm sorry, Judge. I had it on mute.
6 Yes, I'm -- I'm ready to go.

7 (WITNESS SUMMONED)

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

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

14 DR. LOVE FARRELL: I do.

15 THE CLERK: Thank you.

16 THE COURT: Excellent. Whenever you're ready, Ms.
17 Brennan.

18 MS. BRENNAN: Yes.

19 JENNIFER LOVE FARRELL
20 called as a witness on behalf of the Plaintiff, having been
21 first duly sworn, testified upon her oath as follows on:

22 DIRECT EXAMINATION

23 BY MS. BRENNAN:

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

1 A Jennifer Love Farrell.

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

3 Farrell?

4 A Dr. Love, please.

5 Q And I'd like to refer to Exhibit Number 13. If you

6 can go to Exhibit 13, Bates Number ER001462, starting on that

7 page. And let me know when you're there.

8 A 1462 in 13?

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

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

11 MS. BRENNAN: It's your --

12 THE COURT: Because 216 is the number on Exhibit 13

13 in the book.

14 MS. BRENNAN: I'm sorry, Exhibit 14. I'm on Exhibit

15 14, Bates Number ER1462 within Bates Number 14, Your Honor.

16 I'm sorry if I misspoke.

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

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

19 BY MS. BRENNAN:

20 Q Is that a copy of your curriculum vitae?

21 A Yes, it is.

22 Q Is that -- and that child interview is on Bates

23 Number 1462 through 64; is that correct?

24 A Yes.

1 Q Is this complete and updated?

2 A Yes.

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

5 A Sure. I think I lost you visually. Am I still on
6 there? Okay. Sorry.

7 Q Yeah.

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

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

17 A Addiction medicine.

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

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

22 Q And what did you do after that?

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

1 Clinics.

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

3 A Amen, yes.

4 Q And that is reflected on your resume from August of
5 2010 to the present; is that correct?

6 A Correct.

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

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

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

24 A When I came to this clinic, I -- I just thought I

1 was joining a group practice, but we do actually tend to see
2 some more challenging cases unlike anything I had seen prior
3 to joining this practice. People tend to come to us as a last
4 resort when they've seen multiple other doctors, been on tons
5 of medications, have failed in a lot -- a lot of different
6 therapies. So I do tend to work primarily with a -- a patient
7 population that it's challenging to treat.

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

9 A Yes.

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

14 A Emily is one of the most severely ill patients I
15 have.

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

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

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

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

1 was in the Academy and Psychiatry and the (indiscernible).

2 Q Okay.

3 A That was --

4 Q And have you received any awards?

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

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

9 A Correct.

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

12 A Yes.

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

17 A Yes.

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

22 A Correct.

23 Q Okay. When you render expert testimony, what hourly
24 rate do you charge?

1 A \$750.
2 Q \$750?
3 A Correct.
4 Q Okay. I'm just asking. It cut out and I had
5 trouble hearing that. In the -- in the first case listed
6 there, January of 2015, Cooper vs. Extraordinary Homes, were
7 -- did you testify -- actually testify as a witness at the
8 trial of that case?
9 A I did.
10 Q Okay. And were you the treating doctor for one of
11 the parties in that case?
12 A I was.
13 Q And did the Court in that case accept you as her
14 treating doctor and expert witness?
15 A Yes.
16 Q In the second case listed here, the Sykes vs.
17 Young-Saline (ph) in April of 2015, did you give general
18 limited medical testimony in that case?
19 A Yes.
20 Q Did you -- you did not give expert testimony in that
21 case; is that correct?
22 A Correct. They put someone else's name instead of my
23 name. And so I was limited in what I could testify to.
24 Q Okay. So I just want to make sure I understand what

1 you said because it kind of cut out there. It's my
2 understanding that in this Sykes vs. Young-Saline case you
3 were not allowed to testify as the treating -- as an expert
4 because the lawyers in that case had listed some other doctor
5 with the Amen Clinic as the expert witness to testify; is that
6 correct?

7 A That's correct.

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

11 A Correct.

12 Q In the course of your practice --

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

16 BY MS. BRENNAN:

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

20 A Yes.

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

24 A Throughout my medical training. It starts when

1 you're a medical student in med school and when I went through
2 my additional five years of training after four years of med
3 school. Physicians are frequently asked to determine whether
4 or not someone can work, whether it's from an injury or
5 psychiatric condition. So it's something I've been doing
6 since I was a medical student.

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

10 A I graduated in 2002.

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

15 A Correct.

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

19 A Yes.

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

22 BY MS. BRENNAN:

23 Q Exhibit 13, if you could -- Exhibit 13. I just --
24 want to try to get this exhibit into evidence. Exhibit 13,

1 does that contain your -- well, no. I'm on Exhibit 14. I'm
2 sorry, I'm confusing everybody. Is Exhibit 14 contain your
3 supplemental report that you issued in November 21 of 2019 to
4 update the Court as -- as the Court had requested on Emily's
5 -- update on your opinions? Is that reflected in your --

6 A Yes.

7 Q -- report in Exhibit 14?

8 A Yes.

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

12 A Yes, it does.

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

15 A Yes.

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

18 A Yes.

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

23 A Yes.

24 MS. BRENNAN: And at this time, I offer, file, and

1 introduce into evidence Exhibit 14.

2 THE COURT: Any objection, Ms. Roberts.

3 THE CLERK: It's already into --

4 THE COURT: 14 is in?

5 THE CLERK: Yeah, she offered 12 and 14 earlier.

6 THE COURT: Oh, I didn't know that the report was

7 in. I thought that she went through it --

8 MS. ROBERTS: It was not in --

9 THE COURT: -- and said no.

10 MS. ROBERTS: -- Your Honor, and you -- you denied

11 that --

12 MS. BRENNAN: No --

13 MS. ROBERTS: -- request.

14 MS. BRENNAN: -- that's not in.

15 THE COURT: Yeah, that -- they offered a string of

16 those and the Court said no. so I -- on the record -- for the

17 record, what's your position on 14, Counsel?

18 MS. ROBERTS: Are you asking me, Your Honor, just

19 real quick?

20 THE COURT: I -- I want to give you a chance to make

21 an objection if you're going to --

22 MS. ROBERTS: Yes.

23 THE COURT: -- make one.

24 MS. ROBERTS: Absolutely.

1 THE COURT: All right.

2 MS. ROBERTS: I'm sorry, I didn't know if you were
3 talking to me or Ms. -- Ms. Brennan.

4 THE COURT: All right.

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

10 THE COURT: Okay. Thank you. Your objection's
11 overruled. 14 is admitted.

12 (PLAINTIFF'S EXHIBIT 14 ADMITTED)

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

16 BY MS. BRENNAN:

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

22 A Yes.

23 Q -- correct?

24 A Yes.

1 Q And is Exhibit 13 your initial expert report that --
2 Exhibit 13 is the expert report that you initially provided to
3 the court -- made to provide to the court back in 2017 at the
4 request of Judge Ochoa?

5 A It is contained in Exhibit 13, yes.

6 MS. BRENNAN: Okay. I offer, file, and introduce
7 Exhibit 13, Your Honor.

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

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

16 THE COURT: Okay. Great. Exhibit 13 is admitted
17 over the objection of the Defendant.

18 (PLAINTIFF'S EXHIBIT 13 ADMITTED)

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

23 THE COURT: Okay. Help me out. On page -- on
24 Exhibits 13 or 14, what portion of the reports offer an

1 opinion that the child is disabled? I see the diagnoses
2 and --

3 MS. BRENNAN: Correct.

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

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

13 THE COURT: Well, I know that.

14 MS. BRENNAN: -- and her --

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

23 MS. BRENNAN: The report -- yeah, the -- the report
24 we're going to go through, Your Honor. But if you look at

1 Exhibit 13, PL220 at the very top of the page -- well, it
2 starts on the bottom of 2019. It says, to this day she
3 continues to experience dissociative episodes, high anxiety --
4 THE COURT: Yeah, that's --
5 MS. BRENNAN: -- depression --
6 THE COURT: -- that's --
7 MS. BRENNAN: -- suicidal --
8 THE COURT: She can testify about any of her
9 treatment observations and her opinions. It -- the -- the
10 Court will allow her to offer an opinion because she's a
11 psychiatrist and she's treated the child. She's te -- she's
12 qualified to offer opinions. And -- but that does not mean
13 that we may -- we may have to weigh in on specific objections
14 depending on which question you ask her. Okay.
15 So Dr. Love is certainly qualified to offer opinions
16 that related specifically to her treatment of Emily. But since
17 you're asking the Court to essentially determine that she's
18 qualified to offer opinion testimony, I've got to give Ms.
19 Roberts an opportunity to either state an objection or not.
20 Ms. Roberts, do you want to state --
21 MS. BRENNAN: Thank you.
22 THE COURT: -- an objection for the record?
23 MS. ROBERTS: It's all the continued -- first of
24 all, Your Honor, they haven't moved to qualify her as an

1 expert.

2 THE COURT: Yeah. Yeah. They just did.

3 MS. BRENNAN: I just moved --

4 THE COURT: And the Court -- the Court's going to

5 qualify her as an expert. What I said was that does not mean

6 that they can ask for any opinions that each question that

7 offer -- request an opinion requires -- well, would -- would

8 require the Court to evaluate any objection that you make. So

9 do you want it --

10 MS. ROBERTS: Correct, Your Honor.

11 THE COURT: -- for the record, do you want state an

12 objection stating that Dr. Love is not qualified to offer

13 opinion testimony?

14 MS. ROBERTS: Yes, Your Honor. I do believe that

15 she's not qualified to ex -- to offer expert testimony in this

16 matter.

17 THE COURT: Okay. That's fine.

18 MS. ROBERTS: Again, I -- it's the same objections

19 pursuant to NR --

20 THE COURT: Go on.

21 MS. ROBERTS: N -- NRS 50.305 and NRCP 16.2. She

22 relied on records that we still have not obtained as of

23 today's date and therefore she's not qualified under the rules

24 to testify as an expert relating to those reports.

1 THE COURT: Okay. Thank you. The objection is
2 noted. The witness will be allowed to testify concerning her
3 factual interaction with Emily as well as offer opinion
4 testimony. If they ask a question about the ultimate issue or
5 if they ask a question that you think is outside of the scope
6 of her expertise, Ms. Roberts, just object and we'll talk
7 about it, okay? Go ahead.

8 MS. BRENNAN: Thank -- thank you.

9 BY MS. BRENNAN:

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

17 A Which opinion are you -- are you --

18 Q Okay.

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

20 Q Okay. Let me just --

21 THE COURT: Well, let --

22 Q -- big picture.

23 THE COURT: Counsel -- Counsel --

24 Q You --

1 THE COURT: -- this -- this witness has offered
2 reports which makes certain diagnoses of -- of Emily. Okay.
3 That's what she's offered to testify about, right? What type
4 of diagnoses she made in 2017 and then what she updated in
5 2019, right? We're specifically talking about posttraumatic
6 stress disorder, dissociative identity disorder, depression,
7 dependent personalities, those kind of things. That's what
8 this witness is offered to testify about, right?

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

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

15 MS. BRENNAN: -- that --

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

1 BY MS. BRENNAN:

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

8 A Yes.

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

11 A Yes.

12 Q You're not holding anything back.

13 A No.

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

17 A Yes.

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

19 A Yes.

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

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

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

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

7 A I -- I would have to go back to the beginning of the
8 medical record.

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

10 A So Exhibit 19.

11 Q Yes.

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

19 Q Okay.

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

1 piecing together a treatment plan based on her needs.

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

3 A Yes.

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

6 A Yes. Other than when she was in a hospital or
7 institution.

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

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

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

17 A Yes.

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

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

24 Q Yeah. And take your time. The Court knows that you

1 need to look at exhibits in order to testify. So that's fine.

2 A You can see on this Exhibit 19 on ER1832. My
3 initial first steps were helping her stay out of the hospital
4 because of her frequent history of hospitalizations, getting a
5 good support team in place, and addressing spurts of anger,
6 constant anxiety, and work on some confidence. So --

7 Q Okay.

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

11 Q Okay. What happened next?

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

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

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

24 Q I haven't, but if you want to refer to your expert.

1 report, you can.

2 A It -- it actually looks as if there was some outside
3 medical record that was given to me at the time of her very
4 first meeting.

5 Q Okay.

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

10 Q Okay.

11 A -- this could match.

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

13 A Oh, I just have to get through all this paperwork to
14 find that progress note from when I saw her after that
15 evaluation day. So it looks like the next note I see is April
16 1st, 2016; is that correct?

17 Q Okay. What Bates number are you on?

18 A 1933.

19 Q Okay. What happened on that day?

20 A We had sent her to a psychologist to consider doing
21 some neuro feedback session.

22 Q To consider doing some what?

23 A Neuro feedback.

24 Q Okay.

1 A Which is a treatment. She -- Emily apparently told
2 her mom the day before she'd rather continue to see her
3 therapist Elise twice a week, but in that appointment Emily
4 didn't recall saying that. She didn't recall the conversation
5 with the mom. She wasn't speaking --

6 Q And Elise --

7 A -- to (indiscernible).

8 Q Elise is Elise Collier?

9 A Yes.

10 Q And has she continued to see Elise Collier?

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

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

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

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

24 A 1937.

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

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

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

18 Q On what -- your what?

19 A What the emergency plan was for her suicidal
20 ideation.

21 Q All right. And then what?

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

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

1 A Yes. 1938.
2 Q Okay.
3 A And at that day --
4 Q April -- April 29th of 2016?
5 A Correct.
6 Q Okay.
7 A So I continued to gradually bring up the medication.
8 She had a vitamin -- really low vitamin D deficiency. And we
9 discussed the DMV revoking her license. She was referred --
10 Q Okay. So did --
11 A -- a neurologist.
12 Q Okay. So the Judge doesn't know anything about
13 this. So tell the Judge what you know about the -- her --
14 Emily's driver's license being taken away by the DMV.
15 A She -- she was in a session with her therapist
16 and --
17 Q What year was this? I think if you look at Exhibit
18 ER13 -- 1943. Does Exhibit -- does Exhibit 19 -- ER9 -- 1943,
19 is that a copy of the letter you wrote to the DMV?
20 A Yes.
21 Q Okay. So maybe before we get there, look -- it
22 looks like you have some other sessions before that June
23 incident. So maybe we should keep going chronologically and
24 then --

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

1 emergency room, reported her to the DMV who took away her
2 license. And I -- I believe the report was that she had had a
3 seizure.

4 Q Okay.

5 A Was --

6 Q And --

7 A Is --

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

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

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

21 A Hoag.

22 Q -- Presbyterian.

23 A Yes.

24 Q And it looks like the date on that was February

1 14th, 2016. Is this an -- a discharge of -- on the same date?
2 Was this the date that she -- well, is the medical record that
3 you're discussing that you -- you -- that she went to the
4 hospital after the -- in the session -- after the session with
5 Dr. -- with Elise Collier?

6 A Correct. Yes.

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

9 A It --

10 Q What was the --

11 A In the --

12 Q -- diagnosis -- the diagno -- what was the reason
13 for entry and what was the diagnosis?

14 A They called it generalized anxiety disorder.

15 Q Okay. And right -- is that something you're
16 familiar with?

17 A Yes.

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

22 A Yes.

23 Q And it also says sometimes this problem is hard to
24 diagnose because people with GAD may not have specific

1 complaints when they see the doctor. This can make it hard to
2 figure out exactly what is going on and make the right
3 diagnosis. Is that your understanding as well?

4 A Yes.

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

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

9 Q Yeah.

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

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

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

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

19 A Yes.

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

22 A Yes.

23 Q Okay. And can you kind of go through that with the
24 Judge and tell him what your understanding of that is and what

1 you told the DMV there? Because the Judge is not going to
2 read every word on every page in this file. So we have to
3 highlight certain things for him.

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

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

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

1 catatonic.

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

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

14 Q All right.

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

21 Q Okay. And did you continue to treat Emily af --
22 okay, so you wrote that letter. And did -- after the April
23 29, 2016 meeting with her, when was the next time you saw
24 Emily? Was that May 27th?

1 A Yes.

2 Q And what happened then?

3 A Sorry?

4 Q Tell the Judge about your appointment with Emily on
5 May 27th.

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

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

21 We had discussed the DMV paperwork again and my
22 assessment was that there has been some improvement. There
23 had been no meltdowns and Emily was shutting down less. I
24 said it's unclear to the extent which she's actually

1 participating in therapy in any meaningful way. So she was
2 still very withdrawn in her therapy and I said she definitely
3 seems to need a much higher level of care. It isn't
4 (indiscernible).

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

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

16 A Posttraumatic stress disorder chronic and other
17 dissociative and conversion disorder.

18 Q What does it mean by the word chronic?

19 A That it has been present for greater than three
20 months.

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

24 A For posttraumatic stress disorder.

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

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

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

13 A Yes.

14 Q And what is her current -- what is that current
15 diagnosis?

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

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

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

1 13.

2 Q Okay.

3 A To where it is.

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

7 A Yes.

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

9 A Yes.

10 Q -- the handout here says dissociative disorders.

11 A Yes.

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

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

22 When people have dissociative identity disorder, it
23 used to be called multiple personality disorder, people
24 actually have multiple different identities and they switch

1 back and forth in between different personalities. Each
2 person can have different likes, dislikes. They can be any
3 gender, any age. And the sound of their voice can change.
4 The foods they like to eat can change. It -- it's very
5 specific personalities which you refer to as alters.

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

9 Q And --

10 A It's --

11 Q -- Emily has multiple alters or multiple
12 personalities; is that correct?

13 A Yes.

14 Q And you've seen and personally witness these
15 multiple personalities or alters?

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

18 Q Have -- have you personally observed these multiple
19 personalities?

20 A Some, yes.

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

1 that Emily is malingering her -- malingering?

2 A No. There's one --

3 Q So --

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

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

6 psychologist thought may have been dissociation. And that was

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

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

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

10 thought that she was in any (indiscernible).

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

12 next?

13 A We back -- which exhibit --

14 Q I guess --

15 A -- are we in?

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

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

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

19 explain that?

20 A I'm trying --

21 Q I don't know.

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

23 Q Oh, okay. I'm sorry.

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

1 Q Okay.

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

3 Q (Indiscernible) your -- your --

4 A The May 27th visit?

5 Q I -- did you already talk about that visit, I think?

6 A Yeah, the 27th. Yes.

7 Q Okay. So what happened on the -- after the May 27th
8 visit?

9 A I documented a phone call I had with Elise Collier
10 just to coordinate care of between what she was doing to see
11 how Emily was doing outside of -- of sessions. She told me
12 she feels like this is a very difficult case. She wants to
13 stay inside, wants it all to go away. She wasn't suicidal but
14 wishes she could disappear. So we were trying to figure out
15 treatment options and I was thinking about can we try some
16 neuro feedback, does she need a day hospital, admission in
17 Laguna, do we need to do residential treatment, somewhere --
18 TMS, transcranial magnetic stimulation.

19 I was trying to think of just what we needed to do
20 since she wasn't getting better enough. We talked about the
21 trial that would be later in the year with a person who abused
22 Emily.

23 Q Tell me what you --

24 A My opinion at that time was that she would need at

1 least six months residential work to establish trust and
2 rapport to be able to do meaningful.

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

5 A Yes.

6 Q Did she get that eventually?

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

9 Q Not six months in a row. Okay. And is it -- one --
10 okay. And then so you continued to treat Emily during all of
11 2016?

12 A Yes.

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

20 A Yes.

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

22 A I -- well, Emily's mom gathered all the medical
23 records that she could and the school records, brought them in
24 for everything. I went through -- and you have all the

1 exhibits there, all of her IEPs starting in fifth grade
2 through high school. I have the medical records from the UC
3 Irvine hospitalization when she was first admitted in March
4 2014. She went from there to Center for Discovery. Her
5 senior year in high school she was readmitted to the hospital.
6 And I went through all of those records that were provided to
7 me.

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

11 A Correct.

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

18 A 218 and 219 and --

19 Q Yeah, well, the --

20 A -- 220, 21.

21 Q Right. Okay. And can you go through fairly detail
22 what you reviewed and what your opinions are regarding your
23 initial report? And let me start with the school records
24 because it's my understanding that Emily has been in a special

1 education program requiring an IEP from fifth grade all the
2 way until she graduated from high school; is that correct?

3 A Yes.

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

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

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

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

18 Q Right.

19 A And it wasn't until 2011 -- let's see. If we go to
20 1389 called 0001389 --

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

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

24 Q Okay. Okay.

1 A So on this page, Emily's mom graded Emily high on
2 anxiety scores, atypicality withdrawal, and functional
3 communication. This is in eleventh grade. When we get to
4 1395 is when I think they were discussing her hospitalization.
5 So in March of 2014, she was 17 in her high school was when
6 she had the hospitalization at UC Irvine. And I -- I believe
7 all of that is in Exhibit 5 is UC Irvine.

8 Q Okay.

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

16 Q And that's on Exhibit 1396?

17 A 1396.

18 Q Okay.

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

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

13 Q And this was when she was in 17, a junior in high
14 school.

15 A This is now. We've gone through her senior year.
16 So we've just scrolled through the IEPs for her junior year of
17 high school when she had the first hospitalization into her
18 senior year she was 18 and she was still in school. And so we
19 go into the IEP. And you can see that in May of 2015 they --
20 she's -- they're talking about how to get her to graduate
21 because she was starting an intensive medical program and she
22 had had hospitalizations in March at Del Amo Hospital after
23 trying to strangle herself and then was seen in April at UC
24 Irvine again after an incident in which she was rolling around

1 in the middle of the street screaming for 35 minutes and
2 hearing voices. And the school psychologist couldn't get her
3 off the ground in the middle of the street for 35 minutes
4 until EMS could arrive.

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

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

9 Q All right. Continue.

10 A Where do you want me to pick up?

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

19 A Emily's IEP when she was younger was based on
20 hearing tests. And she was scoring lower in certain areas
21 than her peers. And when you look through the early grades,
22 the fifth grade and all of that, she was scoring in some areas
23 less than the first percentile. She was having some kind of
24 learning. And the IEP is -- they reportedly talk about the

1 auditory issue and she had access to I guess a specialized
2 kind of hearing sets. But she also had to have the option of
3 doing oral exams and -- and a retaking exam she failed and
4 everything. And that's pretty consistent. I mean, the IEP
5 changes gradually as -- as she gets older but it always been
6 based on problems learning and this hearing problem. And it
7 wasn't until this junior year -- junior year that the
8 emotional disturbance was the first time it was what qualified
9 her for her IEP.

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

13 A Yes.

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

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

22 Q Okay.

23 A This is the UC Irvine. And it's actually put in --
24 scanned in I think from most recent to oldest. So we have to

1 go down. The discharge summary, she was admitted from March
2 18th through April 7. This is a lengthy admission.

3 Q And what year --

4 A You know --

5 Q I'm sorry -- I'm sorry to interrupt you. March 18th
6 through April what?

7 A 7th.

8 Q 7th of --

9 A I think it was --

10 Q -- what year?

11 A -- in '14.

12 Q 2014. And --

13 A Yes.

14 Q -- just so that -- just so that we're all clear,
15 that was when Eli -- Emily was still in the eleventh grade,
16 correct?

17 A Yes.

18 Q Okay. And tell me what happened that necessitated
19 her being put into UC Irvine and UC Irvine and what your view
20 of UC Irvine medical records in Exhibit 5 show.

21 A So her discharge summary from the hospitalization
22 summarized on 161.

23 Q Okay. Can you --

24 A It starts -- 161, you can -- actually, it starts on

1 160 -- or maybe 1 -- it's hard to see where -- which page it
2 is. I think it's 161.

3 Q Okay.

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

10 Q Okay.

11 A -- social anxiety.

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

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

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

23 A So the diagnoses that were given to her at the time
24 after this lengthy hospitalization which she was 17 were

1 three, major depressive disorder, chronic posttraumatic stress
2 disorder, and social anxiety disorder.

3 Q Okay. Now let me just stop you for a minute.
4 Currently today Emily has major depressive disorder. She
5 continues to have that; is that correct?

6 A Yes.

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

9 A To my knowledge, yes.

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

12 A Yes.

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

15 A Yes.

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

21 A Yes.

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

23 A She was discharged from that hospital on five
24 different psychiatric medications which are listed on 164. At

1 the bottom she was on Fluoxetine, Clonazepam, Prazosin,
2 Melatonin, (indiscernible).

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

6 A Yes.

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

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

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

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

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

19 A Yes. So --

20 Q How did she get --

21 A -- that record is Exhibit --

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

24 A I'm sorry, there's so much of an echo, I can't hear

1 you very well, Ms. Brennan.

2 Q I don't know why there's an echo. I apologize. Do
3 you know how she -- you said that she had to go to UC Irvine
4 directly to UC -- the Center for Discovery because she was not
5 stable enough to go home; is that correct?

6 A Yes. She needed ongoing care.

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

10 A 35 days.

11 Q -- in patient? Okay.

12 A Yes.

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

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

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

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

23 Q So based on your understanding and review of these
24 Center for Discovery records, is it your understanding that

1 the treating doctors did not believe she should be discharged
2 at that time but she had -- they had no choice but to
3 discharge her because the insurance wouldn't pay for it?

4 A Correct.

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

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

11 Q 189?

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

18 Q Okay.

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

1 Q The criminal case?

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

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

19 She -- a few weeks into her stay slowly began
20 processing aspects of her trauma history, specifically the
21 anxiety and panic attacks she experiences in the shower. She
22 was extremely tearful throughout the trauma processing work
23 and reported increased anxiety after sessions. And she had a
24 core belief of I am unsafe or people are unsafe. So she was

1 receptive to -- during therapy sessions to cognitive
2 restructuring but she struggled to apply that herself outside
3 of sessions. And she said she was nervous, scared at the end
4 of treatment but also hopeful and determined.

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

7 A Yes.

8 Q -- opinion?

9 A Yes.

10 Q And why is that?

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

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

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

1 Exhibit -- you know which one Del Amo is?

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

3 A Yes. So if you look at 014 --

4 Q Well, I'm sorry, which one?

5 A 194.

6 Q Okay.

7 A This is her admission report. She was admitted to
8 Del Amo for danger to self because she attempted to strangle
9 herself with a sweater. She was evaluated by the school
10 psychologist, was unable to say that she wouldn't be safe and
11 not harm herself. It says patient has a significant history
12 of sexual abuse and multiple psychiatric hospitalizations. On
13 face-to-face evaluation, she made no effort to answer
14 questions. It says it appears to be preoccupied with internal
15 stimuli which is kind of medical for listening to voices. She
16 was easily agitated, turned her head around and ignored the
17 interviewer. And the doctor found that at that time she was
18 unpredictable, impulsive, and unsafe.

19 Q So what happened?

20 A She was admitted to the hospital and I believe this
21 hospitalization was from March 7th through March 30th.

22 Q And that's at 2015; is that correct?

23 A 2015.

24 Q And that is her senior year. She was still in high

1 school at the time, correct?

2 A Correct.

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

5 A Correct.

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

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

11 Q And that what she still has today.

12 A Correct.

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

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

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

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

20 Q Yes.

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

22 Q Oh, gotcha.

23 A There was these handwritten forms instead. So like
24 214 and before that. So she -- you can see the diagnosis of

1 posttraumatic stress disorder on 215. It's major depressive
2 disorder.

3 Q (Indiscernible) --

4 A (Indiscernible) --

5 Q I -- you're making a diagno -- you're talk -- I need
6 you to go slower. I can't follow you. I'm sorry, are you on
7 214, PL214 up at the top, you have -- I mean --

8 A Yes.

9 Q -- can you walk me through -- I need you to walk me
10 through what the diagnoses are here. I'm sorry.

11 A Okay. So posttraumatic stress disorder.

12 Q On PL234.

13 A On 213. It is major depressive disorder with
14 psychotic features.

15 Q And it also got severe checked, correct?

16 A It looks like it's checked and maybe crossed out,
17 but typically where there is psychotic features, that is
18 severe. The two go hand-in-hand. Psychosis is a medical term
19 that just means a break with reality. So they had mentioned
20 in the notes she's hearing voices. So she's hearing voices
21 that if you're sitting next to her, you can hear. So that's
22 what with psychotic features means. She has voices along with
23 the depression.

24 Q Thank you. You can continue.

1 A After this hospitalization where she was given
2 antidepressants as well as anti-psychotic medication, a few
3 weeks later she actually was taken back to UC Irvine. So we
4 are now in April 16th, 17th, and then 18th through 20th back
5 in Exhibit 5. There was an episode where the school
6 psychologist encountered Emily in the middle of the street.

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

9 A 5.

10 Q Exhibit 5? Thank you. What page?

11 A I believe it's 22.

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

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

19 Q And what's the date of this involuntary hold at UC
20 Irvine?

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

24 Q And this was -- and she was in UC Irvine on this

1 involuntary hold on the 16th of April to the 20th of April of
2 2015?

3 A So it looks like the 16th and the 17th they actually
4 had her on a telemetry unit because of heart palpitations.
5 And then it was psychiatry from the 18th through the 20th.

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

7 A Correct.

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

10 A She was hearing voices. She had suicidal ideation
11 with a plan.

12 Q What -- what page are you on? Are you on the right
13 page?

14 A 24.

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

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

22 Q Okay.

23 A She told the mother she heard voices.

24 Q Before you explain this, I just have a general

1 question. It doesn't relate specifically to this report but
2 it relates to all the medical records that you've reviewed.
3 You mentioned a minute ago that some of these medical records
4 contained handwritten information. Did you consider
5 everything in these various medical records when rendering
6 your opinions? I mean, you don't find that there's anything
7 suspect about the fact that certain things are typed and other
8 things are handwritten, do you?

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

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

15 A Yes.

16 Q -- that true?

17 A Yes.

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

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

22 Q Okay. And another general question related to this
23 whole process here. One thing we know is that you started
24 treating Emily in March of 2016 and that your opinions related

1 to the -- you have rendered the opinion that you believe Emily
2 is handicapped under Nevada statute prior to turning 18 based
3 on your review like you said you went through everything
4 painfully with a fine tooth. You weren't -- you weren't one
5 of Emily's treating doctors when she was a minor. So you're
6 reaching this opinion based on a review of these school
7 records and a review of all these medical records that you
8 said you painfully went through with a fine tooth is that --
9 and if we -- is that customary? I mean, is there anything --
10 like if you had been a treating doctor of Emily's back then,
11 would you have had to do exactly what you did anyway even
12 though --

13 A Yes.

14 Q -- you weren't one of her treating -- can you
15 explain --

16 A Yes.

17 Q -- how --

18 A And --

19 Q -- that works to the Judge?

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

1 understanding of what's going on.

2 Q And so is it your opinion that base -- that -- that
3 even if the treating doctor would have had to go through all
4 these records to -- because you -- most doctors would not have
5 an independent recollection of what they did each time they
6 saw a patient over years?

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

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

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

24 Q Okay. So what you're saying is that you initially

1 didn't have as much -- when you wrote your initial report
2 which is Exhibit 13, you didn't have nearly as much
3 information as you did when you wrote the November 21, 2019
4 supplemental expert report that's attached as Exhibit 14, is
5 that what you're saying?

6 A Yes.

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

12 A Yes.

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

16 A Yes.

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

19 A Yes.

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

1 than 12 months; is that correct?

2 A Yes.

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

5 A Yes.

6 Q And explain why that is.

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

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

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

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

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

4 Q -- Emily --

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

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

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

1 Roberts can get a piece of this case.

2 MS. BRENNAN: I'm sorry, Your Honor. I'm doing the
3 best I can. We've --

4 THE COURT: I -- I --

5 MS. BRENNAN: -- been waiting --

6 THE COURT: It's not --

7 MS. BRENNAN: -- to get to --

8 THE COURT: It's -- it's a -- it -- it's just we --
9 we're -- you know, we've -- we have --

10 MS. BRENNAN: This is not -- well, let me just say
11 for the record --

12 THE COURT: All of the documentary proof that's been
13 admitted, you've asked this witness her opinions, you've asked
14 her the basis of her opinions. You've asked her four times
15 whether or not she believes that the child is disabled
16 pursuant to the statute. That's her fundamental opinion. And
17 the Court will evaluate it based on all the evidence that's
18 been presented in this case, okay?

19 BY MS. BRENNAN:

20 Q The report, the supplemental report that you issued
21 which is attached as Exhibit 14 and that you wrote on a
22 November -- it was dated November 21st, 2019, are all of your
23 opinions and conclusions in Exhibit 14 based on your continued
24 treatment of Emily as your treating psychiatrist from the date

1 of that report to the present? Do all of your opinions and
2 conclusions and the initial report and the supplemental report
3 remain your opinions and conclusions today?

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

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

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

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

1 is that correct?

2 A Yes.

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

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

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

15 A No.

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

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

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

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

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

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

1 MS. BRENNAN: I'm going to --

2 THE COURT: -- about 3:22. Let's take about seven,
3 eight minutes. And I'd like to start up again at 3:30. And
4 Ms. Roberts, you'll begin your exam at that time, okay?

5 MS. ROBERTS: Yes, Your Honor.

6 THE COURT: All right. We're -- we're off the
7 record.

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

9 THE COURT: We are continuing with the afternoon and
10 the post judgment proceedings on the Draper and Reed case,
11 338668. Dr. Love, you understand you're still under oath?

12 THE WITNESS: Yes, Your Honor.

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

14 MS. ROBERTS: Thank you, Your Honor.

15 CROSS EXAMINATION

16 BY MS. ROBERTS:

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

20 A No.

21 Q You have no history for the medical records during
22 that time?

23 A I do not.

24 Q What happened from April of 25th -- April 20th of

1 2015 until March of 2016 when she came to see you?

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

3 Q Okay.

4 THE COURT: I think you guys need --

5 Q Is it true --

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

7 both soft spoken and I want to make --

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

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

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

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

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

13 THE COURT: -- question was --

14 THE WITNESS: -- have --

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

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

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

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

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

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

21 2014 when she left Center for Discovery and March of 2015 what

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

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

24 therapy with the school psychologist and twice weekly therapy

1 with an outside psychologist.

2 Q And you don't have the records to tell us who she
3 would see?

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

6 Q So I couldn't --

7 A -- psychiatrist was.

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

9 A No, I don't.

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

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

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

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

24 Q What did Ms. Grimes provide to the school for the

1 IEP?

2 A You see that on page 1399.

3 Q Is that Exhibit 2? Sorry.

4 A Yes, Exhibit 2. Sorry. 1399.

5 Q That's okay.

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

7 to it on my computer.

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

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

10 progress.

11 A Correct.

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

13 from Ms. Grimes.

14 A No.

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

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

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

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

19 Q 1360 -- or 1363 and 1375.

20 A Okay.

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

22 that.

23 MS. ROBERTS: 13 --

24 MS. BRENNAN: What are the numbers?

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

2 MS. BRENNAN: 1363 to 1375? Is that the range
3 you're using, Amanda?

4 MS. ROBERTS: Yes.

5 THE WITNESS: And -- and --

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

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

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

15 A I don't --

16 MS. BRENNAN: Objection.

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

18 BY MS. ROBERTS:

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

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

23 Q So it says that they -- the school indicated that
24 they did not believe that it was going to prolong or -- or

1 cause an indefinite period or a prolonged period where she
2 would have interruptions. So they didn't even recommend
3 extended school.

4 A I see that.

5 MS. BRENNAN: Dr. Love, take your time. Take your
6 time to review the documents.

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

8 MS. BRENNAN: Because --

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

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

14 Q So then from after -- okay. So from April 20th of
15 2015 to March of 2016 you don't know what she was receiving
16 for treatment during that period, do you?

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

19 THE COURT: Yeah, that's true.

20 Q That's fine. I --

21 THE COURT: They had --

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

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

1 THE COURT: No, that's fine. Yeah, that -- that's
2 right. That's -- but you've made -- the question and the
3 answer has been given for this piece of Exhibit 2, right?

4 Q So then can you go then to the next one which is
5 1375, Bate -- the school had the same answer to that response
6 of question, correct?

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

9 Q Okay.

10 A -- were prior to her hospital.

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

14 A Hold on, please.

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

16 A 1423?

17 Q 4 -- sorry, 1424.

18 A Okay.

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

20 A Yes.

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

24 A That was her goal, yes.

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

3 A Yes.

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

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

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

10 A I see that. Yes.

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

19 MS. BRENNAN: Objection, lacks foundation.

20 THE COURT: What's the answer?

21 MS. BRENNAN: Your Honor, I objected. I said it
22 lacks foundation.

23 THE COURT: Yeah, the overruled.

24 THE WITNESS: I don't have access to medical records

1 that aren't listed in the exhibits.

2 BY MS. ROBERTS:

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

6 A It probably depends on what the treatment is.

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

9 A Correct.

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

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

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

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

23 BY MS. ROBERTS:

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

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

2 Q -- additional medical records with --

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

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

6 MS. ROBERTS: Okay.

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

9 MS. BRENNAN: Objection, calls for speculation.

10 THE COURT: That's exactly what --

11 MS. BRENNAN: What records --

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

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

20 BY MS. ROBERTS:

21 Q Why?

22 A When I look back at the medical record dating back
23 to 2014 and look at I've been treating her for a continual
24 period other than institutionalizations 2016 there has been a

1 continuation and even a progression of the severity. There is
2 nothing in any of the documents provided that suggests that
3 she's been higher functioning.

4 Q However from April 20th of 2015 until of March of
5 2016 there was no significant treatment records provided to
6 you, correct?

7 A To the best of my recollection unless -- unless
8 there is something in the exhibits.

9 Q And then after you started treating her in March of
10 2016 when was she next hospitalized?

11 A Which exhibit? It was my -- I've summarized
12 those --

13 Q 14 --

14 A -- in my exhibits.

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

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

19 Q I'm looking at your report.

20 A The --

21 Q It would be --

22 A -- first one?

23 Q -- specifically -- it would be 14. It'll be Exhibit
24 Number 14.

1 A Oh. So Exhibit 14 is a continuation from the first
2 letter that I wrote looking at the medical record from that
3 time to up until the date this was written. So in other
4 words, the -- the first letter summarized through July 2017
5 and this one picks up in August 2017.

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

11 A I -- I would have to go through my records
12 page-by-page to know that.

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

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

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

1 records.

2 A Which exhibit has my medical record?

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

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

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

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

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

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

12 Q Correct.

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

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

17 A 1939.

18 Q 1939.

19 A And -- and 1938 are the appointment notes from April
20 29th, 2016.

21 Q Okay.

22 A And if you keep going down, there's an appointment
23 on May 27th, 2016. There are notes on June 1st. There's a
24 letter. Hoag emergency room. That's a -- then my next note

1 is June 24th, 2016, July 22nd, 2016, August 23rd, 2016, and
2 they go on from there.

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

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

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

11 A Exhibit --

12 Q -- your report --

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

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

17 THE COURT: Repeat your answer, please.

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

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

23 A I -- I just did the letters based on the dates I was
24 asked to provide.

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

3 A Yes.

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

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

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

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

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

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

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

1 Mom's home, correct?

2 A Can you show me in the notes what you're referring
3 to?

4 Q Sure. Exhibit 19, Bates Stamp 1974.

5 A 1974. Can you repeat your questions?

6 Q Part of the ongoing issues that Emily is having
7 directly relate to being in Mom's home, correct?

8 A All my note indicates is a sentence that says she's
9 had conflict with Mom.

10 Q So go to the next page. She actually tells you
11 she's actually going to live with grandma for a period of time
12 because of the conflict and tension in Mom's home, correct?

13 A Tensions with Mom in the home. Correct.

14 Q So at any point during your sessions with Emily,
15 does she -- when did she -- well, let me ask you this. Has
16 Emily disclosed to you that she's been sexually abused by her
17 stepbrother who lives in the home with Mom?

18 A Yes.

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

20 A Recently.

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

22 A I have to look at -- I don't remember the dates. If
23 -- if you can give me the dates and I can look in the record,
24 then I'll have a recollection.

1 Q I actually don't have those records. They weren't
2 produced to me. I know because Emily told my client.

3 A What records are you talking about?

4 Q When was it disclosed to you?

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

6 Q What period of time was this occurring?

7 A I don't know offhand.

8 Q So in -- those records we went over in June of 2016
9 she said she was going to her grandma's to stay and then in
10 July of 2016 your notes indicate that she's actually been in
11 All right. Arizona with grandma and that things are better
12 for her. Do you see that? That's the next one, 1976.

13 A Okay. Are we on Exhibit 19?

14 Q Uh-huh.

15 A I'll go back to that. So can you ask your question
16 about page 1976?

17 Q She indicated that she's been with grandma. She's
18 now just returned to Mom's house and that returning to Mom's
19 house or being with grandma has made her feel better
20 essentially, correct?

21 A We increased her medication. She said she felt more
22 peaceful all around that month. She had started doing a DBT
23 workbook with her therapist Elise which is all about coping
24 strategies and mindfulness and relaxation practices. So all

1 of those things were discussed that day. She felt the
2 medication was rally helping.

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

6 A Uh-huh (affirmative).

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

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

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

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

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

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

24 Q 19 --

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

2 Q 1978 and 1979 are your notes from August 23rd of
3 2016.

4 A Yes.

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

8 A Yes.

9 Q -- participating in appointments more.

10 A Uh-huh (affirmative). Yes.

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

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

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

23 MS. BRENNAN: Are you asking --

24 THE COURT: Ms. Roberts can --