

IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No. 82723

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Clerk of Supreme Court

DAVID PATRICK STUCKE
Appellant

And

CHRISTIE LEEANN STUCKE
Respondent

Appeal from Order from February 25, 2021 regarding Findings of Fact,
Conclusions of Law and Order and Decree of Divorce, Clark County Nevada,
Eighth Judicial District Court Family Division Department F
Appellant's Appendix Volume 8

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IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID PATRICK STUCKE

Appellant,

vs.

CHRISTIE LEEANN STUCKE,

Respondent.

Supreme Court Case No.: **82723**

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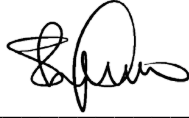
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DATED this 22nd day of October 2021.



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1 -- did you consider those personal or business in nature?

2 A Personal.

3 Q And there's transactions related to withdrawals to
4 Christie and then transfers to family members, Christie's
5 daughter, and Joel (ph), Christie's son. Do you have those on
6 there?

7 A Yes.

8 Q Okay. Now, you also have cash withdrawals. ATM
9 withdrawals made in a branch bank, casino, cash bar, casino,
10 cash withdrawn at ATMs. Do those total -- you have on here
11 \$25,188?

12 A I don't know where you're -- I'm looking at 24,830,
13 but --

14 Q It's -- it'll be total cash withdrawals.

15 A Which page are we looking at?

16 Q It's the same page, 560 -- or 5760.

17 A Let's see, I'm on another -- different page. Okay.
18 You can -- see here. Okay, 25,000, yeah, okay. Yeah, I see
19 it.

20 Q Now, in regards to -- all right, so now let's look
21 at the Atomic Radiology one, which is next page, Bates 5761.
22 Now quickly, David, is -- are these businesses cash business?

23 A No.

24 Q All right. And is there any transaction that's

1 taking place in local bars or at casinos?

2 A No.

3 Q Where are the doctors located who do the imaging --

4 A They can be --

5 Q -- (indiscernible - simultaneous speech)?

6 A -- all over the place. In --

7 Q Are --

8 A Some in --

9 Q -- there any in --

10 A -- New York.

11 Q -- Las Vegas?

12 A New Jersey, she has some in Florida, you know, a
13 variety of places.

14 Q Are there any in Las Vegas?

15 A Not to my knowledge.

16 Q Okay. All right. Now, for Atomic Radiology, it has
17 on there business income and then software, GoDaddy,
18 freelance, Dropbox, computer services, payments to doctors,
19 Las Vegas Chamber of Commerce, subscriptions, virtual office
20 rent, postage and delivery, do you re -- con -- consider these
21 normal business expenses?

22 A Yeah. For the telephone, I think I gave her \$100
23 instead of -- it's almost 400 she put as her telephone. She
24 pays for -- for all of her kids and stuff. So I think only

1 gave her 100 out of the 300-and-something it was. So that
2 one's split in partial -- partial business, partial -- but the
3 rest, yes.

4 Q Okay, so on her phone that she lists as a business
5 expense, how many lines does she have on there?

6 A A lot. Six or seven, I believe.

7 Q All right, and you said her -- her children are on
8 those lines?

9 A And friends, lot -- lots of people. I don't know
10 all the people that are on there.

11 MR. PAGE: Objection --

12 MR. MAYO: Now --

13 MR. PAGE: -- speculation, foundation.

14 THE COURT: I -- objection --

15 MR. MAYO: All right, so let me lay a foundation.

16 BY MR. MAYO:

17 Q David, did -- did Christie have anyone on her
18 account -- on her cell phone plan when you guys were married?

19 A Yes.

20 Q All right. And who was -- to your knowledge, who
21 was on there when you were married?

22 A Her grandmother, her daughter, and I believe both of
23 her sons, and I know her ex-roommate was on there. I think
24 there's other people, too. I know she added one of her

1 witnesses -- or one of her -- not her witnesses, one of her
2 letters. She bought a phone for Megan -- I can't say her last
3 name -- Xardine (ph). In 2019, she bought her a phone, but --

4 Q You mean somebody --

5 A -- it's on there.

6 Q -- somebody who did an affidavit in support of her
7 in this litigation?

8 A Yes.

9 Q Okay. Now, on -- for the following page, there's
10 withdrawals from -- cash withdrawals from branch or bank at
11 bar and at casino. Do you see that? That's Bates 5762.

12 A Yes, I see it.

13 Q Okay. Now, there's also other prescription costs,
14 garage sale site, personal restaurant, foods, TruthFinder,
15 movie rental, auto expense, gas, do you consider those -- did
16 you consider those, based on your knowledge of the -- the
17 businesses and how they operate, personal expenses?

18 A Yes.

19 Q And then the last one is PCCG, and it's a PDF. It
20 is small. But if you click on the enhance button, you can
21 read it.

22 MR. MAYO: My apologies, Your Honor, just -- that's
23 one that was difficult in terms of trying to turn it into a
24 PDF.

1 THE COURT: Okay.

2 BY MR. MAYO:

3 Q All right. Now, David, same thing for this one.
4 Profit and loss January through December 2019. Is this
5 related to -- it says business checking 5639, business savings
6 7578?

7 A Yes.

8 Q Are -- are those the business accounts for PCCG?

9 A Yes, and this is the one that has the telephone that
10 I was talking about.

11 Q Okay. Now again, did you go through and list
12 expenses that you identified as being business-related and
13 expenses that you identified as being personal in nature?

14 A Yes.

15 Q And then that goes through Bates 5764. Now, it has
16 cash withdrawals withdrawn at ATM, cash withdrawals at branch
17 bank, ATM cash withdrawals made at bars, and ATM cash
18 withdrawals made at casinos, with the correlating amounts. Do
19 those total on here for 2019, \$24,830?

20 A Yes.

21 Q Now, on here in terms of cash withdrawal made at
22 bars, how did you identify these were bars?

23 A The address is listed on the bank statement. So
24 just look them up. You get to know them very quickly.

1 Q Okay, and so you were able to look up the address
2 and identify the --

3 A Yes.

4 Q -- establishment based on the address?

5 A Uh-huh (affirmative).

6 Q All right. Did Christie -- what are some of these
7 -- these bars that are listed in the Wells Fargo statements?

8 A The bars are primarily PT's. And the casinos are
9 the Cosmo, the Silverton, you know, the Tropicana. They're
10 all over.

11 Q Okay. Now, did Christie frequent these
12 establishments prior to the divorce?

13 A Pretty much. Yeah, I think --

14 Q Prior to the --

15 A -- she extended --

16 Q -- the divorce?

17 A -- her web.

18 Q All right. Now, there's ATM lo -- withdrawals made
19 at these establishments. Do you know of any reason Christie
20 needed to make ATM withdrawals --

21 A Not for --

22 Q -- at these --

23 A -- business purposes.

24 Q -- establishments?

1 A No.

2 Q All right. Do you know how much -- having reviewed
3 the documents, do you know what the typical range was in
4 regards to cash being withdrawn --

5 A It varies --

6 Q -- from this account?

7 A -- by lots. But she would start with 300 or 500 and
8 sometimes go back to the ATM the same evening, multiple times.
9 Sometimes she would do 1,000 multiple times. It just varied.

10 Q Okay. Now, is that information reflected in the --

11 A General ledger, it'll be in there.

12 Q -- the general ledgers in terms of the actual
13 amounts withdrawn from the accounts?

14 A Yeah, it'll show you the dates and all that stuff so
15 you can tell.

16 Q Okay, all right. All right, let's -- I think we're
17 almost done.

18 (Pause)

19 BY MR. MAYO:

20 Q All right, now we also have -- the bottom of it,
21 it's -- you -- you listed Christie's personal account; is that
22 correct?

23 A Yes.

24 Q All right. And did she have expenses listed on --

1 on here in terms of transactions and transfers?

2 A Yes, that's just to help balance really, mostly.

3 And there -- and there's some business spen -- expenses on
4 there as well, but.

5 Q Now, if we look at the first page on this exhibit,
6 it's Bates 5759. Are you there?

7 A Yes.

8 Q Okay, you have -- let's -- now, this information --
9 what is this information based on?

10 A Five-nine?

11 Q Five-seven-five-nine.

12 A Okay, no, I was on a different page. All right.

13 MR. PAGE: I don't have a 5759. Starts off at 5760.

14 THE WITNESS: Okay, yeah, five-nine, I have. That's
15 a overall summary, but Christie's account is, like, 65, I
16 believe.

17 BY MR. MAYO:

18 Q Okay, correct. So I'm asking you, in terms of -- to
19 look at 56 -- fi -- sorry, five -- 5759.

20 A Yes, I'm there.

21 Q Okay. Now you have on here, this information on
22 this -- this summary. What is this information -- where --
23 where do you have -- where did you formulate it from? What's
24 it based on?

1 A Okay, so the bi -- where it says business is the
2 total from the three business summaries and then her salary
3 from her job. There are also a bunch of deposits in her
4 personal that I didn't know where to put them, so they're not
5 included. You can see it under the income under personal
6 account.

7 Q Okay. And then you have cash taken at ATMs. So you
8 have a total for 2019 from the business accounts of \$31,946?

9 A Yes.

10 Q And you have total cash taken at bars for 2019,
11 \$18,590?

12 A Yes.

13 Q All right, and you have the total ATM cash
14 withdrawal made at casinos, \$59,020?

15 A Yes.

16 Q All right, so these -- you have it listed on here
17 totaling \$109,556 taken in cash in 2012; is that accurate?

18 A Yes.

19 Q Twenty -- 2019.

20 A Twenty-nine -- sorry, 2019. Now, you also have ATM
21 fees, overdraft fees on personal transactions -- ATM fees,
22 overdraft fees on casino transactions. So you have two of
23 these, one for \$4,347 and then the other one at casinos for
24 \$4,572?

1 A Yes.

2 Q All right, so you have a total on these listed as

3 \$118 -- 475,000 (sic); is that correct?

4 A Yes.

5 Q All right. Now, in fairness, in terms of the cash

6 withdrawals made at branch bank other, you had previously

7 testified that you had looked at the statements and had looked

8 at the casino records to correlate in regards to cash taken.

9 Now, was there cash taken on any individual day that may have

10 been spent at a casino?

11 A Yes, probably --

12 Q Okay --

13 A -- a lot of it.

14 Q -- but you can't --

15 A Not 100 --

16 Q -- I mean, you can't --

17 A -- percent, but --

18 Q -- you can't say for sure --

19 A -- it's a lot of it.

20 Q You can't say for sure in terms of cash withdrawals

21 made at --

22 A Well, some --

23 Q -- a casino.

24 A -- of it, you can. From early 2000 --

1 Q Hold on, David -- David, will you --
2 THE COURT: Let her --
3 THE WITNESS: Sorry.
4 THE COURT: Let him finish.
5 MR. MAYO: -- please stop?
6 THE COURT: Let him finish --
7 THE WITNESS: Sorry.
8 THE COURT: -- asking the question.
9 THE WITNESS: Okay.
10 BY MR. MAYO:
11 Q All right. So I -- in fairness, you can't say for
12 sure in terms of cash withdrawals made in branch bank other,
13 that every dollar taken went to gambling; is that correct?
14 A Of course. No, you can't.
15 Q Okay. But to the extent that you correlated them
16 with the gambling records from the casinos, you're able to do
17 that?
18 A Yeah. I mean, it wasn't the primary goal of this,
19 but yeah.
20 Q Okay. All right. All right. Now lets --
21 (Pause)
22 BY MR. MAYO:
23 Q All right. Now, to -- was there also -- now we're
24 looking at --

1 MR. MAYO: And again, Your Honor, I can kind of go
2 through it quickly or not. But I -- you know, I -- I want to
3 try to be fair. So the same thing that was done for 2019 was
4 done for 2020. And those -- that's Exhibit 41, 40, and 34, in
5 regards to ActionRAD, PCCG transactions from the bank
6 statements. So first one would be Exhibit 41.

7 THE COURT: So what are you saying?

8 MR. MAYO: I'm -- I'm just letting you know that I'm
9 presenting the -- you know, you said earlier when we started
10 back up, hey, look, can you kind of give me idea of what we're
11 looking at and why we're looking at it. So I'm representing
12 that Exhibit 41--

13 THE COURT: So those exhibits are the same thing for
14 2020. But I guess what I'm asking, are you just asking that
15 those be admitted and -- and so that we don't have to go
16 through --

17 MR. MAYO: Correct.

18 THE COURT: -- each and every one of them? I mean,
19 I don't know whether -- does mister --

20 MR. MAYO: Well, so -- so yeah, the -- there's a
21 general ledger. And then there's also -- I'll have -- I have
22 the ActionRAD and PCCG P&L for 2020, just like we did for
23 2019.

24 THE COURT: Right. So your client can --

1 MR. MAYO: But --
2 THE COURT: -- testify --
3 MR. MAYO: -- again --
4 THE COURT: -- to that. And then they --
5 MR. MAYO: Correct.
6 THE COURT: -- you can move to admit them. And
7 Mr. Page can make -- make an objection or not. And then we
8 can go from there. But I don't think you need to go through
9 each and every ac -- you know, if there's some --
10 MR. MAYO: I -- I didn't --
11 THE COURT: -- entry --
12 MR. MAYO: -- want to --
13 THE COURT: If there's some entry that you think is
14 suspect or there's something that needs to be known, those
15 things can be pointed out to me in --
16 MR. MAYO: Right.
17 THE COURT: -- your closing, right?
18 MR. MAYO: Okay. Correct.
19 THE COURT: Okay.
20 MR. MAYO: Okay.

21 DIRECT EXAMINATION CONTINUED

22 BY MR. MAYO:

23 Q So Exhibit 41, David, is that ActionRAD general
24 ledger account 1401 through June 30th of 2020?

1 A Yes. I have it.

2 Q All right. And is that, again, based on your review
3 of the bank statements -- bank statements and inputting them
4 into this spreadsheet?

5 A Yes, same as 2019.

6 Q Okay. All right. And then same thing for Exhibit
7 40, PCCG general ledger for the account ending in 7578, as of
8 June 30th, 2020 through -- January 2020 through June 30th,
9 2020?

10 A Yes, same thing.

11 Q Okay. All right. And same thing you had, is this
12 based on your review of the -- the bank statements and
13 inputting that information into this ledger?

14 A Yes.

15 Q Now again, it has -- if you look at the ledger --
16 strike that. We're good. All right. Now, it has -- so,
17 David, you can clarify. It has listed account 7578 on this
18 Bates page number 7280. Are you there?

19 A The Exhibit 40?

20 Q Yes.

21 A So it's 7578 -- 57. Say it again. What's the
22 number?

23 Q Yeah, so it's got the let -- the account number --

24 A Okay, sorry.

1 Q -- ending 75 --
2 A I was on the wrong -- wrong file.
3 Q Okay.
4 A Seven --
5 Q So it would be Bates 7280.
6 A Seven-two-eight-zero, got it.
7 Q Okay. It has account number ending in 7578, but
8 then it references checking -- Wells Fargo checking 1401.
9 A Yes.
10 Q Again, how -- how is that related to the PCCG?
11 A Is it -- there are transfers in and out from the
12 other accounts.
13 Q Okay. But again, when you did your analysis in
14 regards to income classified as income -- monies as income,
15 did you take into consideration the transfers between the
16 accounts so that there was no double-dipping?
17 A Yeah, that's taken off on the P&L.
18 Q Okay. All right.
19 A And -- and it nets to a zero because those
20 positive/negative -- it -- it work -- so it works out.
21 Q You were mumbling again. What did you say?
22 A I'm sorry. It -- it nets out to zero. You know,
23 transfer from one, transfer into the other. It shows there
24 was income on one and an expense on the other.

1 Q Okay. All right. All right, so let's briefly
2 finish up on this topic. So if you could turn to exhibit --
3 just two more. It would be Exhibit 34, the ActionRAD
4 Solutions P&L for 2020.

5 A Okay, I --

6 Q Are you there?

7 A -- have it. Yep.

8 Q Okay. And again, what -- the information that's in
9 this spreadsheet, what -- what do you base it on?

10 A The bank statements that we subpoenaed.

11 Q Okay. And again, did you list those expenses on
12 here that you considered income, business expenses, and
13 expenses that were personal in nature?

14 A Yes.

15 Q Okay. Now again, in regards to cash withdrawals
16 from ATMs, machines at bar, and at casinos, are those listed?

17 A On -- on this one, it looks like it has some
18 personal expenses, so this number should be a little higher.
19 But total personal expense, 1,600. That's deducted off as
20 business, I think. But it's otherwise -- the numbers are
21 right, though.

22 Q Okay. And I was talking -- yeah, I get that. I was
23 talking about the -- the cash withdrawals.

24 A Okay, cash withdrawals. Cash withdrawals.

1 Q On Bates --
2 A Okay, I see them.
3 Q -- page 7270?
4 A Okay.
5 Q Okay. All right. And again, that information,
6 those cash withdrawals, that's based on the bank statements?
7 A Yes.
8 Q All right. Let's go to 36. It's the PCCG 2020 P&L.
9 Are you there?
10 A Yes.
11 Q All right. And again, same question. Is this based
12 on the general --
13 A Bank statements? Yes.
14 Q -- ledgers that --
15 A Yes.
16 Q -- were based on the bank statements?
17 A Yes.
18 Q Okay. And that's the ones that you had created?
19 A Yes.
20 Q Okay. And again, you list on here expenses that
21 were considered business -- like --
22 A Yes.
23 Q -- legitimate business expenses?
24 A Yes.

1 Q All right. And then the expenses for, you know,
2 Golden Gate, Sparks, Prime Video rental, Music Box,
3 automobile, casinos, meals, restaurants, cash that was --
4 casinos, cash at bars, were those expenses that you listed as
5 personal in nature?

6 A Yes.

7 MR. PAGE: I'm going to object to this line of
8 questioning as relevance. Your Honor, this is in 2020, after
9 they've long-since been separated. And we're quizzing her
10 about what she spent after they separated?

11 THE COURT: Well --

12 MR. MAYO: Your Honor, based on the analysis in
13 Kogod, any spending that takes place during the marriage after
14 the parties have separated can be considered waste and should
15 be considered waste, depending on the nature of the expense.
16 My -- our -- what our -- what we're trying to point out is, A,
17 the amount -- the excessive amount of gambling that was going
18 on by Christie at the same time in 2019 and 2020, when she had
19 claimed that she was broke, that her businesses were going
20 under, that she couldn't afford to pay the West Maule
21 mortgage, that she --

22 THE COURT: Right.

23 MR. MAYO: -- couldn't afford to pay the van loan --

24 THE COURT: Right, overruled.

1 MR. MAYO: -- when she's spending hundreds of
2 thousands of dollars during that time at casinos --

3 THE COURT: Overruled.

4 MR. MAYO: -- and at -- okay.

5 THE COURT: Agreed, it's -- it's relevant. But you
6 can point it out to me in your argument, too. So the
7 information -- are you moving to -- go ahead, Mr. Mayo.

8 MR. MAYO: I -- I have one more -- yeah. I had one
9 more, and I wasn't going to go through them. I was just going
10 to trying to be efficient in regards to presenting them.

11 DIRECT EXAMINATION CONTINUED

12 BY MR. MAYO:

13 Q And then again, exhibit -- Exhibit 40, in terms of
14 Christie's 2020 personal general ledger, that's Exhibit 40.
15 Did we talk -- we did Exhibit 40, right?

16 A We're -- we did. It's PCCG.

17 Q Okay. All right. So let me try -- let's see, I
18 think I have left. I just have Chris -- oh, Exhibit 35, which
19 is Christie's personal checking account P&L for 2020.

20 MR. MAYO: So, Your Honor, I mean, two things.
21 First of all, I'm show -- I'm going through and trying to
22 establish the income from the business in regards to what is
23 legitimate business income and what is personal in nature and
24 what was reported in regards to the FDF regarding, you know,

1 her income. The disparity between what's in the bank
2 statements and what's in her FDF. And second of all, in
3 regards to what has been spent at different gambling
4 establishments.

5 THE COURT: Right, I understand.

6 MR. MAYO: All right.

7 BY MR. MAYO:

8 Q All right. So, David, again, same thing, is this
9 based on the personal checking ending in -- sorry -- 7685 in
10 terms of transfers?

11 A Yes.

12 Q Okay. And there's not very much in terms of here --

13 A Right. Yeah, there's not much.

14 Q Okay.

15 A (Indiscernible - simultaneous speech) --

16 Q You have personal expenses, business expenses you
17 considered business in nature, and then cash withdrawals --

18 A Right.

19 Q -- and transfers to family members. Okay.

20 A Right.

21 Q All right. And then the last one should be Exhibit
22 33. Look at the summary in Exhibit 33.

23 (Pause)

24 BY MR. MAYO:

1 Q All right. Now, is this similar to the summary you
2 did on the very top of Exhibit 20 --

3 A Yeah, for the cash withdrawals. Same thing, it's
4 for 2020 instead.

5 Q Okay, hold on. Exhibit 20 -- 27, you did a summary
6 at the very top of the exhibit in regards to the -- the ca --
7 the income and then the -- the cash. Same thing for this one?

8 A Yes.

9 Q All right. So you have income showing for ActionRAD
10 and for PCCG in 2020, and then cash withdrawals taken at
11 banks, at casinos, at bars, and the ATM fees on withdrawals at
12 casinos and at -- for personal transactions.

13 A Yes.

14 Q Okay.

15 A Yeah, about 30,000 in income and 15,000 or something
16 in cash withdrawals.

17 Q Okay. All right.

18 MR. MAYO: So, Your Honor, we would -- so again, we
19 would move 41 -- the ones that we discussed -- 41, 40, 34, 36,
20 40, 35, and 33 -- as summaries.

21 THE CLERK: And 39.

22 THE COURT: And which one, 39?

23 THE CLERK: Thirty-nine.

24 MR. PAGE: I'll object on the grounds of foundation

1 and speculation. Some of them don't have dates on them.

2 THE WITNESS: The general ledger will --

3 MR. PAGE: So the --

4 THE WITNESS: -- have all the dates.

5 MR. PAGE: -- thirty-three doesn't have a date.

6 MR. MAYO: I'm sorry, which one doesn't have a date?

7 MR. PAGE: Thirty-three.

8 THE WITNESS: Thirty-three.

9 MR. MAYO: Thirty-three is based on -- it's a

10 summary of the total amount, so we've already done the dates

11 in the individual general ledger and the P&L. This is just

12 like it was for Exhibit 27. It's just --

13 MR. PAGE: (Indiscernible - simultaneous speech) --

14 MR. MAYO: -- showing the total --

15 MR. PAGE: -- (indiscernible - simultaneous speech)

16 -- 03:37:45

17 MR. MAYO: It doesn't -- we've already established

18 the information in the other exhibit. This is just

19 summarizing the total amount. It doesn't have to have the

20 dates because that was already provided.

21 THE COURT: All right. So what you're saying --

22 your client's testimony is that the -- 33 was a summary of the

23 other exhibits, which have dates.

24 THE WITNESS: Yes, up until --

1 THE COURT: All right. So --
2 THE WITNESS: -- we received those.
3 THE COURT: -- mister --
4 MR. MAYO: Correct.
5 THE COURT: -- Mr. Page, you can -- you can cross
6 examine all day long on all these. I'll let them in. And
7 then we'll see whether -- what your issues are with them.
8 THE CLERK: I didn't have 27 in.
9 MR. PAGE: I will be, Your Honor.
10 MR. MAYO: And it's fine --
11 THE COURT: Which one?
12 MR. MAYO: -- Your Honor.
13 THE COURT: Twenty-seven?
14 MR. MAYO: That's right.
15 THE CLERK: He's talking --
16 THE COURT: Wait. Hold on --
17 MR. PAGE: Who is (indiscernible - simultaneous
18 speech) --
19 THE COURT: -- hold on, hold on. I want to confirm
20 the numbers again. Lay out the numbers for me that -- that
21 we're mo -- that we're moving to admit.
22 MR. MAYO: Sure. I think -- we -- so we la --
23 previously, we had 27. And then so in this more -- in the
24 2020 ones we've --

1 THE COURT: Yep.

2 MR. MAYO: -- been talking about, the general
3 ledgers and P&Ls --

4 THE COURT: It was 26, I thought.

5 MR. MAYO: -- should be Exhibit 41 --

6 THE CLERK: Yeah.

7 THE COURT: I thought that was -- it was 26 before,
8 but yeah, 27 --

9 MR. MAYO: No, it was --

10 THE COURT: -- was Christie's financials.

11 MR. PAGE: (Indiscernible - simultaneous speech) --

12 MR. MAYO: Correct, Your Honor.

13 THE DEFENDANT: There's so many numbers they don't
14 know --

15 THE COURT: So hold on one second. Yeah, 27 as
16 well. Those are summaries.

17 THE CLERK: And these are the ones that we have.

18 THE COURT: And then for -- hold on. And then I
19 have 33, 35, 30 -- oh, the -- I'm sorry, 33, 34, 35, 36, 39,
20 40, and 41, yes?

21 MR. MAYO: Thirty-three, 35 --

22 THE COURT: Thirty-four.

23 MR. MAYO: -- thirty-six --

24 THE COURT: Thirty-five.

1 MR. MAYO: -- thirty-four --
2 THE COURT: So it's 33 --
3 MR. MAYO: -- forty and 41.
4 THE COURT: -- thirty-four, 35, 36, 39, 40, and 41,
5 correct? And 26 --
6 MR. MAYO: You --
7 THE COURT: -- and 20 --
8 MR. MAYO: You said 39?
9 THE COURT: You said --
10 MR. MAYO: I don't think there's a 39.
11 THE COURT: You said 39 earlier, I'm -- just wrote
12 down what you said, so hold on.
13 MR. MAYO: Oh, sorry, I thought you were talking
14 about the motion to -- the -- the recent ones for 2020.
15 THE COURT: No, I'm just trying to get all of them.
16 So 26 --
17 MR. MAYO: No, I understand.
18 THE COURT: -- twenty-seven --
19 MR. MAYO: So -- so no, it should be -- okay. So it
20 should be 22 -- in -- in this line of questioning in regards
21 to the -- the summaries, it should be 22, 26, 29 --
22 THE COURT: Twenty-seven.
23 MR. MAYO: -- twenty-seven. Then we had 41. And
24 I'm just going in the order my documents -- 41, 40, 34, 35,

1 and 33.

2 THE COURT: Not 36?

3 MR. MAYO: I don't believe -- I don't believe 39 or
4 36. Let me make sure. Oh, no, you're right. Sorry, 36 was
5 in there, too. My apologies.

6 THE COURT: Yeah, that's what I thought. And then
7 39?

8 MR. MAYO: Yeah, but then 39 -- so we have 30 -- 39
9 was a month-by-month.

10 THE COURT: All right.

11 MR. MAYO: No, I didn't have that --

12 THE COURT: Okay, not 39.

13 MR. MAYO: -- today. I can. It's a month -- it's a
14 month-by-month. So basically, it shows each month what was
15 total amount for those categories.

16 THE COURT: Okay, he hasn't te -- he didn't testify
17 about 39, though --

18 THE CLERK: Right.

19 THE COURT: -- correct?

20 MR. MAYO: No.

21 THE COURT: Okay.

22 (Plaintiff's Exhibits 27, 33 through 36,
23 40, and 41 admitted)

24 MR. MAYO: All right.

1 THE COURT: All right. We need to take a break.

2 MR. MAYO: Okay. Okay, that's fine, Your Honor,
3 thank you.

4 THE COURT: Uh-huh. We're going to go off the
5 record.

6 (COURT RECESSED AT 03:41 P.M. AND RESUMED AT 03:53 P.M.)

7 THE CLERK: Back on the record.

8 THE COURT: Do we have Mayo?

9 THE CLERK: He's in here. He's just muted.

10 THE WITNESS: He went to the restroom. He should be
11 back any second, I think.

12 (Pause)

13 THE CLERK: There he is.

14 MR. MAYO: I'm -- I'm back, Your Honor.

15 THE COURT: Okay. All right, so we're back on the
16 record.

17 MR. MAYO: And, Your Honor, it -- this may help for
18 purposes of Thursday. So we are -- how do I say this? We're
19 willing to go by -- for purposes of time, Fred had a concern
20 in regards to time, and I respect that.

21 THE COURT: Uh-huh.

22 MR. MAYO: For purposes of custody, we're fo --
23 we're willing to follow in terms of Paglini's recommendations
24 with some -- with some changes in terms of some of the -- the

1 timing issues. But part of his recommendation was concerns
2 regarding the allegations made against David that he believes
3 would have an effect on custody if they were established to be
4 true.

5 So what I'm representing is that our questioning in
6 terms of information in Paglini's report, we're willing to go
7 with it. But I do have questions for him. And I do have --
8 need to establish evidence in regards to those issues. But it
9 shouldn't -- it shouldn't take much time on Thursday, I
10 believe, to do so if that helps with Fred's issue regarding
11 timing.

12 THE COURT: Okay, wait a minute. Okay, so can I --
13 can we go off the record and let me talk to Counsel --

14 MR. MAYO: Sure.

15 THE COURT: -- please?

16 MR. PAGE: Yeah, let me send my client back to my
17 office. It's a ways --

18 (PROCEEDINGS CONCLUDED AT 03:57:09 P.M.)

19 * * * * *

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

23

24 /s/Shellie A. Callaway

Shellie A. Callaway

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1 TRANS

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Heather A. Blinn
CLERK OF COURT

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

9 DAVID PATRICK STUCKE,)
10 Plaintiff,)
11 vs.)
12 CHRISTIE LEEANN STUCKE,)
13 Defendant.)
14

CASE NO. D-18-580621-D
DEPT. F
APPEAL NO. 82723
(SEALED)

15 BEFORE THE HONORABLE DENISE L. GENTILE
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: NON-JURY TRIAL

18 WEDNESDAY, DECEMBER 9, 2020
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TRANS

**EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

DAVID PATRICK STUCKE,)	
)	
Plaintiff,)	CASE NO. D-18-580621-D
)	
vs.)	DEPT. F
)	
CHRISTIE LEEANN STUCKE,)	APPEAL NO. 82723
)	
Defendant.)	(SEALED)
)	

BEFORE THE HONORABLE DENISE L. GENTILE
DISTRICT COURT JUDGE

TRANSCRIPT RE: NON-JURY TRIAL

WEDNESDAY, DECEMBER 9, 2020

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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>
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John Paglini	8	94	--	--
David Stucke	106	241	--	--

DEFENDANT'S
WITNESSES:

(None presented)

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

<u>PLAINTIFF'S</u> <u>EXHIBITS:</u>	<u>ADMITTED</u>
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21 - Combined profit and loss statements	129
37 and 39 - Profit and loss statements	183
69 - Facebook Messenger screenshot	144
135 - PayPal records	234
207 - Expert report	78

DEFENDANT'S
EXHIBITS:

(None presented)

1 LAS VEGAS, NEVADA

WEDNESDAY, DECEMBER 9, 2020

2 **P R O C E E D I N G S**

3 (PROCEEDINGS BEGAN AT 09:02:20 A.M.)

4 (THE FOLLOWING TRANSCRIPT CONTAINS MULTIPLE
5 INDISCERNIBLES DUE TO POOR RECORDING QUALITY)

6
7 THE CLERK: We're on the record.

8 THE COURT: Now we're on the record in the Stucke
9 matter, case D-580621. JAVS is working now. So, Counsel, you
10 want to state your appearances for the record?

11 MR. MAYO: Good morning, Your Honor. Vince Mayo,
12 Bar number 8564, on behalf of the Plaintiff, David Stucke, who
13 is present through BlueJeans.

14 THE COURT: Okay.

15 MR. PAGE: Good morning. Fred Page, Bar number
16 6080, on behalf of Defendant, Christie Stucke, who's present
17 with me in my conference room.

18 THE COURT: Okay, so this is the time that's set for
19 the second day of the parties' trial. Counsel, we're still in
20 Plaintiff's case, right? So, Mr. Mayo?

21 MR. MAYO: Yes, Your Honor. Before we start, I
22 wanted to disclose that I had spoken to Mr. Page yesterday.
23 And he had informed me that he has a brief hearing at 10:00
24 o'clock in front of Judge Ritchie. And he had asked me if I

1 was willing to take a break so that he could conduct that
2 hearing.

3 THE COURT: That's fine.

4 MR. MAYO: Obviously, you know --

5 THE COURT: That's fine.

6 MR. MAYO: Yeah, so I just wanted to let the Court
7 know in terms of -- of that, especially since we have
8 Dr. Paglini first. And we want to be able to, you know, go
9 through his testimony as quickly as possible so that we can
10 release him and -- and move on.

11 THE COURT: Right, but we --

12 MR. PAGE: Also --

13 THE COURT: -- might need to -- we might need to
14 take break during his testimony, though. So --

15 MR. MAYO: That's what I was trying -- that's what I
16 wanted the Court to be aware of.

17 THE COURT: Okay.

18 MR. PAGE: Judge Ritchie tends to be pretty quick.
19 And the hearing is not one that lends itself to taking a lot
20 of time.

21 THE COURT: Oh, I've heard that before. Okay.

22 MR. PAGE: I'm -- I'm going to drop some names here.
23 This Judge Ritchie. It's not Judge Moss.

24 THE COURT: Okay. All right, well, that's not a

1 problem. We can acco -- we can accommodate that. And I hope
2 Dr. Paglini understands we just -- we're all trying to juggle
3 -- yeah, it's all we can do. So all right. With that,
4 Mr. Mayo, what's up next?
5 MR. MAYO: Yes.
6 THE COURT: Dr. Paglini, right?
7 MR. MAYO: Correct.
8 THE COURT: Okay, so let's go ahead and swear in
9 Dr. Paglini.
10 THE CLERK: Okay.
11 You do solemnly swear the testimony you are about to
12 give in this action shall be the truth, the whole truth, and
13 nothing but the truth, so help you God?
14 THE WITNESS: I do.
15 THE COURT: I can't hear him.
16 THE CLERK: Can you --
17 THE COURT: Did he speak?
18 THE CLERK: Yeah, he said, I do.
19 THE COURT: Okay.
20 THE CLERK: Uh-huh.
21 THE COURT: All right. Well, whatever -- Dr.
22 Paglini, I'm just going to ask you, whatever you're doing on
23 your end, it's really soft. So I ca -- I could barely hear --
24 I couldn't hear you.

1 THE WITNESS: Your Honor, can you hear me now?

2 THE COURT: Yes, but it's not very loud, just so you
3 know.

4 THE WITNESS: Does this sound better?

5 THE COURT: Better.

6 THE WITNESS: Okay. I'll try to -- I'll try to
7 yell, okay?

8 THE COURT: Okay. I just really don't want you to
9 have to, like, yell throughout your entire testimony, but.

10 THE WITNESS: Okay, I'll do the best I can. If you
11 can't hear me, just te -- keep telling me to bring up the
12 volume.

13 THE COURT: Okay.

14 THE WITNESS: Normally, I'm the one with the hearing
15 problem, okay?

16 THE COURT: Well, I hear --

17 THE WITNESS: Okay.

18 THE COURT: -- Vince really well and Mr. Page, but
19 you're -- you're just -- for whatever reason, the volume on
20 your speaker or whatever is just a little lower. So --

21 THE WITNESS: Okay.

22 THE COURT: -- it's all good.

23 THE WITNESS: Thank you.

24 THE COURT: Uh-huh.

1 MR. MAYO: All right.

2 THE COURT: Okay, Mr. Mayo?

3 MR. MAYO: Thank you.

4 JOHN PAGLINI

5 called as a witness on behalf of the Plaintiff, having been
6 first duly sworn, did testify upon his oath as follows on:

7 DIRECT EXAMINATION

8 BY MR. MAYO:

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

10 A John Anthony Paglini, licensed psychologist in the
11 state of Nevada.

12 Q All right.

13 MR. MAYO: Your Honor, I think we can stipulate to
14 Dr. Paglini's credentials, especially since he's a -- a joint
15 expert in this case.

16 THE COURT: All right, I want -- okay, I'm totally
17 going to be obnoxious right now. I just want to make sure I'm
18 saying his name right because I hear it -- I hear it -- you
19 say Palini, Paglini --

20 THE WITNESS: Correct.

21 THE COURT: -- Palini --

22 THE WITNESS: You're -- without the G.

23 THE COURT: No -- no G. Okay, that's what I said.

24 All right, I just wanted to make sure I wasn't --

1 THE WITNESS: (Indiscernible - simultaneous speech)

2 --

3 THE COURT: All right. Sorry, Mr. Mayo, delete the
4 G.

5 MR. MAYO: No, so I -- I apologize. I've always
6 pronounced the G, so I learned something new today.

7 THE WITNESS: You can say whatever you want.
8 Paglini, Palini, I'm good. Don't worry --

9 THE COURT: Hey, I --

10 THE WITNESS: -- about it.

11 THE COURT: -- I have the same issue. People
12 mispronounce or pronounce mine many ways, too. So I -- I get
13 it.

14 THE WITNESS: Okay.

15 THE COURT: It's -- we Italians, I think that's --
16 it's -- our names are ripe for that, right? So anyway.

17 THE WITNESS: Yeah.

18 THE COURT: All right. Go ahead, Mr. Mayo.

19 MR. MAYO: All right.

20 THE COURT: Uh-huh.

21 DIRECT EXAMINATION CONTINUED

22 BY MR. MAYO:

23 Q And, Dr. Paglini, you had issued a report, a child
24 custody evaluation in this case, dated July 23rd, 2020.

1 A Correct.

2 Q All right. And in that report, you made a number of
3 recommendations; is that --

4 A Correct.

5 Q -- correct?

6 A Yes.

7 Q And those related primarily to the custody of the
8 two minor children in this case.

9 A That is correct.

10 Q Now -- one second.

11 (Pause)

12 MR. MAYO: Sorry, I'm having some issues. Give me
13 one second.

14 THE COURT: You're fine.

15 MR. MAYO: All right. I'm back up.

16 BY MR. MAYO:

17 Q Now, during your evaluation, did allegations of
18 David sexually molesting their -- the parties' small daughter,
19 Sarah, arise?

20 A Yes.

21 Q All right. Can you turn to page 72 of your report?

22 A Yes, sir. I'm there.

23 Q Okay. Now, on page 72, you wrote, conversely, the
24 courts find that Ms. Stucke created sex abuse allegations

1 and/or rape allegations for secondary gains. This would be an
2 ultimate act of parental alienation. And the court would
3 clearly give Mr. Stucke primary custody. What did you mean
4 when you had -- when you used the word secondary gains?

5 A Well, secondary gains would be that someone created
6 the allegations to get the children. So some people --

7 Q And --

8 A -- some people resort to throwing out allegations to
9 win in court. And I'm not saying she did that. I'm just
10 throwing that out there that there were -- this is a very
11 difficult case. And there were a lot of different allegations
12 out there.

13 Q Understood.

14 A Yes.

15 Q And again, to be clear, you haven't provided an
16 opinion on whether Christie's motivation for making the
17 accusations was for purposes of obtaining leverage in the
18 custody case or not; is that correct?

19 A That's correct.

20 Q All right. Now, do you have experience in custody
21 evaluations involving parental alienation?

22 A Yes.

23 Q I want to talk about -- and I'm probably going to
24 butcher his name -- Mr. Hentschl. Are you familiar with

1 Mr. Hentschl?

2 A Yes. The ex-husband of Christie?

3 Q Correct.

4 A Yes.

5 Q All right. Now, you had spoken to him in this case
6 related to your evaluation, right?

7 A That is correct, on May 22nd, 2020.

8 Q All right. Now, we had provided you filings related
9 to the custody case between Christie and Mr. Hentschl --
10 Mr. Hentschl; is that correct?

11 A Say -- what -- what did you provide?

12 Q We had provided you filings related to the custody
13 case between Christie and Mr. Hentschl; is that correct?

14 A I did receive a lot of information, I think, from
15 your client. That is correct.

16 Q Okay. And if you turn to page four of your report.
17 Let me know when you're there.

18 A I'm there.

19 Q All right. On the second half of the page, there's
20 a number of filings related to that custody case. Do you see
21 those?

22 THE COURT: Uh-oh.

23 BY MR. MAYO:

24 Q Sorry --

1 THE COURT: If the --

2 BY MR. MAYO:

3 Q -- (indiscernible - simultaneous speech) --

4 A (Indiscernible - simultaneous speech) --

5 Q -- psychedelic on us.

6 A -- the second half of the page, I think there's some
7 related to John Hentschl and Christie Hentschl.

8 Q Correct, okay. Now, if you could -- all right.
9 Sorry about that. We had submitted to you, a number of
10 exhibits. I believe the one we had sent you was number 46 in
11 the documents related to his case. Can you turn to that
12 number 46?

13 A I'm sorry, where am I going?

14 Q It's the -- the electronic filing -- well,
15 electronic documents that we had submitted to you as part of
16 your evaluation. I believe it's listed as number 46.

17 A How do I get to that? I have no clue.

18 Q It's the ones on -- it's the ones that we had
19 provided you -- provided you as part of the evaluation.
20 Sorry, I'm --

21 A (Indiscernible - simultaneous speech) --

22 Q -- I'm getting a lot of feedback.

23 A I don't have that available. And I don't know how
24 to get that that right now with -- with the computer on. Can

1 you just highlight what it is?

2 Q Okay, I can do that.

3 A Thank you, sir.

4 Q All right.

5 MR. MAYO: So you're -- so you're -- then --

6 THE COURT: Hold on. Before you --

7 MR. MAYO: -- it will be our --

8 THE COURT: Hold on --

9 MR. MAYO: -- Exhibit --

10 THE COURT: -- one second.

11 MR. MAYO: -- 108.

12 THE COURT: Hold on, hold on, hold on, hold on, Mr.

13 Mayo. Is there, like, a second person in the room with the

14 same, like, sound on? I -- we kee -- we keep getting

15 feedback. And I can't -- it feels like there's maybe -- I

16 don't know. It's -- can you look and see what's going on on

17 the side where the people are?

18 MR. MAYO: It might be Mr. Page. I think he's got

19 -- he and Christie are in the same room.

20 THE COURT: If -- if -- if Christie and -- if

21 Christie and Mr. Page are on at the --

22 MR. PAGE: Yeah, she's --

23 THE COURT: -- same time --

24 MR. PAGE: -- (indiscernible - simultaneous speech)

1 --

2 THE COURT: -- then we need to mute that.

3 THE DEFENDANT: It's the speaker right next to the
4 mic. That's the problem. Got to turn it down.

5 MR. PAGE: Can you hear me okay?

6 THE COURT: Yeah, absolutely.

7 MR. PAGE: Okay.

8 THE DEFENDANT: It's just the noise. Just turn down
9 that volume. It's catching on the mic.

10 THE COURT: Yep, that's exactly right. Because if
11 you turn it down, it's better now. It's not quite right yet.
12 You might want to do a little more -- yeah, perfect. Okay.
13 Very good. Now, Mr. Mayo?

14 MR. MAYO: Thank you. Your Honor, it's our Exhibit
15 108.

16 THE COURT: Okay.

17 MR. PAGE: (Indiscernible).

18 DIRECT EXAMINATION CONTINUED

19 BY MR. MAYO:

20 Q So this is a supplemental petition for modification
21 of final judgment, filed on April 22, 20 -- 2004 in the case
22 -- the custody case between John Hentschl and Christie -- at
23 the time, Christie Hentschl.

24 A Yeah.

1 Q Okay. In the filing, number five -- and this is
2 Mr. Hentschl's filing -- it states, there has been a
3 substantial change of circumstances since the entry of the
4 final judgment.

5 To wit, the former wife's behavior while exercising
6 her visitation rights and during telephone contact with the
7 minor children has been inappropriate, including but not
8 limited to making disparaging, false, and/or hurtful
9 statements with the intent to interfere with the former
10 husband's parent-child relationship. The former wife has also
11 made false and unsubstantiated reports to the Department of
12 Child and Family Services, alleging that the former husband
13 has been physically abusing the children.

14 A Okay.

15 Q All right. Now, would any -- would any accusation
16 of Christie having made false representations to CPS regarding
17 prior -- regarding abuse in a prior case be relevant to your
18 evaluation in this case?

19 A Yes.

20 Q Okay. Now, I believe in your report, Mr. Hentschl
21 had not reported this to you; is that correct?

22 A That's my understanding. When I interviewed him on
23 May 22nd, I asked him numerous questions about his
24 relationship with Christie, Christie's relationship with the

1 children. I asked him about -- I had heard that Mr. Stucke, I
2 guess, had stated that she made sex abuse allegations against
3 Mr. Hentschl. I asked him about that. And he stated no, it
4 was not her, it was a -- someone who briefly worked for the
5 family who had a history of making false allegations. So that
6 cleared her on that part.

7 He did speak extensively of -- of Ms. Stucke abu --
8 not abusing, I'm sorry -- abandoning the children. And -- and
9 then when he got sick, that Ms. Stucke came back in and cared
10 for the children. And then when he was better, I think they
11 fought in family court pertaining to resolution of child
12 custody.

13 Q Did Mr. Hentschl in you -- in your report, you
14 indicate that Mr. Hentschl stated he was reluctant to provide
15 information because, quote, he didn't want to piss Christie
16 off, end quote?

17 A Yeah, I -- I think what happened was, is he would
18 constantly say, hey, look, I'm getting along well with her, I
19 don't want to get her angry. And then he would go on and talk
20 excessively about what he thought she did wrong in the
21 marriage and how difficult it was for him. And so you know,
22 it -- he -- he wasn't hesitant. That's for sure. He -- he
23 verbalized everything was feeling. Sometimes he talked to his
24 wife, making sure he gets -- he had dates correct.

1 Q All right. But he didn't -- he didn't openly
2 disclose his representation in his April 2004 filing, in which
3 he said that Christie had made false accusations to CPS about
4 him abusing their children; is that right?

5 A That's correct.

6 Q Okay. And he had also reported that he believed
7 Christie, while she loves the children, cares more for herself
8 than anyone else? That's on page 44 of your report, first
9 paragraph.

10 A Thank you, sir.

11 Q No problem.

12 A Yeah, it's quotation marks, I'll be honest with you,
13 from my heart, she's a good mother who cares for the children,
14 but she cares more for herself more than anybody, end of
15 quotations.

16 Q Now, you also stated that when Christie undertakes
17 inappropriate behavior, she can be prone to rationalizing it
18 when she is under stress; is that accurate?

19 A Was that in my report and what page, if you don't
20 mind?

21 Q Page 61, first --

22 A Thank you.

23 Q -- paragraph. Sure.

24 A Such a long report. And it was long ago, so I

1 apologize.

2 Q That's not a problem.

3 A What part of the page? I'm sure it's the -- the
4 front.

5 Q Should be in the very first paragraph.

6 A Repeat the question, please?

7 Q Sure. Let me get to the page here. All right.

8 A Oh, I got it. I found it. This reflects she puts
9 her own needs before her children's needs. Yes, what I was
10 referring to in that, is that and her -- with her three
11 children, she left the marriage abruptly. And at first, she
12 said, if I'm not mistaken, to pursue a more polyamorous
13 lifestyle. And then in a -- in a s -- latter interview, I
14 think it was because of employment opportunities. And -- and
15 then there was a time when she began her relationship with
16 Mr. Stucke, if I'm not mistaken, her daughter was an adult by
17 that point and had a lot of drug problems.

18 Her younger -- maybe not younger son, but Joel had a
19 lot of behavioral and emotional problems and John was doing
20 fairly well. And -- and my point was, I think in that, is
21 that, you know, she left the family. She left her children to
22 pursue her own needs. And you know, and that reflected her
23 putting herself in front of her children's needs.

24 Q All right. And then if you look at the end of -- on

1 the same page, paragraph F, the very last line.

2 A Oh, thank you. Okay.

3 Q Sure.

4 A Yeah, and I -- I think what -- what I meant by that
5 is that during the course of assessment, at times, I -- I
6 thought that she would rationalize her behavior -- her angry
7 outbursts or perhaps the statement about her daughter and the
8 pool.

9 And I understand that things could be said out of
10 frustration. But one of the things her prior therapist said
11 in Florida that worked with her was that, you know, Christie
12 was focused on kind of being a victim and not really seeing
13 her part. And that's where my -- my recommendations come in
14 therapy, that it -- you know, it's important to see what your
15 part is of all this and what you can do different to
16 de-escalate.

17 Q All right. Now, in terms of the actual allegations
18 themselves, I believe you reported that there was a custody
19 exchange between David and Christie on July 31st of 2020. Do
20 you recall that?

21 A Well, my report was dated July 23rd. So would that
22 have been May, then?

23 Q Sorry, I was -- I'm sorry. I'm referencing a July
24 30th -- the Ju -- the July 23rd report, an exchange on July

1 31st, 2019.

2 A Okay, I don't recall it. But is it on a certain
3 page?

4 Q The -- the actual exchange during which the first
5 representations were made by Sarah?

6 A Yeah, just in terms of my report -- in my report,
7 where do I di -- ca -- talk about that?

8 Q One (indiscernible - simultaneous speech) --

9 A But there were so many con -- there was numerous
10 conflictual exchanges. And there was one, I think, in May
11 that we wen -- I went into detail. And there was a video.

12 Q So I was -- I'm sorry. And so I was talking about
13 2019, when the first allegations of sexual abuse were made.

14 A Okay.

15 Q That's what I was talking about. So my -- my
16 question to you was, there was an exchange on July 31st,
17 during which the parties exchanged the children. Do you
18 generally recall the parties discussing the -- that exchange?

19 A I think that's when Sarah discussed that -- she made
20 a comment about her father. And if I'm not mistaken, that's
21 when David was picking up the children and then this led
22 eventually to Ms. Stucke contacting her attorney and then
23 taking her daughter to a pediatrician; is that correct? Is
24 that what --

1 Q Correct.

2 A -- you're referring to? Okay.

3 Q Yes.

4 A Yeah.

5 Q All right. So I believe that the actual words used
6 by Sarah were, Daddy touched my pee-pee. Is that -- does that
7 strike a bell?

8 A That is -- that sounds accurate.

9 Q Okay. And you just said Sarah had taken -- or
10 sorry, Christie had taken Sarah to the doctor in August of
11 2019.

12 A Thir --

13 Q Now, in your --

14 A -- the 31st and then went to the pediatrician.

15 Q Correct. All right. Now, in your report on page
16 63, you -- you had stated that -- it's page 63, third
17 paragraph. That when the medical staff at the pediatrician's
18 office had greeted Sarah, that she had instantly told them
19 that her father had touched her pee-pee. Do you recall that?

20 A Yeah, I think one of the -- the nurse practitioner,
21 perhaps made a comment of that, that it was said. And it's
22 actually page 64, and I had it underlined. The nurse
23 practitioner invited Sarah, came in, and went back on the
24 scale. She blurted out, quotation marks, my daddy touched my

1 pee-pee and stirred it up, end of quotation marks. The nurse
2 practitioner reported Sarah made that statement five to 10
3 times. The nurse practitioner felt the comments were strange.

4 Q Actually, I believe it's on -- it's on both pages in
5 -- in different parts. But no, I --

6 A Okay.

7 Q -- I appreciate you directing me to 64. That's
8 fine.

9 A Yes.

10 Q And I believe the medical staff -- you had reported
11 the medical staff examined Sarah and her -- the re -- the
12 results were what they considered normal; is that correct?

13 A That -- correct, in terms of a -- an examination by
14 the -- the nurse practitioner. And I think the nurse
15 practitioner then recommended Sarah for a scan exam, which is
16 much more detailed and more invasive.

17 Q And to your knowledge, Christie had turned down them
18 conducting a scan exam?

19 A Yes.

20 Q Okay. Now, according to your report, you witnessed
21 the children, including Sarah, interacting with David; is that
22 right?

23 A Correct.

24 Q Okay. And you said that Sarah had easily interacted

1 with David; is that right?

2 A Yeah, I observed a father and two children at my
3 office. And just to kind of go through that -- this will save
4 you some time, answering your question, of course -- Father
5 came in very prepared. You know, he had, like, a -- a bag for
6 -- to change David Jr. And he had numerous educational toys.

7 He did a really nice job. He interacted very, very
8 well with both children. Both children were very responsive
9 to him. He set up appropriate boundaries, meaning when David
10 Jr. would, like, get on my chair and maybe want to jump off,
11 Dad was re -- right there and direct -- redirecting him.

12 When he wanted to open up my closet door, Dad's
13 right there. He used really positive statements with both
14 children. And more importantly, Sarah, she was close to her
15 father. There was no apprehension, no disengagement. Ev --
16 everything seemed very natural and comfortable.

17 Q Okay. In your professional experience, is such
18 behavior by a child that has allegedly been sexually or
19 inappropriately abused by her father typical?

20 A Repeat the question again because it -- it kind of
21 faded out a little. I was hearing some other noises.

22 Q That's fine. In your professional experience, is
23 such behavior typically not witnessed in a child that is being
24 sexually abused by a parent?

1 A Well, I think we would expect that a child would be
2 apprehensive and distressed. Maybe not all the time, but in
3 -- in this scenario, I -- witnessing the child, the child was
4 comfortable. Plus, I relied on Donna Wilburn's testor --
5 testimony, excuse me. And she had observed the child for
6 maybe a little less than a year on multiple sessions. And you
7 know, the child never verbalized any sexual abuse and seemed
8 to have appro -- a healthy relationship with her father.

9 Q Now -- and I appreciate that. I was about to ask
10 some questions regarding that. In your report, you stated
11 that Ms. Wilburn noted Christie often appeared, quote,
12 fixated, end quote, on David during the sessions; is that
13 right?

14 A Say that again, sir.

15 Q In your report, you note that Ms. Wilburn reported
16 that Christie was often fixated on David during the sessions.

17 A Oh, I -- that's what I didn't hear. I didn't hear
18 Wilburn. Okay.

19 Q That's okay.

20 A Yeah, that -- yeah, what -- what Ms. Wur -- Wilburn
21 stated was that, at times, you know, Christie would talk about
22 the dynamics that are going on. And she would do so in front
23 of Sarah. And that sometimes, the therapist would have to
24 kind of help her try to keep it down and not verbalize these

1 dynamics in front of Sarah. And -- and that was a concern of
2 the therapist.

3 Q Okay. And did Ms. Wilburn relay to you that if
4 Christie speaks negatively of David during sessions when Sarah
5 was present, she believes she would do so at home?

6 A Yes. That was her hypothesis.

7 Q Excuse me, sir?

8 A That was Ms. Wilburn's hypothesis.

9 Q Yes, okay. Now, Ms. Wilburn also stated that
10 Christie can be prone to being, what she said, overly
11 emotionally dramatic; is that right? That's page 53, fir --
12 third paragraph of your report.

13 A Thank you. Yeah, so Ms. Wilburn reported that she
14 had witnessed videos. And they both create havoc with one
15 another. And Ms. Stucke is overly emotionally dramatic, and
16 Mr. Stucke will comment -- make comments at times, which may
17 escalate Ms. Stucke.

18 Q All right. Now --

19 A And that Sarah does not need to be around those
20 dynamics.

21 Q Now I want to talk about Jenna Di Lauro. Did you
22 speak to Ms. Di Lauro?

23 A I did on July 1st, 2020.

24 Q And she was the parties' marriage counselor?

1 A Correct.

2 Q Now, did Ms. Di Lauro convey to you that both David
3 and Christie told her that Christie has borderline personality
4 dynamics?

5 A It was --

6 Q That's page --

7 A -- brought up --

8 Q -- 50 --

9 A -- I think --

10 Q -- 55 --

11 A -- initially.

12 Q -- of your report.

13 A It was brought up initially at the beginning of
14 therapy. I said I -- in my report on page 55, I advised
15 Ms. Di Lauro that I looked in her notes, and there was
16 references of Ms. Stucke having borderline personality
17 dynamics. Ms. Di Lauro reported, yes, that it was first told
18 to her by the couple. She recalled that Ms. Stucke gave
19 Mr. Stucke a book on how to deal with people with borderline
20 personality disorder. And that was conveyed in the first
21 session. She wanted Mr. Stucke to read the book.

22 Then I asked her about borderline themes, that if
23 she had seen those with Ms. Stucke. And Ms. Di Lauro
24 acknowledged Ms. Stucke appeared highly emotionally reactive

1 to the dynamics, highly anxious, emotionally -- I already kind
2 of said that. And that was -- and then a fear of abandonment
3 and pursuing dynamics.

4 (COURT AND CLERK CONFER BRIEFLY)

5 BY MR. MAYO:

6 Q All right.

7 MR. MAYO: Are we good, Your Honor?

8 THE COURT: Uh-huh. I think so.

9 MR. MAYO: Oh, okay. Sorry, I --

10 THE COURT: I just needed --

11 MR. MAYO: -- thought I heard you --

12 THE COURT: I was just --

13 MR. MAYO: -- say something.

14 THE COURT: -- talking to my clerk about something.

15 You're fine.

16 MR. MAYO: Oh.

17 THE COURT: I'm listening. I just --

18 MR. MAYO: My --

19 THE COURT: -- needed --

20 MR. MAYO: -- apologies.

21 THE COURT: I need -- I'm -- I was -- it's a

22 technical issue. No problem.

23 MR. MAYO: All right.

24 (COURT AND CLERK CONFER BRIEFLY)

1 BY MR. MAYO:

2 Q Now, did Ms. Di Lauro also state that David
3 struggled with issues Christie had regarding gambling?

4 A Yes.

5 Q And I believe in your report, did Ms. Di Lauro also
6 convey to you that neither party had ever reported any sexual
7 abuse allegations by either of them or as either child?

8 A There was nothing of that until I looked at her
9 notes in the last session. And -- but it wasn't sexual abuse
10 of -- of David towards Sarah. It's -- I -- on my page 56,
11 first paragraph, during the session on December 17th, 2018,
12 she now heard from Ms. Stucke that Mr. Stucke was sexually
13 inappropriate.

14 And Ms. Di Lauro thought this was odd, as she had
15 never heard something like this before and it was contrary to
16 earlier experiences. Ms. Di Lauro felt that Ms. Stucke's
17 disclosure of these painful sexual memories were suspect at
18 the time, as she heard the opposite in previous sessions.

19 Now, one of the things I noted that was important to
20 understand historically, that the alleged rape allegations
21 were in late November of 2018. So if that was true, then
22 Ms. Di Lauro wouldn't hear about it previous to that. And at
23 this point, they're breaking up. Yeah, so that -- I think
24 that answered your question.

1 Q It does. Now, you had also spoken to Tiffany Keith,
2 a CPS investigator in this case?

3 A Yes.

4 Q All right. And Ms. Keith had reported to you that
5 she had observed Sarah and David together; is that correct?

6 A Correct.

7 Q All right. And Ms. Keith had noted that Sarah
8 appeared very bonded with her father; is that right?

9 A I'm trying to find that, but it sounds right. Let
10 me find it on that --

11 Q Page 50 --

12 A -- fif -- se --

13 Q Page 57, second paragraph.

14 A Fifty-seven?

15 Q Yes, sir.

16 A Okay. Yeah, I -- yeah, second paragraph. They
17 appear very bonded. Yes, correct.

18 Q Okay. And I believe miss -- in your report, you had
19 noted that Ms. Keith has also observed Sarah stating that her
20 daddy was, quote, her -- her daddy is good, end quote; is that
21 right?

22 A Yes.

23 Q Now, Ms. Keith also reported to you that she did not
24 know if someone was influencing Sarah; is that right?

1 A I'm not sure. Where would you find that in my
2 report?

3 Q Page 57, second paragraph.

4 A Okay, she does not know if someone is influencing
5 Sarah. Correct. That is correct.

6 Q Okay. Now, she had also rel -- related that she had
7 spoken to Sarah alone. And when she had spoken to Sarah
8 alone, the child did not convey that anyone had touched her
9 inappropriately; is that right?

10 A I'm looking for this on my notes so I can be --

11 Q Sure.

12 A -- totally perce -- 100 percent.

13 Q That's in the same paragraph we were just looking
14 at.

15 A Yeah. No one was touching her. Correct.

16 Q Now, Ms. Keith has also reported to you that she had
17 spoken to the medical staff at Anthem Pediatrics; is that
18 right?

19 A And that is on what page?

20 Q Page 64, first paragraph.

21 A Oh, page 64, thank you.

22 Q Yes, sir.

23 A Correct.

24 Q Okay. Now, according to your report, Christie told

1 you that following Sarah's statements about David to the
2 pediatric staff -- sorry, strike that. According to your
3 report, Christie -- when Christie took Sarah to a doc -- to
4 the pediatrician's office, she had told Sarah to tell a doctor
5 what happen -- tell a doctor what happened with Daddy; is that
6 right?

7 A On page 64, I had underlined, on August 1st, 2019,
8 Ms. Tiffany Keith spoke with medical and noted that Sarah did
9 not say anything until after her mother said to Sarah,
10 quotation marks, don't you want to tell the doctor something,
11 end of quotation marks. Then Sarah state -- said Daddy
12 touched her pee-pee. There were no -- there were no findings.
13 And there was an error on that. It says not findings. Yeah.

14 Q Okay. And what do you mean when you said there were
15 not findings?

16 A Apparently, there were no sexual findings at that
17 time.

18 Q Oh.

19 A Well, the -- if noth -- yes.

20 Q Okay. Now, you had said on page 31, second
21 paragraph, that in your opinion, this statement by Christie
22 sounded like she was leading the child; is that right?

23 A Third paragraph?

24 Q Second paragraph, page 31.

1 A How far down?

2 Q I believe -- let me see. I'm sorry, it's a big
3 paragraph.

4 (Pause)

5 MR. MAYO: Hey, Fred, are we good or --

6 MR. PAGE: No call --

7 MR. MAYO: -- it's (indiscernible - simultaneous
8 speech)?

9 MR. PAGE: -- yet.

10 MR. MAYO: Okay, all right.

11 MR. PAGE: (Indiscernible - simultaneous speech).

12 MR. MAYO: Do you have -- do you have to -- my --
13 sorry, Your Honor, I just want to --

14 THE COURT: No, you're fine.

15 MR. MAYO: -- make sure we're on the same page. Do
16 you have to log on, or do you wait for them to call you?

17 MR. PAGE: The department (indiscernible) by phone.

18 THE WITNESS: So I don't see anywhere -- and you'll
19 have to help me with this -- that I said that it was dubious
20 or something to that effect.

21 BY MR. MAYO:

22 Q Yes, and my apologies, I -- let me see if I can find
23 it.

24 A That's okay. I just want to make sure to get it

1 right.

2 Q No, that's -- I and -- agree. One second.

3 A Oh, I got -- I got it. I found it.

4 Q Okay.

5 A On page 31, second paragraph, about two sentences at
6 the end, I said -- well, she was asked what she told Sarah.
7 Ms. Stucke stated that she already had a scheduled check-up
8 and took her in for a next-day visit. She told Sarah to tell
9 the doctor what happened with Daddy. And then I put down,
10 sounds leading.

11 I mean, I don't think a lot of people know this, but
12 you know, you have to -- you have to be concerned about
13 contamination. And parents, obviously, are doing the best
14 they can when -- when they -- they hear something. And if you
15 know, they're not -- they're not -- they're probably not aware
16 of contamination.

17 And that would be that when you're talking your
18 child, and then you're telling -- maybe you're saying
19 something in the car with a child like, well, make sure you
20 tell the doctor what you told me and -- or ma -- make sure you
21 emphasize this point.

22 I'm not saying she did that. But what I'm saying
23 is, is that she told Sarah to tell the doctor what happened
24 with Daddy. And you know, it's -- it's -- it's important to

1 kind of have an open format when you're asking children
2 questions about sexual abuse allegations.

3 And -- and then you know, if you're interjecting
4 something, sometimes the -- the children may believe something
5 happened because they heard it from a parent. And -- and so
6 that's where I was like, sounds leading. I'm not saying it
7 was done with malice. But you know, I mean, when I heard it,
8 I had some concerns.

9 Q Understood. Now, in your report, you said that
10 Christie had spoken to Sarah regarding her comments at home
11 and actually recorded the conversation; is that correct?

12 A In my report?

13 Q Yeah, should be page 31, third paragraph.

14 A Yes.

15 Q Okay. And you have relayed that Christie had
16 provided the recording to CPS; is that right?

17 A Yes.

18 Q Okay. And Christie herself had relayed to you that
19 CPS had told her that they -- she wa -- they suspected that
20 she was potentially coaching Sarah; is that right?

21 A She made a comment that, yeah, they thought that she
22 was potentially coaching. Quotation marks, I never coached
23 her at all, end of quotation marks.

24 Q Okay.

1 A CPS thought it was divorce-related -- the issues.

2 Q Now, you also stated that there was a -- another
3 exchange at McDonald's between Christie and David in August of
4 2019. Do you recall that?

5 A You're going to have to tell me what page we're on
6 because this -- these people had a lot of exchanges.

7 Q Understood. Let me pull up the page.

8 (Pause)

9 BY MR. MAYO:

10 Q Sorry, I don't have the dates on this cite. It's
11 the same page, page 31, third paragraph. I'm representing
12 that it occurred in August of 2019. But assuming that my date
13 is right in regards to the month of August 2019, you had said
14 that the parties had exchanged that day and that Christie had
15 recorded the exchange; is that right?

16 A I don't recall. Un -- unless I -- there was so much
17 stuff here that --

18 Q Well, no. So if you look at paragraph number three
19 on page 31 --

20 A Yeah, I already looked at that paragraph. That was
21 the --

22 Q And --

23 A -- pediatrician office with CPS. Am I on the wrong
24 page?

1 A Wrong -- and yeah, it was -- we had looked at a
2 paragraph before. So when I -- I'm sorry, when I say third
3 paragraph, I include the one at the very top. So it's the
4 third -- the second full paragraph down, third paragraph. It
5 says they exchanged at McDonald's and Ms. Stucke video
6 recorded -- videotaped the exchange. Do you see that?

7 A No.

8 Q On page 31?

9 MR. PAGE: Hey, Vince?

10 MR. MAYO: Yes?

11 MR. PAGE: They're calling me now.

12 MR. MAYO: Okay.

13 THE COURT: All right.

14 THE WITNESS: Okay, and I'll try to find it. And so

15 --

16 THE COURT: We'll go off the record while he's gone
17 and take a break.

18 THE WITNESS: And I'll --

19 MR. MAYO: All right.

20 THE WITNESS: -- look for it.

21 MR. MAYO: Thank you, Your Honor.

22 THE WITNESS: Thank you.

23 THE COURT: All right.

24 (COURT RECESSED AT 10:09 A.M.)

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AND RESUMED AT 10:47 A.M.)

THE CLERK: We're on the record.

THE COURT: Okay, we're back on the record.

Mr. Mayo?

(COURT AND CLERK CONFER BRIEFLY)

DIRECT EXAMINATION CONTINUED

BY MR. MAYO:

Q Okay. All right, let me pull up where we left off. Oh, we were talking about the exch -- the exchange, it was on page 31, third paragraph. Did you find that, sir? Oh, Dr. Paglini, you're -- you're on mute.

A Is that better? Am I on? Am --

Q Yes.

A -- I good? All right, thank you. I found what you're referring to on page 31. What's your question?

Q My question was -- you had reported that -- sorry. You had said that during the exchange at McDonald's between Christie and David, that Christie was recording their convers -- re -- recording the exchange. You had said that when Sarah got out of the vehicle, she stated to David that he touched her pee-pee; is that correct?

A Yes.

Q All right. Based on your professional experience,

1 would you consider it suspicious that Christie knew to record
2 a child exchange during which Sarah immediately made such a
3 comment to her father?

4 A Well, I think --

5 MR. PAGE: Objection --

6 THE WITNESS: -- there was --

7 MR. PAGE: -- foundation.

8 THE WITNESS: -- a -- if I'm not mistaken -- and
9 there was a little confusion because this has been quite some
10 time. But I was looking at the break at my notes on March
11 3rd. And I asked her about the CPS -- kind of like the --
12 Sarah's disclosure. And she stated that Sarah disclosed
13 initially to her, I think, in the bathroom that her father
14 touched her pee-pee and stirred it up. I asked her if she
15 asked questions. And Christie said -- Ms., you know, Stucke
16 said, I asked what happened, where, and how. And she said you
17 know, at this time, I didn't know that was the wrong thing to
18 do.

19 I asked da -- did Daddy wipe your pee-pee, you know,
20 to clean you. I asked where. She said it was underneath the
21 bathing suit in the pool. There -- you know, she -- she was
22 confused at this time. She told Sarah to let her know if it
23 happens again, to tell her mom. That shar -- Sarah's smart
24 and verbal.

1 The conversation was 15 minutes. It was calm. And
2 she didn't want to scare her because she wants her to talk to
3 her again. And then she called her girlfriend and -- to
4 process what was going on because she was freaking out. And
5 the girlfriend said call the attorney. And that's when she
6 called it at -- Dawn Throne. And then that's where she was --
7 said go to the pediatrician. And I think it was the next day,
8 the doctor talked to Sarah alone. And the pediatrician called
9 CPS. And she did.

10 I said, what did you tell Sarah. I said, you
11 already had a scheduled check-up. I took her in, next-day
12 visit. I said to her, tell her what the -- happened with
13 Daddy, the doctor will help you, tell her the truth. Sarah
14 talked to the doctor. And then CPS reached out to her,
15 advised her she had to bring -- I -- I think David still
16 hadn't (indiscernible). And that's where the McDonald's visit
17 comes in.

18 So she videotaped this. I mean, you can -- you can
19 hypothesize because of the dynamics and what's kind of
20 emerging. And then Sarah gets out of the vesicle and then --
21 the vehicle, excuse me -- and then says, you know, Daddy
22 touched my pee-pee. And then at that point, she called CPS,
23 sent the video to CPS.

24 She said something about -- there was a vid -- a

1 video in a bedroom. And now she looked like she was coaching.
2 Quotation marks, I've never coached her at all. And she was
3 up -- end of quotation marks -- she was upset during those --
4 as she was processing those dynamics. Does that clarify?

5 Q It does, thank you.

6 A Thank you. And I --

7 Q All right.

8 A -- the break worked out well because I was able to
9 find that.

10 Q Now, you state in your report that Christie has
11 issues with emotional dysfunction. What is emotional
12 dysfunction?

13 A Well, you know, it's -- let's kind of keep this in
14 context. You know, emotional dysregulation. So looking at
15 all the videos, there was -- you -- there's no doubt at times
16 she was being goaded. You know, because you know, both of
17 these people did something wrong.

18 And what I mean by that is, you know, I -- I can
19 understand, you know, that Mr. Stucke wants to kind of get
20 some of this on tape because of these dynamics of how she's
21 responding because perhaps, there's a lot of times he didn't
22 have it on tape.

23 But when he's -- when he's filming her, and she's
24 feeding the baby and she -- she's holding Sarah and -- and --

1 you know, sometimes he makes a comment, and she's screaming at
2 him, and -- and then she gets up and maybe she throws a chair
3 or she tries to strike him. There was a lot of -- there were
4 several videos where, you know, she -- she clearly lost
5 control. And she gets -- that's the emotional dysregulation
6 part. Also kind of like, you know, saying things in front of
7 the children, like with Sarah and with -- with Ms. Wilburn.

8 And -- and so that's the part where I want her to
9 kind of work on that. Because you know, she'll say, yeah, I
10 get triggered, you know, by David. And it inflicts intense
11 issues of mistrust and -- and you know, emotional hurt. But
12 nevertheless, you respond to that. And you know, you're no --
13 you know, you have to regular yourself better in front of the
14 children.

15 Q Now, you state your report that Christie was upset
16 with David over David allegedly having an affair on her; is
17 that right?

18 A Correct.

19 Q Okay. And this was despite the fact that Christie
20 had wanted a -- a poly-relationship -- an open marriage with
21 David; is that right?

22 A Yes. You know, that -- that is a complicated
23 dynamic. When you listen to Ms. Stucke, she can explain this
24 exceptionally well, about what the rules are and how to go

1 about things. And as the therapist, Ms. Di Lauro stated, that
2 you know, this is the first time that Mr. Stucke was in a
3 polyamorous relationship. And you know, there are clearly
4 boundary issues. And he was trying to nega -- navigate this.
5 And you know, for me, it's, you know, you're thinking that
6 people are establishing, you know, connections.

7 You know, and it's not a surprise that -- that this
8 can go wrong many ways, I'm sure. And sometimes it works out
9 if everyone can maintain healthy boundaries. I would be
10 surprised if that -- you know, I mean, I just -- I just think
11 that might be the -- I think it just might be rather
12 difficult. And so they -- they had -- she had severe trust
13 issues with him.

14 She was emotionally hurt. At times, she was willing
15 to forgive him if they move forward. As the notes reflect in
16 therapy, although he loved her and even at the end when all
17 these things were going on, he's -- he still wanted to be with
18 her. But then I think he got to the point where, you know, it
19 just -- it was just getting worse and worse. You know, the --
20 the anger and the -- the conflict.

21 Q All right. Now, you spoke to a Ms. Mount. Who is
22 Ms. Mount?

23 A I don't know. Who is Ms. Mount?

24 Q Was she a therap -- therapist for Christie in

1 Florida?

2 A Oh, okay. What page are you on?

3 Q Let me get to it. It should be page --

4 A Or her --

5 Q -- fifty-one.

6 A -- current therapist?

7 Q No, no, no, a prior therapist. It -- page 51.

8 A Page 51? I don't have that. You mean Patsy Evans
9 (ph)?

10 Q No, sorry, page 50. Sarah Mount?

11 A Oh, Sarah Mount.

12 Q Yes.

13 A That was a current therapist of Ms. Stucke.

14 Q Yes, my -- my apologies, her current therapist.

15 A Okay, so what are your questions?

16 Q Did Ms. Mount convey to you that Christie had -- has
17 extreme fears of losing her children?

18 A I'd have to read this again.

19 Q Page 51, third paragraph.

20 (Pause)

21 THE WITNESS: Yes.

22 BY MR. MAYO:

23 Q Okay.

24 A Secondary to estranged husband's allegations.

1 Q Now, in your professional experience, have you ever
2 witnessed a parent make claims of misconduct by the other
3 parent in order to deflect from their own issues?

4 A Yes.

5 Q Okay.

6 A I have.

7 Q Is this generally, more likely with a parent who's
8 afraid of losing custody of their children?

9 A Well, I think --

10 Q Generally speaking.

11 A I think what -- what this is referring to is that,
12 you know, the -- the therapist is saying that you know,
13 Ms. Stucke was, you know, really engaged in therapy and doing
14 everything well. And by this time, you know, the therapist's
15 position was that Mr. Stucke was an abusive person because
16 he's (sic) probably hearing that information that it's more
17 verbal and emotional and manipulative abuse than physical.
18 But there was the rape and -- alleged rape, excuse me.

19 And so she's at a point now where she's in a custody
20 battle. And her husband is, you know, kind of claiming, you
21 know, that she has all these issues. And she's afraid of
22 losing the children. So for me, that's kind of -- that's
23 normal.

24 Q But my question is, in terms of someone who is

1 making claims of misconduct towards the other parent, is it
2 more likely in someone who has a -- has a pronounced fear of
3 losing custody?

4 A Right. You're echoing. And I -- I think I
5 understand the question. I -- I think it depends. Every --
6 every situation, there's a context. And so I don't say -- I
7 don't know if it's most likely or less likely. I just think
8 that in -- in this situation, you know, she expressed concerns
9 because of the dynamics.

10 Q I'm sorry, who expressed concerns?

11 A Ms. Stucke to her therapist about --

12 Q Okay.

13 A -- about potentially losing the kids because of
14 everything that's happening.

15 Q Okay.

16 A I mean, she was aware that -- you know, she thought
17 she had concerns her daughter was sexually abused. And -- and
18 she had concerns because of perhaps a certain dynamic with Mr.
19 Stucke. And you know, you have three hypotheses -- a few
20 hypotheses. One hypothesis is the sexual abuse occurred. The
21 second hypothesis is the sexual abuse didn't occur. And if
22 didn't occur, perhaps, sometimes you have an overly concerned
23 mother who is misreading -- or parent who is misreading
24 things. Or you may have a parent who is creating false

1 allegations for secondary gains. Those are some of the
2 hypotheses. And --

3 Q Okay.

4 A -- and with -- with -- with Ms. Stucke, she felt as
5 if she wasn't being heard. She thought CPS was conveniently
6 placing this in a divorce or custody scenario and, therefore,
7 discounting what's -- what's happening. And -- and she still
8 -- she still believed her daughter. Or she believed her
9 daughter -- not still believed, but she believed her daughter.

10 Q Okay. Now, in your professional experience, have
11 you ever witnessed a parent make claims of misconduct against
12 the other parent out of anger towards them?

13 A Yes.

14 Q Okay. Now, in terms of Christie's anger issues,
15 you've been concerned enough where -- to the point where
16 you've recommended that Christie undergo an exten -- extensive
17 anger management class; is that right?

18 A Yes. You know, let me -- let me clarify this. You
19 know, the goal here is that, you know, with my recommendations
20 -- you know, my -- my -- I -- I give a report to the judge.
21 It's -- it's a -- an understanding of what's going on. And
22 then things change by the time I give my report to now, if --
23 if they have changed. And it's something for the judge to
24 launch from. So I did recommend anger management because I

1 wanted her to be able to exhibit better self-control,
2 especially when she gets upset, triggered, whatever else it
3 is.

4 Because you know, her part -- you know, they both
5 have a responsibility here. And you know, she was reacting to
6 him (indiscernible). And then there was the other, you know,
7 time where she -- I think it was 2017, where he was nude. And
8 there's a video of the -- an argument and he runs into the
9 child's room -- I think Sarah's room. And she's right after
10 him. And she's going after him. And he holds his daughter,
11 and he trips. And then she's on him. And then he gets on
12 her.

13 And you know, all this is played out in front of the
14 child, right? And -- and she says oh, you know, he was
15 abusive to me because he strangled me. Well, to me, it looked
16 like some -- he was def -- he was kind of defending himself.
17 And I don't -- and -- and it was all very, very quick. But he
18 had marks on him.

19 And so you know, there was this -- there was this
20 claim that hey, you know, this guy's an abusive guy and then
21 --- but you know, she's creating trauma, too. And so they
22 both have a responsibility in this. And -- and I wanted to
23 make sure she addressed those components of her pa -- her
24 issues. And that's why I made the recommendation, if that

1 makes sense.

2 Q Okay. Now, are you aware of Sarah having verbalized
3 any inappropriate behavior by David to anyone when it's not
4 been in Christie's presence?

5 A Yes. Okay, so there was a time that Mr. Stucke, I
6 think was filming, I guess -- I -- I can't recall if he was in
7 a car or something like that. And -- and Sarah spontaneously
8 said, you know, Mom touched my pee-pee. Then you know, she
9 said that several times. And he said, no, that -- she didn't
10 do that. And then she said, you -- you know, you touched my
11 pee-pee. And then I think she made a reference to her brother
12 touching her. And it -- that was a difficult one to
13 understand. I had to listen to it like eight or nine times.
14 And I think that was my interpretation. So -- so yes, there
15 was that emergence of that conversation without her being
16 present.

17 Q You -- but do you know if she's ever conveyed that
18 David has touched her in any inappropriate way to any
19 investigating or, you know, reporting authorities when
20 Christie has not been present?

21 A Okay. You -- say that again, please. I -- I
22 (indiscernible - simultaneous speech) --

23 Q Are you aware of Sarah -- are you aware of Sarah
24 stating that David had touched her in any inappropriate way to

1 any investigating authority when Christie has not been
2 present?

3 A My impression with CPS was that she was very, very
4 young and did not disclose. My impression with -- with the
5 therapist that -- Ms. Donna Wilburn is that she perhaps
6 indirectly or kind of just tried to bring it up or brought it
7 up. And she said that Sarah never disclosed that in, I guess,
8 somewhat less than a year of treatment. Are you there?

9 Q I am, sorry.

10 A That's okay. Sorry.

11 Q Sorry, my computer's going a little slow. I'm
12 trying to pull it up. Now, you had -- you state in your
13 report that you asked Christie in May of this year if she
14 believes Sarah had been sexually abused by Mr. Stucke; is that
15 right?

16 A Yes.

17 Q Okay. And Christie stated that, yes, she believed
18 that he had; is that right?

19 A I -- I think that's where she was leaning. She --
20 she believed her daughter. And so she didn't -- that's --
21 that's, you know, what her thought patterns were at the time.
22 She still had concern --

23 Q All right. So -- so despite CPS, the doctors, the
24 police, Sarah's counselor, even yourself saying that they

1 couldn't find any evidence of sexual abuse, Christie's still
2 claiming that David had sexually abused Sarah. Is that your
3 understanding?

4 A Well, it's -- it -- she -- she has concerns. All
5 right? So I -- I -- you know, listening to --

6 Q Well, no, but she says -- she says that David -- she
7 says -- you -- you report that she said, yes, David did
8 sexually abuse her.

9 A She --

10 Q That's --

11 A -- she had --

12 Q -- different than having concerns; is that right?

13 A Well, I mean -- I guess they would be almost the
14 same, that you know, it's -- it's -- you know, are you going
15 to not believe your daughter. And then your daughter is like,
16 you know, very young to make a disclosure. And -- and that, I
17 think, confounds the variables. The var -- you know, the --
18 the dynamics. And so you know, she still believed that that
19 was -- that was something she was very concerned about.

20 Q All right. Now, so you had said -- you previously
21 testified that scenarios were -- there was some kind of sexual
22 -- inappropriate sexual contact. There wasn't. And if there
23 wasn't, Christie was either overly concerned, or Christie had
24 a secondary motive; is that -- is that correct?

1 A Well, you could have that hypothesis in this
2 scenario. I mean, look, I mean your -- the -- your scenarios
3 are -- and I'm not saying this -- this is true. Your scenario
4 is that the child could have been sexually abused and been
5 able to verbalize it, okay, because of it -- because of the
6 age. The child -- the child wasn't sexually abused. And --
7 and like I said, if you're an overly concerned mother, you may
8 still want to protect your child. And then your third
9 hypothesis could be that, you know, a -- a mother or a parent
10 could have secondary gains. So yes.

11 Q Okay. And you would agree, there's a difference
12 between being overly concerned and systemically pushing an
13 agenda. Is that fair to say?

14 A Yes. It's sometimes difficult to decipher, but yes.

15 Q Okay. Do you believe that Christie's position, in
16 your words, that she firmly -- quote, firmly, unquote believes
17 David sexually abused Sarah, makes sense in light of the lack
18 of evidence to the contrary -- I mean --

19 A What page --

20 Q -- lack of --

21 A -- did I --

22 Q -- evidence?

23 A What page did I say that at?

24 Q Let's see. I believe it's in the -- hold on.

1 A On page 67, I state Ms. Stucke continues to believe
2 that Sarah has been sexually abused, as -- letter F.

3 Q Sorry, I'm looking for one I -- and I thought I
4 wrote that down and -- where you describe -- I'm certain that
5 you had used the words firmly. But I'm trying to find where
6 that is now.

7 (Pause)

8 BY MR. MAYO:

9 Q Okay, I -- sorry, I can't find the -- the one where
10 you had used the word firmly.

11 A All right. But under --

12 Q And --

13 A -- on page 67, at letter F, Ms. Stucke continues to
14 believe that Sarah has been sexually abused. That's what I
15 stated.

16 MR. PAGE: Page 57?

17 THE WITNESS: Sixty-seven.

18 MR. MAYO: Sixty-seven.

19 MR. PAGE: Sixty-seven.

20 THE WITNESS: First paragraph, above other relevant
21 issues.

22 BY MR. MAYO:

23 Q So you believe -- so is it your testimony that it's
24 -- it's sensible for Christie to believe that David did

1 sexually abuse Sarah, in light of -- especially when the child
2 is three years of age -- in light of the total, you know,
3 evidence to the contrary.

4 MR. PAGE: Objection, incomplete hypothetical.

5 THE COURT: Overruled. What was your -- what was
6 your objection again?

7 MR. PAGE: Incomplete hypothetical. He -- he gave
8 some factors -- if, if, if, would you then believe X.

9 MR. MAYO: Right, which --

10 THE COURT: Well --

11 MR. MAYO: -- I'm allowed to with an expert in
12 regards to their opinion.

13 THE COURT: Yeah. I mean, I -- I don't -- I still
14 couldn't understand what the objection was. But yeah, I mean,
15 all he's saying is even with everything, is it still
16 reasonable for her to believe what she believed. I think
17 that's --

18 MR. MAYO: Correct.

19 THE COURT: -- not a bunch of ifs, but it's one. So
20 -- but yeah, he -- he'll -- he can testify to that.
21 Overruled.

22 THE WITNESS: Okay, please restate.

23 BY MR. MAYO:

24 Q All right. Would you agree that, in the absence of

1 any logical or sensible explanation for Christie's claim that
2 she believes David sexually abused Sarah, is your position --
3 essentially, does her position make sense? Is her position
4 sensible?

5 A Well, you know, I've been doing this for 25 years.
6 And I've dealt with parents who were concerned about sexual
7 abuse allegations. And you know, they you have the -- like I
8 said, the overly concerned person, and then you have the
9 person who may be pathological.

10 And my job was to kind of outline what I understood
11 to be true. I didn't put it in my report that -- you know,
12 that she is making this up -- pathologically making this up.
13 So you know, I'm -- I'm put -- I'm putting out the dynamics
14 for Court's consideration on this.

15 You know, I -- I -- look, I mean, the reality is, is
16 that if -- if the child was sexually abused, then we have to
17 protect the child. And I -- and I recognize were the evidence
18 is leaning. And if the child was not sexually abused and if
19 this was created for secondary gains, that's pathological.
20 But I'm not here to say that that's what's happening, okay?

21 I'm not going to back that up. That's, I think, for
22 the Court's consideration on that. And that you could
23 sometimes have both parents who are, you know -- you know,
24 they -- they're going to believe their child. And -- and the

1 child's saying different things.

2 You know, I mean, if -- you know, the child's also
3 saying Mom touched her pee-pee and then Dad touched her
4 pee-pee. So you know, there's -- there's conflicting dynamics
5 here. And I -- I can't say that came from -- you know,
6 originally from -- I can't say this was created or not, if
7 that makes sense.

8 Q It -- it does. My -- my -- I guess my point is, if
9 you have a three-year-old who makes a statement like she did.
10 And then there's -- so you have these investigating
11 authorities, and they're all essentially saying there's no
12 evidence substantiating it. And you have a child herself who
13 is making, as you've stated, spontaneous representations where
14 she's saying Mom touched her pee-pee, you know, and she's
15 saying her brother touch her pee-pee.

16 To have a mother to state essentially that she
17 firmly believes that the father sexually abused that
18 three-year-old child when there is no ever -- there's never
19 any sexual abuse claims prior to divorce, is that sens -- is
20 that sensible to you in light of the circumstances?

21 A And -- and -- and I have a unique version of the
22 world because I deal with cus -- with custody cases. And --
23 and I've seen a lot of different things. And I can see
24 reasonable mothers at times -- I wouldn't say mothers, but

1 parents -- still believing something in -- in the face of
2 evidence.

3 You know, and it's -- I -- I -- I'm not going to --
4 you know, I hear what you're saying. I don't have a
5 conclusion for this. If -- if -- if I believed -- if I -- if
6 my conclusion in my report was that she made this up for
7 secondary gains, I wouldn't have made my recommendations,
8 then.

9 Q But I mean, you didn't -- but you didn't -- you
10 know, you -- you said that -- you didn't opine on whether or
11 not you believed it was true or not; is that correct?

12 A I don't think -- I don't -- I did not opine. I saw
13 where the evidence was leaning. You have to -- you also have
14 to remember and -- and once again, I'm not suggesting this
15 occurred. But if it's -- it's -- it's difficult for like a
16 two or three-year-old to report things accurately.

17 And then if you -- if -- contamination would be you
18 know, how did the child disclose, what questions were asked,
19 and at what point did the DFS become involved or CPS, and you
20 know, how many people talked the child before this occurred.
21 And every time someone talks to the child, things can change,
22 you know, due to susceptibility. So you have to be careful
23 with these dynamics. It's -- it's very complex, as we all can
24 see.

1 Q Okay. Now, I had provided you a -- an exhibit and
2 it's listed on page 5 of your report. It's called Defendant's
3 response to opposition and counter-motion with added
4 counter-motions.

5 A Okay.

6 Q It's filed -- it's a filing in this case, filed June
7 22, 2020.

8 A Okay.

9 Q Now, in it, da -- now, this is -- again, this is the
10 end of June. Christie requests from the Court that David have
11 limited supervised visitation going forward, with Christie
12 acting as primary residential parent until such time as Sarah
13 is of an older age, and the Court will take action and take
14 seriously any abuse claims in the event that the child makes
15 the abuse claims in the future.

16 So Christie's essentially saying I want primary
17 custody in the event that something happens in the future.
18 Does that affect your -- your answer -- your previous answer,
19 in regards to the reasonableness of her belief?

20 A Well, I think -- you know, initially, I think she
21 wanted shared custody. And then I think there was a point
22 where she had some more concerns. And you know, does -- does
23 it change -- I mean, from her perspective, she's -- she has
24 concerns about David. I don't -- I don't think necessar -- I

1 necessarily share those concerns, based on the evidence. But
2 that's where she's at. And -- and so the question is, is
3 that, you know -- you know, how is this going to be de --
4 played out from this point on. And so no, I -- I read a lot
5 of motions with a lot of different things in it. So yeah, so
6 that's where she's at in the summer of 2020.

7 Q All right. Now, if -- if Christie had told anyone
8 that David is a pedophile, would that have effect in regards
9 to your recommendations?

10 A Well, I mean, I don't know what the context is. It
11 depends on -- you know, I think that would be -- I know she
12 believed that her -- her daughter was sexually abused. I
13 would have concerns about any parent spreading information
14 because we don't have any conclusions. I understand that she
15 would be highly concerned. But I think the cons -- I would --
16 I would have concerns by that statement. I don't know if it
17 would change my conclusions because I'd have to understand it
18 from her perspective and what -- who it was said to.

19 Q And just so you know, my -- my hypothetical is
20 related to the allegation between the -- by her in terms of
21 David and -- and Sarah. Another question. If --

22 MR. MAYO: And this is -- Your Honor, this is based
23 on your ruling from --

24 THE COURT: Yep.

1 MR. MAYO: -- November 6th.

2 THE COURT: Uh-huh.

3 BY MR. MAYO:

4 Q So, Dr. Paglini, if there was a video of Sarah
5 telling Ms. Jenkins (ph) -- and Ms. Jenkins is David's
6 significant other, who you had interviewed. If Sarah had told
7 Ms. Jenkins, while she was crying, that she has secrets with
8 her mother that -- that she doesn't like to have, would that
9 be a concern to you?

10 A I would want to know about that.

11 MR. MAYO: All right. Your Honor, based on
12 Dr. Paglini's answer, I request to play the -- the video. I
13 believe it's only about two minutes long.

14 MR. PAGE: I -- I would argue that it's -- the
15 dangers of undue prejudice are outweighed by its potential of
16 probative value, if any. Therefore, it wouldn't be relevant.
17 Also --

18 THE COURT: I guess it --

19 MR. PAGE: -- there's no context for --

20 THE COURT: My question -- can I talk? Let me ask
21 Dr. Paglini something. Okay. So if you heard those words
22 come out of the child's mouth in a video and you want to know
23 about it, what would -- what would it -- how would it change
24 anything? And I guess, that was my -- my point with Mr. Mayo

1 when I made that -- when I made that ruling. Like, what would
2 it change?

3 THE WITNESS: Well, I -- I'd want to know the
4 context. Like, what was the date of this and what was -- were
5 there leading questions? How long were they talking to the
6 child beforehand? Was this something that was spontaneous
7 from the child, or was this something that they talked to the
8 child, like, 10 or 15 minutes beforehand? And what would it -
9 - you know, what are the secretes?

10 THE COURT: Right, and --

11 THE WITNESS: I don't --

12 THE COURT: -- and that's --

13 THE WITNESS: -- know. Are --

14 THE COURT: -- the thing.

15 THE WITNESS: Are the secrets --

16 THE COURT: Right. So we don't know what the
17 secrets are, she just has secrets. So the video doesn't --
18 and I -- I'm -- again, I'm just kind of speaking as I
19 understand it, that the video doesn't tell you the secrets,
20 the video just says I have some secrets I don't like keeping.
21 And so --

22 MR. PAGE: Correct.

23 THE COURT: -- whatever that means. And I mean, a
24 part of the issue was, Dr. Paglini, this came up after your

1 report was finished and after discovery was closed. And
2 there's forever constant changing facts, right? We -- we
3 could -- we could continue to discovery to be open for years
4 and years.

5 Because obviously, something will always happen,
6 espe -- between these two, something's always going on. And I
7 did not allow you to update your report with that video having
8 been viewed because my thought was what -- just because she
9 said this, does it change your opinion. And we could talk to
10 you about it here.

11 But at the end of the day, you wouldn't have been
12 able to then keep going. Okay, so now I need to interview
13 stepmom, and I need to interview the child again, and I need
14 to know all the context. We wouldn't have had the opportunity
15 to do that. So just --

16 MR. PAGE: Correct.

17 THE COURT: -- with that video alone, what would it
18 do?

19 THE WITNESS: I -- I -- it would be hard for me to
20 come to a conclusion because I would have to do more
21 evaluation. I don't --

22 THE COURT: Right.

23 THE WITNESS: I don't know what it -- what it means
24 and -- and how it was done. Yeah.

1 THE COURT: Okay.

2 THE WITNESS: That make sense?

3 THE COURT: Yeah, absolutely. That was one of my
4 concerns. I mean, it was like, if we -- if we give the video
5 to you and say, okay, now view the video and we'll have you
6 update your report, then that meant that right in the middle
7 of our trial, which we'd already started, that you would have
8 to do more discovery. And I don't know whether -- I mean, I
9 -- I didn't know whether it would change your opinion, but
10 let's just lear -- say that you learned that she was keeping
11 secrets that Mom had her keep. How would that change
12 anything?

13 THE WITNESS: I don't -- it wouldn't change anything
14 un -- unless I knew what the secrets were.

15 THE COURT: Okay.

16 THE WITNESS: And -- and if -- were -- were the
17 secrets connected to alleged sexual abuse? You know, this is
18 -- this is a child who also said --- and Dad recorded it, and
19 it seemed spontaneous -- that Mommy touches my pee-pee, Daddy
20 touches my pee-pee, and I think her brother touched her.

21 So if we take off child at its word, does it mean
22 everyone's sexually abusing the child? So does Mother -- is
23 Mother on supervised visits, is Dad on supervised visits if
24 we're taking that at -- at its word? What's going on here?

1 Clearly, there's a lot of confusion for the child.

2 THE COURT: Uh-huh.

3 THE WITNESS: And the child witnessed ex -- severe
4 arguments and I would even say domestic violence. And -- and
5 you know, it's -- it's been very distressing. And -- and
6 whether the child's in a -- a bond loyalty or not, you know,
7 that's -- that's something that -- I mean, that's what the
8 therapist is working with her, I -- I assume. Hopefully,
9 she's still in therapy.

10 THE COURT: Okay. I mean, I don't -- I don't have a
11 problem with you playing the video. But I don't think that it
12 would change much. I mean, you can play it, Mr. Mayo, for the
13 record. I don't -- mister -- Mr. Page, I -- I hear your -- I
14 hear your objection. But again, based on what Dr. Paglini's
15 saying, I don't know that it would change anything. I mean,
16 if you want -- if you really think it's necessary, Mr. Mayo,
17 you know, you said how long is it?

18 MR. MAYO: Actually, I'm looking right now. I
19 believe it's -- I thought it was just under two minutes. It's
20 two minutes and 38 seconds, so about two-and-a-half minutes.

21 MR. PAGE: I would say it's un -- unwise use of
22 judicial resources since Your Honor's already concluded or
23 stated that it's not going to change anything. Since it's --

24 THE COURT: Well, I haven't --

1 MR. PAGE: -- not going to change anything --

2 THE COURT: I didn't make a --

3 MR. PAGE: -- for his --

4 THE COURT: -- conclusion. I said I don't know if
5 it'll change anything. Dr. Paglini's saying I would want to
6 know more, but.

7 MR. PAGE: Since that more is not available to him,
8 what's the point?

9 THE COURT: I don't know. Well, I guess --

10 MR. PAGE: He's just trying --

11 THE COURT: -- maybe I --

12 MR. PAGE: He's grasping --

13 THE COURT: -- would be able to find out --

14 MR. PAGE: -- at straws at this point.

15 THE COURT: -- more from Mom or -- or Dad. Pardon?

16 MR. PAGE: It's -- it's as though he's -- he's
17 grasping at straws. We -- you know, he wants to have just one
18 more thing to try and change his opinion. And we had that
19 back on September 14th. We had a half-hour conference with
20 you where we thought, okay, well, we'll stipulate to -- to
21 Dr. Paglini's report, we'll have joint physical custody. Then
22 he changes his mind. And we just keep going and going and
23 going.

24 THE COURT: Yeah, I --

1 MR. PAGE: At some point --

2 THE COURT: -- I mean, I --

3 MR. PAGE: -- we have to have a --

4 THE COURT: -- get -- hold on, Mr. Page. I totally
5 hear you. I hear you. I hear you. I'm trying to find out
6 from Mr. Mayo, what -- do you think it's necessary to play
7 this?

8 MR. MAYO: I mean, I just need to understand why you
9 think it would help the Court make a determination.

10 MR. MAYO: My -- my offer of proof is that the child
11 is distraught. And she's stating that there's secrets between
12 her and her -- her mother that she does not like to keep. The
13 video does not state what those secrets are.

14 THE COURT: Okay, but this --

15 MR. MAYO: And so I mean, that -- I mean, that
16 essentially is what the child states. I don't -- if the Court
17 doesn't want to get into the video --

18 THE COURT: I don't think --

19 MR. MAYO: -- based on the fact that --

20 THE COURT: I honestly --

21 MR. MAYO: -- there's something else --

22 THE COURT: -- don't think we need it. You've told
23 me what she states. I mean, again -- I mean, I would -- I
24 would let you play it, but I just -- again, I don't know what

1 -- what it -- the pro -- like Mr. Page says, what's the
2 probative value? If Dr. Paglini can't make any further
3 findings and the Court hears the video, I don't under -- I
4 don't know with all of the other information that I have, that
5 that would be the tipping point.

6 It doesn't sound like it, especially when, you know,
7 Dr. Paglini's done, you know, 60-some-odd pages of, you know,
8 investigation and has all the collaterals and all the
9 therapists and everybody involved that have come forward and
10 said what they believe to be the case. So I -- I get -- I
11 don't think that it's necessary. So I'm changing my mind.
12 I'm going to keep you from playing -- playing the video. I've
13 heard enough. You made your offer of proof. And we've heard
14 Dr. Paglini talk about it, so.

15 MR. MAYO: All right. And I --

16 THE COURT: All right. But --

17 MR. MAYO: -- would -- I would simply add that
18 Ms. Jenkins, you know, actually did speak to the child
19 directly. And we had asked for Ms. Jenkins to be allowed to
20 testify. Your Honor had ruled against our request. And that
21 she would have some additional information to provide, but I
22 understand Your Honor has --

23 THE COURT: I can only --

24 MR. MAYO: -- said that she cannot.

1 THE COURT: Look, if we have rules to follow. And I
2 understand. But I mean, look, the -- as much time and effort
3 that's been spent trying to get to the bottom of this, I -- I
4 I ju -- and again, we have deadlines and time frames and --
5 and if I continue to allow one more thing in and one more --
6 we -- like I said, this trial will go on for five years
7 because there's always something new happening. There's
8 always going to be a new conversation, a new video, a new
9 argument. And I -- we've got to finish this case, guys.

10 MR. MAYO: Understood.

11 THE COURT: So --

12 MR. MAYO: All right.

13 DIRECT EXAMINATION CONTINUED

14 BY MR. MAYO:

15 Q So, Dr. Paglini, I -- I want to quickly move through
16 some questions I have regarding the -- the rape allegations as
17 they are related to the custody matter, as you stated on page
18 72 of your report. So you had -- now, I -- and I only bring
19 -- I'm bringing this up only because I believe it has a light
20 in regards to the circumstances. You had stated that Christie
21 is involved in and enjoys a -- a BDSM alternative lifestyle;
22 is that correct?

23 A Yes.

24 Q Okay. And that includes a liberal sexual

1 relationship that she's had with David and other individuals
2 that includes role-playing and, as David testified, pretend
3 rape?

4 A Yes, there's pretend rape and also pretend -- kind
5 of daddy/little girl sexual play. So yeah, there -- there's a
6 lot of different sexual role playing for both of them.

7 Q All right. And is it your understanding that this
8 is -- this role playing was something that David became
9 involved in after he started dating and married Christie?

10 A That's my assumption. I'm not -- I didn't really
11 explore if he was doing this beforehand.

12 Q Okay.

13 A But -- but based on what the therapist stated, that
14 this was all new to him, I assumed that.

15 Q Okay. Now, Christie had reported to you that she
16 had told David that he could have sex with her, even when she
17 was asleep, unless she was sick; is that right?

18 A Correct.

19 Q Okay. Now, you report that on November 26th,
20 Christie was angry at David and accused him of cheating on
21 her; is that right?

22 A Yes.

23 Q All right. And there was actually an audio file
24 that we had provided you, during which Christie was yelling at

1 David, alleging that he was cheating on her. Does that --
2 that strike a bell?

3 A I -- it doesn't strike a bell because I had so many
4 audio files I listened to that -- that -- where they were
5 screaming at -- or she was screaming at him. So I -- I can't
6 recall on November 26th what happened at this point.

7 Q Okay. In terms of your -- sorry, let's see. Here
8 we go. On -- I believe -- I'm citing to the file you have on
9 page 13. It was from November 26th, 2018.

10 (Pause)

11 THE WITNESS: I'm reviewing it now.

12 BY MR. MAYO:

13 Q Sure.

14 (Pause)

15 THE WITNESS: Okay, what's your question?

16 BY MR. MAYO:

17 Q Well, in the -- I think -- well, my question was
18 that there was a recording during which Christie was yelling
19 at David and accusing him of being a cheater.

20 A Yes.

21 Q Is that correct?

22 A Yes.

23 Q Okay.

24 A Yes.

1 Q And then you -- you stated on a page 28 of your
2 report, that once she and David started having a polyamorous
3 lifestyle, that she could not handle it. That she, quote,
4 lost control over serious jealousy issues; is that correct?

5 A Where -- I'm on page 28. Where are you saying --

6 Q Second --

7 A -- seeing that?

8 Q paragraph.

9 (Pause)

10 BY MR. MAYO:

11 Q It's at -- at the bottom of the --

12 A Oh, yeah --

13 Q -- second paragraph.

14 A -- she figured it all went bad once I lost control
15 and there were serious jealousy issues. At this point, she
16 wanted to stop the BDSM classes for him because he was
17 unfaithful. Yeah, so this -- what this comes down to is she
18 allowed him to have sex with other people. I think she was
19 having -- sometimes having sex with other people. I think she
20 allowed him to have sex with -- I don't know if it was
21 Ms. Jenkins twice a week for a period of time while she was
22 pregnant.

23 But then, you know, there was emotional attachments
24 developing. And she became insecure. And -- and then there

1 was conflict. And her point was, is he was being unfaithful.
2 And this escalated her.

3 Q Okay. Now, that was on -- we talked about the video
4 on the 26th. On the 27th, you had stated that David had given
5 Christie divorce papers.

6 A Yeah, I --

7 Q Now, you sa --

8 A -- don't recall the date, but. So the video was
9 Nove -- oh, November 26th, and the 27th was divorce papers.
10 Okay.

11 Q Correct. And now, you -- now -- then that -- that
12 night, Christie had reported to you that David had allegedly
13 raped her; is that right?

14 A Apparently, David wanted to have sex with her. She
15 had stated that in the past, he was allowed to have sex with
16 her if she was sleeping, just as long as she wasn't sick. She
17 had fo -- informed him no. He still had sex with her. She
18 was very distraught that he had sex with her. She stated he
19 -- she was raped. And I think the following day, she went to
20 a -- a clinic. I don't -- I can't remember the name of it --
21 a rape clinic or something. And she claimed that afterwards,
22 on occasions, they had conversations. And he kind of
23 apologized for his behavior.

24 Conversely, Mr. Stucke's point was, first of all, he

1 didn't rape her. And secondly, that from that date until the
2 time he was removed, they had sex on a frequent basis.
3 Ms. Stucke, I asked her about that. And -- and she stated
4 that she thought they didn't have sex and then thought, well,
5 maybe we had sex one time un -- until he was removed.

6 And -- and -- and I think some of the -- there's
7 dynamic -- or not dynamics. But he still wanted -- he -- he
8 was -- he still loved her, and she still loved him. But she
9 felt very aggrieved by his alleged infidelity. And that was
10 -- you know, she wanted to move forward with that, but at the
11 same time, he was thoroughly exhausted kind of with his
12 perceptions of her anger issues.

13 Q Okay. Now, if Christie had filed her first
14 application at 3:15 p.m. on November 27th, that would have
15 been prior to David allegedly raping her that night; is that
16 correct?

17 MR. PAGE: I'm going to object

18 THE WITNESS: (Indiscernible - simultaneous speech)

19 --

20 MR. PAGE: -- as to the relevance. Where -- where
21 is this going? What's this -- how is the -- what's the
22 probative value of this? There's nothing here.

23 THE COURT: What --

24 MR. MAYO: Is this a relevancy argument?

1 THE COURT: Yeah.

2 MR. PAGE: Yes.

3 MR. MAYO: Okay. Well, it was a little bit -- it
4 was a little bit narrative, so I just wanted to get down to
5 what we were actually talking about.

6 MR. PAGE: I know.

7 MR. MAYO: It's an issue -- it goes towards the --
8 the alienation, Your Honor. Dr. Paglini has stated in his
9 report that if the allegations of rape were false, that it
10 would go towards, first of all, Christie's tendency to make a
11 statement that would have the effect of, you know, limiting
12 David's contact with the child. Under Nevada Law, if there's
13 been domestic violence by a party against the other party,
14 that it could create a presumption in regards to fitness
15 issues.

16 And therefore, our concern is this ties in -- our --
17 our belief is that Christie firmly believed or un --
18 understood that there was no -- there was not any real
19 evidence of abuse by David towards Sarah. And that that was
20 part -- she had -- she had push -- she had pushed that issue
21 both in terms of a fear of a losing her child as well as anger
22 at David for not -- for wanting to divorce her when she begged
23 him several times, not to divorce her, to stay with him. And
24 that she had pushed that agenda as a defensive effort.

1 The same thing applies to the rape claim. That
2 after he -- she got -- files divorce, she filed for TPO, not
3 really addressing the rape issue. Then -- then the next day,
4 she files another TPO. And this time, she says she's raped.
5 And then you have the -- you have the agenda in regards to
6 this claim as well as her telling David's mother, which we'll
7 get into the next month, that -- as Dr. Paglini saw, that if
8 David you know, doesn't divorce her, that she'll drop her
9 criminal claims and they can move on.

10 This is part of the -- this is part of the -- the
11 men -- the mentality -- in our opinion, the bad judgment that
12 her counselor had stated to Dr. Paglini, that she, when it --
13 when she gets emotionally distressed, she lashes out. And
14 when she does it, she does it in an intentional and at times
15 reckless manner.

16 THE COURT: Okay, so what --

17 MR. MAYO: And it --

18 THE COURT: -- are you trying --

19 MR. MAYO: -- affects her --

20 THE COURT: -- to get out of --

21 MR. MAYO: -- ability to parent.

22 THE COURT: -- him -- what are you trying to get out
23 of Dr. Paglini in this regard?

24 MR. MAYO: I'm trying to address the issue in

1 regards to credibility, which in terms of Paglini having had
2 the most contact with both parties in this case over anyone
3 else present at this -- in this trial. His insight in regards
4 to this, I believe has -- has merit and has value. It has --

5 THE COURT: Okay.

6 MR. MAYO: -- relevancy.

7 THE COURT: Okay. Okay.

8 MR. PAGE: I wouldn't (indiscernible - simultaneous
9 speech) --

10 THE COURT: All right. Let me --

11 MR. PAGE: -- this ground.

12 THE COURT: I'll hear from -- overruled.

13 MR. MAYO: Okay.

14 DIRECT EXAMINATION CONTINUED

15 BY MR. MAYO:

16 Q So quickly -- so, Dr. Paglini, if Christie had filed
17 the application -- the first application for TPO at 3:15 p.m.
18 on November 27th, that would have been prior to her claim that
19 David raped her that night. Is that fair to say?

20 A That's my impression, yes.

21 Q Okay. All right. And she had told you and we had
22 provided you a second application after November -- that night
23 on November 27th, 28th, in which Christie had made claims of
24 -- of rape; is that right?

1 A That's my impression, yes.

2 Q Okay.

3 A And what's the question?

4 Q Now, you had -- in your report, you had said that on
5 November 29th, Christie had sent text messages to David asking
6 him to have sex with her; is that right?

7 A What page was that?

8 Q Page --

9 A Is that some --

10 Q Page 10, paragraph four.

11 A Sorry to go so slow on this. It's just that there's
12 so much information.

13 Q No, it's okay. I understand.

14 A I mean, we could review it and review it. And
15 you're still not going to re -- recall everything.

16 THE COURT: Counsel, are we stipulating --

17 MR. MAYO: Yes?

18 THE COURT: -- to admit this report?

19 MR. MAYO: I -- I --

20 MR. PAGE: Yes.

21 MR. MAYO: -- believe so. I thought we had already
22 done that at the --

23 THE COURT: I can't remember.

24 MR. MAYO: -- the first trial. But if not --

1 THE COURT: No, I don't think so. Unh-unh. It's
2 not been --

3 MR. MAYO: Okay.

4 THE COURT: -- admitted. Mr. Page, you don't have
5 any objection?

6 MR. PAGE: No objection.

7 (PLAINTIFF'S EXHIBIT 207 ADMITTED)

8 THE COURT: Okay. Who's -- who's got it? I -- I
9 don't -- I don't have it front of me. Who's got it in their
10 exhibit list?

11 THE CLERK: Plaintiff.

12 MR. MAYO: You know, because it's a confidential
13 report, we didn't --

14 THE COURT: I understand that --

15 MR. MAYO: -- include it in the --

16 THE COURT: -- but I still have to -- we're going to
17 make it confiden -- keep it confidential. But it still needs
18 to be labeled. It's -- it'll be sealed.

19 MR. MAYO: Okay.

20 THE CLERK: So it's the one they've been talking
21 about this whole time?

22 MR. MAYO: No, I was -- I was simply pointing at --
23 I wanted to address -- notify the Court that I didn't have it
24 as an -- as an exhibit.

1 THE COURT: Okay, that's fine.

2 MR. MAYO: Yeah.

3 THE COURT: We'll make it one.

4 MR. MAYO: I mean, I could -- I could always provide
5 -- I -- I'm assuming we could both provide you a copy of it.

6 THE COURT: No, no, I have it.

7 MR. MAYO: Yeah.

8 THE COURT: I have it. I just -- because, in these
9 trials they -- you know, it's not evidence until it's
10 admitted. You're talking about it --

11 MR. MAYO: Right.

12 THE COURT: -- and you're allowed to do that and
13 whatever. But I'm -- I really prefer to have it admitted so
14 that I -- I can go along with you. But I don't -- wasn't sure
15 if there was going to be any objection to it. So --

16 MR. MAYO: I see. And I've --

17 THE COURT: -- with that --

18 MR. MAYO: -- and I've got about --

19 THE COURT: -- there isn't.

20 MR. MAYO: I've only got about 10 more minutes of
21 questions, Your Honor, so I -- I --

22 THE COURT: Okay.

23 MR. MAYO: -- can move through --

24 THE COURT: All right.

1 MR. MAYO: -- these pretty quickly.

2 THE COURT: That's fine.

3 MR. MAYO: Just --

4 THE COURT: We're going to make this one the last
5 number on -- on the Plaintiff side, whatever that number would
6 be.

7 THE CLERK: Two-oh-seven.

8 THE COURT: Okay, so it's going to be number 207.

9 And it's going to be sealed. Okay?

10 MR. MAYO: All right.

11 THE COURT: Very good.

12 DIRECT EXAMINATION CONTINUED

13 BY MR. MAYO:

14 Q Did you find that, Dr. Paglini?

15 A Yes, I did.

16 Q Okay.

17 A And yes, it says that the day after she claimed
18 rape, she sent messages asking for sex, November 29 of 2018.

19 Q Okay. Now, the text messages that were sent, they
20 didn't reference any alleged rape or inappropriate behavior by
21 David in terms of sexual contact with Christie; is that right?

22 A Say that again. I didn't hear the complete
23 sentence.

24 Q The text messages that were referenced, they didn't

1 allege any rape or inappropriate sexual contact between David
2 and Christie.

3 A I don't recall because I don't have any text message
4 in front of me.

5 Q Okay. But the text message at -- do you remember --
6 in terms of your report, your report doesn't indicate that
7 there was anything in the text message indicating that there
8 had been any kind of rape, right?

9 A I don't recall that say --

10 Q Okay.

11 A -- that statement, but she did say that she wanted
12 to have sex in it. And so you would --

13 Q Okay.

14 A -- assume that, yeah.

15 Q Now, your report also indicated Christie attended a
16 rope class, essentially a -- a style of -- a form of BDSM, on
17 November 30th with David during which they had sex; is that
18 right? That's page --

19 A That's what --

20 Q -- ten.

21 A -- what my report says.

22 Q Right. And your report indicates that Christie had
23 made numerous attempts --

24 A Hang on here. This -- this is what Mr. Stucke is

1 saying.

2 Q Correct.

3 A Okay, just -- just so we're clear on that. And miss
4 -- Ms. Stucke's not saying this. This is what he's saying.
5 Yes.

6 Q Correct. And both parties had admitted to you that
7 Christie made several attempts to have David dismiss his
8 divorce after November 28th; is that right?

9 A The information I reviewed is that, you know, she
10 still wanted the relationship to work out. She wanted to
11 resolve it. He also was ambivalent. That was also reflected
12 with the therapist when they went in individually, that they
13 still cared for each other, but they -- they had issues with
14 each other for several different -- on several different
15 levels.

16 Q Okay. And Christie -- Christie had reported to you
17 that after November 28th, she believed that she and David had
18 consensual sex at least one other time; is that correct?

19 A That's what was reported to me. I don't know if
20 that's true or not, but that's what's reported to me. Mister
21 -- Mr. Stucke stated they had consensual sex on numerous
22 occasions. Ms. Stucke stated that they may have had sex on
23 one occasion and, I think she was ambivalent during the time.

24 Q Okay. Now, there was a audio recording that you had

1 been provided and you include in your report from December
2 14th, 2018, between Christie and David's mother, in which she
3 conveys to David's mother that she -- that if David dropped
4 the divorce case, that she would drop the TPO and the criminal
5 charges; is that right? That's on page 14.

6 A Yeah, I'm looking for it right now.

7 Q Read paragraph four.

8 A Mr. Stucke would agree to dismiss all of his stuff
9 because she would agree dismiss all of her stuff. I would not
10 be doing any of this if David wasn't trying to take away my
11 children. Said as a mother, she must understand how she does
12 not want her children taken away from her. The -- Mrs.
13 Stucke's re -- the mother's recording this.

14 Q Okay. Now --

15 A Correct.

16 Q -- my question is -- all right, thank you. And do
17 you have any experiences with cases involving allegations of
18 rape, either in custody evaluations or separately?

19 A Repeat the question again.

20 Q Do you have experience in cases involving rape,
21 either as part of custody evaluations or separately?

22 A The answer is yes to both. I've done probably
23 2,000 sex offender assessments for Clark County, and some of
24 them involved rape. And then I've done child custody cases,

1 whereby sometimes a party alleges that during the marriage,
2 there was rape.

3 Q Okay. Now, you had spoken to Patsy Evans. Is that
4 -- is that correct?

5 A Yes. What page are we on?

6 Q We're on page 19.

7 A Nineteen?

8 Q Should be 19. Hold on.

9 A Now, can you --

10 Q No, my apologies. Let me -- actually, let me get
11 back to Patsy Evans. On page 19 in your report, Christie had
12 told you that she was allegedly sexually abused when she was
13 two years old; is that correct?

14 A Page 19, yeah, under her family of origin history.
15 Let me find it for you.

16 Q Should be the third paragraph.

17 A Got it. She believed under the age of two, she was
18 sexually abused, and she had some thoughts of being sexually
19 abused. She was asked how she would know she was sexually
20 abused at the age of two. She stated one guy was sexually
21 inappropriate with her, and another guy sexually abused her
22 multiple times when she was three or four.

23 It's -- it's hard to, I think -- and research
24 indicates that, you know, it's hard to encode memories, you

1 know, below the age of two or -- or around the age of two. So
2 that's why I asked her that question. But you know, suffice
3 it to say, she stated that she was sexually abused on a few
4 occasions.

5 Q And she had said that she was allegedly sexually
6 abused by a boy when she was 10 or 11; is that right?

7 A She was sexually abused at the age of 13. There was
8 a man who was in his 20s who forced himself on her, rape.
9 That was when she was 13.

10 Q And you said a -- additionally, at the age of 10 or
11 11.

12 A Teenager boy forcefully kissed her and touched her.

13 Q And did miss -- did Christie discuss with you
14 allegations of sexual abuse by men when she -- when she was a
15 adult, after her teenage years?

16 A I don't recall. If it's not in there, then it may
17 not have been discussed.

18 Q Okay. Now, you -- I was asking about Dr. Patsy
19 Evans. That was Christie's therapist in Florida?

20 A Yes. Page 54.

21 Q Correct. And Ms. Evans had stated Christie at the
22 time struggled with judgment and that she had a issue
23 repeating the same bad behaviors. Do you recall that?

24 A Well, I think she -- she said that she was in an

1 abusive relationship with a boyfriend and, you know, that she
2 had a lot of -- there was a lot of dynamics with her kids.
3 And that -- that she tended to complain about the other party
4 and exhibited little insight into her own dynamics that
5 contributed to the -- the issues.

6 Q Did -- did Dr. Evans state to you that Christie
7 portrays herself as a chronic abuse victim?

8 A She did --

9 Q Or all of --

10 A Well, she did --

11 Q Well, she --

12 A -- say that --

13 Q -- says all -- where all -- where all of her
14 relationships were abusive?

15 A Yes, that's on page 54.

16 Q And Dr. Evans stated that Christie, quote, always
17 seems to be in an abusive relationship, end quote; is that
18 right?

19 A Well, you have to show me where -- oh, yeah --

20 Q Should be the second paragraph.

21 A Say it again?

22 Q Should be the second paragraph.

23 A Oh, high up.

24 Q Correct.

1 A I'm not finding it.

2 Q It should be right where you were -- where you're --
3 where it talks about Christie's judgment and Christie
4 portraying herself as a chronic abuse victim.

5 A Oh, yeah, miss -- Ms. Stucke's pattern is she always
6 seems to be in an abusive relationship. And then she went on
7 to highlight the -- the di -- the difficulties with her kids
8 and then some relationships with men that were difficult,
9 abusive.

10 Q Okay. And Christie had portrayed Mr. Hentschl as
11 being abusive; is that right? Did he report that to you?

12 A I don't -- I'm sorry, Christie reported Mr. Hentschl
13 was abusive?

14 Q Correct.

15 A Christie stated, if I remember correctly, that it
16 was more kind of emotional abuse and I think not necessarily
17 physical abuse, manipulation. He had a -- a gambling issue.

18 Q Okay. Now, kind of finishing up a couple of
19 questions. Back on Ms. Di Lauro. You had -- we had -- you
20 had briefly got into some questions I had. Ms. Di Lauro
21 stated that for the first time on December 17, 2018, Christie
22 reported, quote, past painful sexual memories that came up
23 recently, end quote. You're not aware of Ms. Di Lauro -- if
24 Christie was referencing the alleged rape or something prior

1 to the alleged rape on November 28th.

2 A She wasn't sure. Because I was trying to figure
3 out, you know, the -- the alleged rape occu -- would have
4 occurred about two-and-a-half weeks earlier. And -- and that
5 came up recently. Sim --

6 Q Well, now --

7 A Go on.

8 Q But then Ms. Di Lauro asked Christie if she was
9 referring to rape. And Christie reported -- Ms. Di Lauro says
10 Christie said maybe, but that she did not know -- that she did
11 not remember; is that right?

12 A It says here on page 55, I asked her if it was rape.
13 And Ms. Di Lauro reported maybe, but she doesn't remember.
14 That's Ms. Di Lauro doesn't remember, not Christie. So I --
15 if I'm not -- if I was not clear on that, I apologize.

16 Q Okay, that was --

17 A Not implying that --

18 Q -- confusing. That --

19 A -- Christie doesn't remember.

20 Q That didn't -- that's not how I read it. I assumed
21 it was Ms. Di Lauro conveying Christie's statement.

22 A No, it's -- it's -- and I apologize if I was not --
23 if my writing was off. I do remember -- it says the question
24 is, I asked her if it was rape. And Ms. Di Lauro reported

1 maybe, but she does not remember. So Ms. Di Lauro was saying
2 that, yeah, that might have been rape, but she can't recall.
3 And I should have specified that a little better, and I
4 apologize.

5 Q Okay.

6 A I apologize.

7 Q Now, did Ms. Di Lauro actually state that based on
8 -- that Christie actually stated that she frequent -- Christie
9 frequently stated during their counseling that -- actually,
10 strike that. Did Ms. Di Lauro state that Christie's
11 statements of alleged sexual misconduct by David were odd to
12 her and contrary to her prior experiences?

13 A Yeah, and I think that you have to remember context
14 here. You're -- you're absolutely correct on that. But what
15 you have to remember is, the alleged rape occurred in late
16 November. So of this whole history she was working with the
17 family, this -- you know, the couple -- this is happening at
18 the tail-end. And that is why she was saying, hey, that was
19 kind of odd to me because I never heard about that before.

20 So you know, there's -- to me, there's two
21 hypotheses. You know, one is, is maybe it was odd to her
22 because, you know, it was made up. And the other hypothesis
23 is, maybe it was odd to her because it just occurred, and now
24 she's talking about it at the end. But it -- well, she can't

1 talk about it earlier because it oc -- it only occurred, like
2 what, November 28th. Like, two-and-a-half weeks ago. So I --
3 I gave a little -- I -- I didn't want to assume, you know, too
4 much, because she wouldn't have known, like, when that
5 occurred.

6 Q Okay. And -- and to be --

7 A (Indiscernible - simultaneous speech) --

8 Q -- clear, Christie had never conveyed to you or
9 Ms. Di Lauro any alleged sexual misconduct by David towards
10 her prior to the November 28th allegation; is that right?

11 A I -- I didn't -- I didn't hear the beginning of your
12 sentence. Say it again, please.

13 Q That's fine. Christie -- Christie never conveyed to
14 you any sexual abuse or, you know, rape of her prior to
15 November 28th; is that right?

16 A Well, that's correct. Otherwise, you would think it
17 would have been discussed with me.

18 Q Okay. Two more issues that I have just a couple of
19 questions on. May -- you were provided photos of a video -- a
20 video of a polyamorous party Christie had at the West Maule
21 residence on May 4th, two -- 2019; is that right?

22 A I don't recall it at the moment. There was tons of
23 videos I had seen -- you're talking about videos or photos?

24 Q There was photos and video.

1 A Yeah, I don't recall.

2 Q Okay. If there was a -- do you -- do you believe it
3 proper for Christie to have any kind of polyamorous sex
4 parties at her residence in the same place where the children
5 frequent?

6 A Are the children there at the time?

7 Q Not -- not at the time.

8 A You know, I mean, I -- I think that would have been
9 the big garage they have. That -- that's possible where the
10 party was at.

11 Q Well, no, the photos -- the photos we sent you had
12 photos of third parties, people inside the actual home.

13 A Okay.

14 Q In the living room, the kitchen.

15 A You know, I -- the children aren't there. You know,
16 people are having sex in the house as -- as -- are people
17 cleaning up and, you know, making sure everything's fine? And
18 you know, she's -- they've had -- I think they had sex in the
19 house with other people. They have two beds in her bedroom.
20 There's additional bed for where they have sex with other
21 people. And so I guess that occurred.

22 Q Do you think it's something -- in your professional
23 opinion, it's something that should be avoided if possible?

24 A Well, I'm -- I'm making a judgment here. And -- and

1 then you're asking me to say, you know, she shouldn't have
2 polyamorous relationships. But she --

3 Q No, no, no, I'm not talking about that. I'm talking
4 about in -- in the home in regards to where the children
5 frequent.

6 A Well, ideally, it's best if -- if she wouldn't have
7 that in the home at all. Because you know, what if kids find
8 something? You know, if they find a condom -- a used condom
9 or other dynamics -- sanitary reasons. It -- it's best to
10 have it at a different location if she's going to engage in
11 that behavior.

12 Q Okay. My last question, you had addressed the
13 summer vacation in your report. I believe David had stated
14 that he believed each side should have the children for no
15 longer than one week at a time for summer vacation. And I
16 believe Christie was of the opinion that each side should have
17 the children for two weeks at a time. You recommend in your
18 report that due to the children's age, that until they got
19 older, it would be beneficial for them to -- for each side to
20 have the children no longer than a week at a time; is that
21 correct?

22 A That's correct. And I think if -- if you modify
23 that -- like, if he went back -- if he went back to
24 Pennsylvania to visit his family, then you would have to do --

1 you would have to make sure there was -- there was a lot of
2 contact with mo -- Mom and -- and the kids. I just don't like
3 long periods of time, especially when you have a child who's
4 two years old, you know, coming on three. But nevertheless,
5 that's a long time.

6 If the parents co-parent accurate -- appropriately
7 and make sure there's a lot of video time, you know, sometimes
8 you can stretch it. But I just have concerns with that, weeks
9 versus their age.

10 Q If there was -- if -- if one parent had the children
11 for, say, a week for their time and then took another two
12 weeks, you know, for the vacation time, where it would be
13 three weeks where that -- where they don't see the child, do
14 you think that appropriate based on the children's age?

15 A You know, people do that all the time. I just don't
16 think it's -- it's healthy for the age. And -- and if -- if
17 that was going to happen, once again, I would make sure that
18 the children have frequent Skype contact or FaceTime to help
19 them with, you know, not being around the other parent.

20 Q Okay. But at this time, your posi -- your -- your
21 recommendation is still that they should go no longer than a
22 week at a time for vacation purposes?

23 A Yeah, unless there's extenuating circumstances. And
24 -- and once again, you have to have the parents cooperating,

1 yes.

2 Q Well, I mean, are the parents -- if the other parent
3 still goes, you know, two weeks or three weeks without seeing
4 the child, right?

5 A I -- I think two weeks is a long time at this point.
6 You know --

7 Q Okay.

8 A -- people do go on family vacations. But if you're
9 just staying in your home and not going anywhere and it's --
10 and it's, you know, it's what's -- it's -- it's best to have
11 shorter periods. That's why a lot of people have the
12 2/2/5 plan, you know, with children this young. Because you
13 know, it's -- it's a long time when they're two years old,
14 being away from the other parent.

15 MR. MAYO: No further questions, Your Honor.

16 THE COURT: Okay. Mr. Page?

17 MR. PAGE: Yes.

18 (Pause)

19 CROSS EXAMINATION

20 BY MR. PAGE:

21 Q Dr. Paglini, you spent a lot of time with the --
22 with these folks. Would you agree?

23 THE COURT: Okay, can you hear him --

24 THE WITNESS: I don't see --

1 THE COURT: -- Dr. Paglini?

2 THE WITNESS: I can barely hear him, and I don't see
3 him.

4 THE COURT: Right. I don't either. Mr. Page, can
5 you turn on your video so we can see you and maybe turn up?

6 MR. PAGE: Yeah, I think -- I think the video's
7 locked up, so I'm going to --

8 THE COURT: Oh, okay.

9 MR. PAGE: I'm going to --

10 THE COURT: As long as we --

11 MR. PAGE: -- turn it off and --

12 THE COURT: -- can hear you.

13 MR. PAGE: -- turn it on again. Did that come back?

14 THE COURT: You're not back. But we can hear -- I
15 mean, as long as we can hear you better is -- that's okay if
16 you can't get the video. But you were really hard to hear.

17 MR. PAGE: Yeah, that's one of the things when I
18 have the -- the webcam on top of the television, I don't think
19 the microphone's really strong enough necessarily to pick up
20 everything. But I'll -- I'll try and talk louder.

21 THE COURT: Oh, I hear him. Do you hear him,
22 Dr. Paglini?

23 THE WITNESS: I do now because I just increased my
24 hearing aid volume.

1 THE COURT: Okay.

2 THE WITNESS: And so I -- that -- that's what
3 happens when you become an old man. Yes. It's much better.

4 THE COURT: Mr. Page, how much time do you have
5 questioning Dr. Paglini, do you know?

6 MR. PAGE: It's not going to be nearly as long as
7 Mr. Mayo.

8 THE COURT: Oh, I hope not. I'm just asking for pur
9 -- purposes of a break because we're going to have to --

10 MR. PAGE: You know --

11 THE COURT: -- take one.

12 MR. PAGE: -- I might -- I might go 15 minutes.

13 THE COURT: Oh, okay, that's fine. You're fine.

14 CROSS EXAMINATION CONTINUED

15 BY MR. PAGE:

16 Q Dr. Paglini, would you agree that you spent a lot of
17 time with Mr. and Ms. Stucke?

18 A Yes.

19 Q Would you say that you've reviewed a voluminous
20 amount of documentation provided to you?

21 A Ad nauseam, correct.

22 Q Based upon your review of the documents and your
23 interviews of the parties, do you believe that you need any
24 additional information, other than what you've already been

1 provided?

2 A Well, I think the Judge said it best. This could go
3 on and on and on and on. My job was to write a report and do
4 the best I can to educate the family courts on the parents'
5 dynamics and hopefully provide enough information to the Judge
6 to make a healthy decision. And you know, I -- here -- here's
7 -- let me just say something. Oh, yes. Yeah, you know, we
8 could always get more information. It could go on and on. It
9 could be another 30, 40 hours. One of the things that we have
10 here that's important is, you know, David's an emerging
11 father.

12 He's -- he's -- you know, the collaterals suggest
13 he's a good father. He's -- you know, he -- you know, he's --
14 he did well with me with his -- with his observation. There
15 were -- I didn't have any concerns, you know, that were
16 evident. I -- I know there are serious allegations. And
17 that's where eventually I think the Judge makes a decision.

18 Conversely, your client, Christie you know, she -- I
19 interviewed her kids. They love her. You know, two of the
20 three kids have some issues. I don't know if you could always
21 throw that on Christie. But you know, her -- her son John was
22 -- you know, said that, yeah, you know, she left for a period
23 of time. But she was -- she kept -- when she came back, she
24 took care of us, she was available, she try -- kept trying to

1 get more time.

2 So she was putting in the effort. And he felt
3 understood and loved and supported. And even the daughter,
4 who had a lot of drug problems, felt -- said she -- you know,
5 I put my mom through everything, and she was always there and
6 loving.

7 So you know, there's -- you know, she's a -- she's a
8 mixed bag. And what I mean by that is, you know, I struggle
9 with the abandonment dynamic for the kids for a period of
10 time. But she's -- she's trying to be present. And even
11 when, you know, when I looked at the house and I looked at
12 Sarah's room and how beautiful it is and, you know, there's
13 all these toys and you can probably attribute it to both of
14 them -- the educational activities.

15 So parent-wise, there's -- there's not -- we don't -
16 - we don't have a risk, per se. And then we look at the
17 personality dynamics. And then it gets a little confusing and
18 murky. I'm sorry to go off, but I thought that might be
19 helpful to the Court.

20 Q So you would -- you've concluded that both David and
21 Christie are -- they're fit parents?

22 A I -- they're fit parents that, you know, they're --
23 they're -- they're not going to be abusive or neglectful to
24 the child. They're -- they're trying to operate in -- in the

1 child's best interest. But then you have this dynamic of
2 sexual abuse allegations, rape allegations. And all I can do
3 is give the information to the Judge to make a healthy
4 decision.

5 Q Do you find that sometimes in divorce cases that
6 emotions and reactions tend to be more heightened during the
7 pendency of a case?

8 A Very much so. One of the things I try to do when
9 I'm doing an assessment is, I'm asking myself, is this a trait
10 or a state? So if I'm seeing a parent who's really acting out
11 tremendously, is that historic or is that situational? And so
12 like, with the dynamics of borderline personality disorder, if
13 that is truly there then I'm going to see that for the last 30
14 years of her life.

15 And she would have those conflicts her kids. And
16 I'm sure she loses it on occasions because there's no doubt
17 there's a histrionic dynamic. And you know, there -- there
18 are some, let's say, soft borderline themes, but not to the
19 point of a personality disorder.

20 You know, she has you know -- you know, she -- her
21 son, John, loves her and cares for her. And I'm sure they had
22 conflict before because what kid doesn't. Her daughter who's,
23 you know, struggled with drug addiction loved her. But we
24 didn't get the borderline themes. And then talking to the

1 therapist, her current therapist didn't get the borderline
2 themes. More of the perhaps, you know, kind of, you know,
3 what she's struggling with.

4 So yes, in divorce cu -- custody cases, there could
5 be, you know, very heightened dynamics. If you look at their
6 psych testing, you know, Mr. Stucke and -- and personally is
7 pre -- predominately a passive guy who can, you know, maybe,
8 you know, have -- have difficult times emoting his feelings.

9 And conversely, Christie is one of these -- you
10 know, she's all over the place, she's assertive, she's highly
11 involved. And there's a lot of, you know, kind of
12 demonstrative expressions of affection. But then you also get
13 the negative stuff, which is, you know, when she's angry,
14 you're -- you're going to get the down side.

15 Q But those fall within the range of normal.
16 Actually, for both people, they're just -- they're different.

17 A You know, I -- normal is a -- a tough situation.
18 And what I mean by that is, there's no doubt that I think, you
19 know, Ms. Stucke needs a little help. I want to make sure
20 that she doesn't say anything negative to her children about,
21 you know, Mr. Stucke. I want to make sure that everybody's
22 seeing their issues and are moving forward in a healthy way.
23 I think she downplayed some of her stuff towards Mr. Stucke.
24 And that's why I made the recommendations I made. But I'm not

1 going to say normal, per se. I mean, it's a -- I --

2 Q I mean, there --

3 A -- I -- you know -- I have --

4 Q -- there's a range --

5 A -- concerns about her.

6 Q -- is what I'm saying.

7 A I'm sorry, I didn't hear you.

8 Q Normal is a range, it's not a -- it's not an exact
9 thing.

10 A I get it. I -- I just -- let's put it this way.
11 She has some things that she has to work on. And -- but she
12 also has some very good qualities.

13 Q Your recommendation on page 72 was the parties share
14 joint physical and joint legal custody of the children with a
15 60/40 split; is that accurate?

16 A Correct.

17 Q But you'd also like to make sure that -- because
18 Christie is, for lack of a better term, more expressive than
19 David -- that she take some classes to make sure that she
20 moderates the way in which she expresses herself.

21 A Correct.

22 Q Are you still standing by those recommendations here
23 today? Have you --

24 A I would say --

1 Q -- received any new information that --

2 A Okay. So of course, you know, I -- I would prefer
3 not to give recommendations to the Court on custody. When I
4 don't do this, it costs the litigants like 30, 40 grand
5 arguing about my analysis. And so am I sa -- there -- there's
6 no doubt that this is a complex case and -- and there's int --
7 there's very interesting dynamics on both sides. But I'm --
8 after my testimony, I'm not moving the ball to primary unless
9 that's what the Judge wants. If the Judge sees a difference
10 and more information than I do, that's her call. I'm -- this
11 report is just to facilitate her understanding.

12 Q With that, I don't think I have anything further. I
13 appreciate your time. By the way, I thought you were very
14 well-prepared. Thank you. There was a lot --

15 A Thank you, sir.

16 Q -- of information here, and you recalled it all.

17 THE COURT: Yep.

18 THE WITNESS: With help, thank you.

19 THE COURT: Any follow-up, Mr. Mayo, redirect?

20 MR. MAYO: On -- only since Mr. Page had
21 complimented Dr. Paglini, I have to throw in my -- Dr.
22 Paglini, you did a very (indiscernible). Appreciate it.

23 THE WITNESS: Thank you, sir.

24 THE COURT: Yes.

1 MR. MAYO: No, you always do a great job.
2 THE COURT: Yep, the Court --
3 THE WITNESS: Thank you.
4 THE COURT: The Court appreciates it, too. And I
5 think, then, that concludes his testimony. Nothing else,
6 guys? You're sure --
7 MR. PAGE: I think that's --
8 THE COURT: -- before we --
9 MR. PAGE: -- it for me.
10 THE COURT: -- let him go? Okay, we thank you,
11 Dr. Paglini. Good to see you.
12 THE WITNESS: Thank you, Your Honor. Thank you,
13 everyone. Stay safe. Be well.
14 THE COURT: Yeah, you, too. Thank you.
15 THE WITNESS: Thank you.
16 MR. MAYO: Thank you.
17 THE WITNESS: All right.
18 THE COURT: All right.
19 THE WITNESS: Bye-bye.
20 THE COURT: We'll let Dr. Paglini go. Thank you.
21 All right, Counsel, it is 12:13. So what -- what else do we
22 -- what else is going to be presented? I need to know because
23 look, I -- I -- here -- just so you know, I don't have any
24 other real time between now and -- I have, like, tomorrow if

1 we don't finish today. But I'm no longer sitting on the D
2 case type after the end of the year. And I'm moving to
3 guardianship. So I need to get this trial completed now
4 because I won't have court time aside from the court time that
5 I have there.

6 Like, I won't have any other time to finish it.
7 It's going to make it tough, so we need to finish it, like,
8 pronto. So I don't know if you guys are expecting to finish
9 today. I'm hoping, but I need you guys to know that. That we
10 don't have a lot of time left. Follow --

11 MR. MAYO: Understood.

12 THE COURT: Are you following me?

13 MR. MAYO: We -- we -- I am. I -- I am, Your Honor.

14 THE COURT: Okay. Okay. So -- and I mean, I'm
15 assuming -- I'm hoping that -- I know that Christie will be
16 put on. I don't know what else everybody has in terms of a
17 presentation, but just be aware. Kind of keep your focus and
18 try to make sure you get out what you need to get out, as
19 opposed to a lot of the secondary stuff that may not be
20 necessary because we want to make good use of the time. But
21 anyway, so in terms of a break for lunch, do you want to just
22 come back in an hour-and-15, 1:30?

23 MR. MAYO: That works, Your Honor.

24 THE COURT: Okay. Does that work for you, Mr. Page?

1 MR. PAGE: That's fine.

2 THE COURT: Okay.

3 MR. PAGE: It works.

4 THE COURT: Okay. Don't sound so excited. All
5 right, we'll talk to you guys then. We'll talk to you at
6 1:30.

7 MR. MAYO: All right, thank you.

8 THE COURT: All right.

9 MR. PAGE: Okay, thank you.

10 THE COURT: We'll go off the record.

11 (COURT RECESSED AT 12:15 P.M.

12 AND RESUMED AT 01:47 P.M.)

13 THE CLERK: We're on the record.

14 THE COURT: Okay, so we're back on the record in the
15 Stucke matter, case D-580621. Mr. Mayo?

16 MR. MAYO: Your Honor, we -- when we left off last
17 time, I was -- I had my client on the stand. So I was going
18 to --

19 THE COURT: Yep.

20 MR. MAYO: -- pick back up with him.

21 THE COURT: Okay, let's swear David in again.

22 THE CLERK: Okay, please raise your right hand.

23 You do solemnly swear the testimony you are about to
24 give in this action shall be the truth, the whole truth, and

1 nothing but the truth, so help you God?

2 THE PLAINTIFF: I do.

3 THE CLERK: Thank you.

4 DAVID STUCKE

5 called as a witness on his own behalf, having been first duly
6 sworn, did testify upon his oath as follows on:

7 DIRECT EXAMINATION CONTINUED

8 BY MR. MAYO:

9 Q All right, David, if you can turn to Exhibit 33,
10 that's the exhibit that we were looking at when we were last
11 in court.

12 MR. PAGE: No, it wasn't.

13 THE WITNESS: Okay.

14 BY MR. MAYO:

15 Q All right. And I believe you were testifying as to
16 it being a summary of ActionRAD account and the -- the three
17 accounts listed on here for 2020; is that accurate?

18 A Let's see. Yes.

19 Q Okay. So did you create this document?

20 A Yes.

21 Q And what -- what other documents did you base this
22 on?

23 A Just her bank statements.

24 Q Okay. So was that the -- you have on here is that

1 the ActionRAD bank statements, the PCCG bank statements, and
2 Christie's personal bank statements?

3 A Yes.

4 Q And this is based on the -- the ledger that we had
5 already previously reviewed for 2020, both ActionRAD and PCCG?

6 A Yes.

7 Q Okay. Now, when you had -- I believe the question I
8 was get -- I was going to ask you is, when you took into
9 consideration transfers between accounts, did you take into
10 consideration transfers between -- sorry. Did you take into
11 consideration transfers between accounts between the
12 ActionRAD, the PCCG account, and then Christie's personal
13 account?

14 A Yeah, they're all balanced on the ledger as --

15 Q Okay.

16 A -- like inter-account transfers.

17 Q All right. And so you had a casino bank, cash bank,
18 cash casino, cash bar. Cash casino, how did you identify
19 that?

20 A Well, they tell you the address, and you just look
21 at the address.

22 Q The address of the bank statements?

23 A Ye -- on -- no, on the bank statements, the
24 transaction will tell you, like, 3708 Las Vegas Boulevard is

1 the Cosmo or 3801 is the Tropicana. I know them after going
2 through. I know a few of them, at least.

3 Q David, could you speak up? It's a little bit hard
4 to hear you.

5 A I'm sorry. Yeah, so the address of the ATM is on
6 the statement, and you can tell where it's at from that.

7 Q Okay. And then you had on here transfers, personal
8 expenses, and per -- and total transfers to others.

9 A Yes.

10 Q Are those the others listed on the -- the general
11 ledgers that we looked at for 2020?

12 A Yeah, they're -- they're listed there also. But in
13 that case, others means other people instead of, you know, to
14 other accounts. Like, friends, family, that sort of thing.

15 Q Okay, all right. And so you listed total income --
16 your ActionRAD income is different from the total income.
17 What's the difference between those?

18 A Oh, so the -- the top number -- well, I'd have to go
19 back and look, but the top number is probably before expenses,
20 if I had to -- without going back. And the --

21 Q Oh, you --

22 A And so --

23 Q -- mean net expenses? I mean, you --

24 A Yeah --

1 Q -- mean --
2 A -- the --
3 Q -- business expenses?
4 A Right, minus business expenses. Exactly. So 23,393
5 is what I have after business expenses.
6 Q Okay. All right. And the same thing for --
7 A Same thing for P --
8 Q -- PCCG?
9 A Yes.
10 Q All right, thank you.
11 MR. MAYO: Your Honor, move to admit Exhibit 33.
12 THE COURT: No objection?
13 MR. PAGE: Objection as to foundation. I
14 (indiscernible) what he thinks he's going to (indiscernible)
15 --
16 THE COURT: I'm having a hard time hearing you,
17 Mr. Page.
18 MR. MAYO: Yeah, you have a bad echo.
19 THE COURT: I think you need -- I think you need to
20 turn something down again.
21 MR. PAGE: Is that better?
22 THE COURT: Little bit, yeah.
23 MR. MAYO: We're still getting an echo, though.
24 MR. PAGE: Let me try this. One moment.

1 (COUNSEL AND CLIENT CONFER BRIEFLY)

2 MR. PAGE: How's that?

3 MR. MAYO: That's good.

4 THE COURT: Not too loud, yeah.

5 MR. PAGE: Can you hear me?

6 MR. MAYO: I can.

7 THE COURT: Yeah. Yeah, we can hear you. And the
8 exhibit that you're -- you're fighting over, we already tal --
9 we already admitted it last --

10 MR. MAYO: Okay, so I fel -- I thought -- I thought
11 we did. I have my little note on here to -- to double-check.
12 But since we left off, I wasn't really sure.

13 THE COURT: Yeah, we discussed summaries, and we
14 discussed how they're created. And he talked about how he
15 prepared it. And my pon -- my point was, it's the weight I
16 give it. It's not whether it's appropriate to be admitted or
17 not. So I mean, summaries are allowed. And the back-up
18 documentation that is in the record would also help. But --

19 MR. MAYO: Okay.

20 THE COURT: Yeah.

21 MR. PAGE: The Bates reference (indiscernible) --

22 THE COURT: I don't -- I don't know that those have
23 been admitted yet. The other -- the statements from which he
24 -- I don't think they are. But I think we -- but I know we

1 talked about that last time. And -- and that particular
2 exhibit, number 33, is admitted.

3 MR. MAYO: All right, let's --

4 THE COURT: Got it?

5 MR. MAYO: -- (indiscernible - simultaneous speech)
6 --

7 THE COURT: Okay.

8 BY MR. MAYO:

9 Q All right. Okay. Now, I believe I may have asked
10 you this, David. But in case I didn't, in fairness, can you
11 say for sure what Christie did with every cash withdrawal that
12 she pulled from banks?

13 A No, I -- I can't.

14 Q Okay. Now, that being said, were there any bank
15 cash withdrawals related to gambling establishments that
16 Christie visited the same day?

17 A It seems very likely. For example, there would be
18 multiple ATM transactions at the same casino for, you know,
19 high amounts. It would sort of make you think that she lost
20 and then went back to the ATM over and over again, which was
21 what showed in the records we got from last year, in 2019.

22 Q Now, for the ATMs withdrawals at bars listed on the
23 summaries and the bank statements, were they bars with gaming?

24 A Yes, primarily PT's Club.

1 Q Now, where are the clients for the businesses
2 located in terms of ActionRAD and PCCG?

3 A They're all around, mostly Florida. She's got some
4 in New Jersey and in California as well.

5 Q Are you aware of any clients that are located here
6 in Las Vegas?

7 A Not in --

8 MR. PAGE: Objection --

9 THE WITNESS: Not -- not enough to --

10 MR. PAGE: -- asked and answered.

11 BY MR. MAYO:

12 Q Sorry, go ahead.

13 A There were none when we were together.

14 Q Okay.

15 MR. PAGE: Objection, asked and answered. This was
16 asked last time.

17 MR. MAYO: Yeah, I know. I'm sorry, Fred. We left
18 off. And I -- I tried to highlight everything I'd asked. And
19 I thought that -- I wasn't sure about if I got to these or
20 not. So if the Court has them, then I'll move on from them.

21 MR. PAGE: Well, it's not very relevant.

22 THE COURT: Well, which one -- what's the objection,
23 asked and answered --

24 MR. MAYO: He said --

1 MR. PAGE: Asked and answered --

2 THE COURT: -- or relevance?

3 MR. PAGE: -- and -- asked and answered because he
4 (indiscernible).

5 THE COURT: I couldn't hear what you just said,
6 Mr. Page, because you got echo-y again. Asked and answered
7 because why?

8 MR. PAGE: It was asked last time.

9 THE COURT: Okay, that -- I mean, that's fine. Mi
10 -- yeah, Mr. Mayo, you did go through this last time. But if
11 you have anything you want to summarize again, that's fine
12 because we did have a almost three-month break. But --

13 MR. MAYO: Ye -- and --

14 THE COURT: -- anything --

15 MR. MAYO: -- and I don't --

16 THE COURT: -- you need to get --

17 MR. MAYO: -- want to ask -- so what I did -- what I
18 did, is I went back and I actually tried to highlight
19 everything that I thought I'd asked, but there's a small
20 section that I wasn't sure on. So my apologies. I wanted to
21 -- just didn't --

22 THE COURT: That's okay.

23 MR. MAYO: -- want to say that there -- that they
24 were asked and then, you know, the record doesn't show that I

1 did. Are you getting --
2 THE COURT: Well, go --
3 MR. MAYO: -- an echo --
4 THE COURT: -- ahead and proceed.
5 MR. MAYO: -- from me as well?
6 THE COURT: Yeah, a little bit.
7 MR. MAYO: I don't know what changed --
8 THE WITNESS: Coming through --
9 MR. MAYO: -- between this morning and now.
10 THE WITNESS: It's coming through the
11 (indiscernible).
12 THE DEFENDANT: Might be from David or -- or
13 Vincent.
14 THE COURT: What I'll ask is that, Mr. Page, maybe
15 if you mute while you're not objecting or talking. And then
16 may -- maybe that will help. And same with -- well, David's
17 got to keep his open, so -- unless he can go back and forth.
18 Might be a little tough, but Mr. Page can mute. That works.
19 MR. MAYO: All right. I think I was asking -- all
20 right. So sorry, let me see. I -- I'll try to move through
21 these, Fred. And if I asked it, I'll try to move on. But I
22 -- again, I wasn't quite sure on some of these.
23 THE COURT: I mean, look, I'd rather -- if you -- if
24 you need to go through them and I mean, unless there's --

1 unless there's a ton of time being spent duplicating, I just
2 would rather you get it done. And then, Mr. Page, I know that
3 it might have been asked and answered, but I don't think he's
4 doing it for the purpose of trying to somehow elicit a
5 different response. I think he's just trying to lay -- lay
6 the foundation and -- and get the evidence in, so.

7 MR. MAYO: You know --

8 MR. PAGE: I understand. I'm just trying to move
9 things along.

10 THE COURT: Okay.

11 MR. MAYO: Okay.

12 THE COURT: Okay, Mr. Mayo?

13 DIRECT EXAMINATION CONTINUED

14 BY MR. MAYO:

15 Q All right. Now, we established that you had been a
16 professional gambler. Having been a professional gambler, is
17 gambling recreational when it's -- doesn't affect a person's
18 financial stability?

19 A I'm sorry, say it again? When it does -- say it a
20 -- what -- say it again.

21 Q Having been a professional gambler, were you --
22 where your income was based on your gambling, is gambling
23 recreational when it doesn't affect your financial situation,
24 your financial stability?

1 MR. PAGE: Objection, asked -- objection,
2 foundation.

3 THE WITNESS: It could be either way.

4 MR. MAYO: The -- okay, the foundation --

5 THE COURT: Overruled.

6 MR. MAYO: Okay, yeah. All right.

7 BY MR. MAYO:

8 Q And if a person foregoes payment of monthly expenses
9 in order to use the monies for gambling, would that indicate a
10 financial instability?

11 A That's on the definition of the questions for if you
12 have a gambling problem, yes.

13 Q Okay. And did --

14 MR. PAGE: (Indiscernible -- simultaneous speech).

15 THE COURT: What did you say, Mr. Page?

16 MR. PAGE: I objected to the question. It's also an
17 incomplete hypothetical.

18 THE COURT: Well, he already answered it. So you're
19 saying it's a hypothetical? Is that what your -- what's your
20 objection?

21 MR. PAGE: Yeah, his obje -- the objection is, well,
22 there's no foundation laid as to whether -- if somebody
23 foregoes paying monthly expenses and then there's alleged
24 evidence of records of that person gambling at that time, that

1 it is evidence of his financial instability. It's also an
2 incomplete hypothetical because you're saying what if a person
3 did X and then Y happened, there's --

4 THE COURT: Well, I mean, that's --

5 MR. PAGE: -- (indiscernible - simultaneous speech)
6 --

7 THE COURT: -- isn't that for me to -- the weight
8 that I would give the hypothetical? But, I mean -- I mean --

9 MR. MAYO: Right.

10 THE COURT: -- look, that's what -- the weight I
11 would give it. The question becomes how does he know this,
12 right? That was your foundational objection.

13 MR. PAGE: Yeah, because he really hasn't placed a
14 foundation. I -- that was just --

15 MR. MAYO: Actually, I did. I said having been a
16 pro -- I established last time that he's a professional
17 gambler and that he made his money from gambling. It wasn't
18 like something he did recreationally. And that's why I then
19 asked the question from there, and Your Honor upheld it.
20 Because he has that --

21 THE COURT: Right.

22 MR. MAYO: -- prior experience.

23 MR. PAGE: (Indiscernible - simultaneous speech) --

24 THE COURT: And he -- and he just --

1 MR. PAGE: -- foundation as a recreational gambler,
2 but he says he not. So it's just an apples to oranges
3 comparison.

4 THE COURT: No, the question was whether there was a
5 problem if you allowed yourself to become financially unstable
6 with your gambling, not whether it was a professional versus a
7 recreational gambler. That's the way I understood it, anyway,
8 and correct me if I'm wrong, Mr. Mayo. But his -- his answer
9 was based on, that's one of the questions that they ask you.
10 And it was just sort of vague, they. I don't -- as to whether
11 you have a -- a problem, right? As to whether your --

12 MR. MAYO: Correct.

13 THE COURT: -- bills are actually getting paid or
14 not getting paid. So --

15 MR. MAYO: Correct.

16 THE COURT: -- maybe some -- lay some -- lay some
17 foundation as to what he's talking out there.

18 MR. MAYO: Well, and -- okay.

19 DIRECT EXAMINATION CONTINUED

20 BY MR. MAYO:

21 Q So --

22 A I --

23 Q -- David, you had --

24 A -- (indiscernible - simultaneous speech).

1 Q David, you had worked -- you had -- you testified
2 last time that you were a professional gambler; is that right?
3 Oh, I can't hear you.

4 A Sorry. Until about 2014, yes.

5 Q Okay.

6 A 2008 to 2014, roughly.

7 Q Okay, and that professional gam -- and being a
8 professional gambler, that was your primary source of income;
9 is that right?

10 A Yes, it was mostly poker, but yes.

11 Q Okay. And from that, you paid for your -- your
12 livelihood, your personal expenses.

13 A Yes.

14 Q Okay, so you --

15 A Very well. It (indiscernible - simultaneous speech)
16 --

17 Q -- have experience in re -- you have experience in
18 regards to generating money from gambling and the ability to
19 pay for your expenses from it. Is that fair to say?

20 A Yes.

21 Q Okay. And so my question was, based on your
22 knowledge in regards to having been at a point a professional
23 gambler where you resided -- where you -- you based your
24 income solely on your gambling winnings. And I was asking if,

1 did you -- I also asked last time, if you also gambled
2 recreationally.

3 A No, I -- I don't gamble recreationally. Well, it --
4 once in a while, for a tiny bit of money if I have family in
5 town or something. But otherwise, no.

6 Q Okay. All right. And I was asking in regards to --
7 I think the Court already (indiscernible) the question, but
8 I'll ask again. Is gambling recreationally -- is gambling
9 recreational when it doesn't affect your financial stability?
10 Is it -- is that fair to say?

11 A I don't think so. I think that could be either way,
12 right? It could be that you make enough money, and you just
13 gamble less. So it's -- it's not -- I don't think there's
14 enough information.

15 Q Okay. Well, my next question was if a person
16 foregoes payment of monthly expenses to use money for the pa
17 -- for gambling and they're not generating income, would that
18 affect a person's financial stability?

19 A Yeah. And the -- the statement about -- the
20 question of who they are, sorry, yes, it wasn't clear. It --
21 so when you go to a casino, they have these pamphlets at
22 nearly every casino cage, I believe. It's, you know, if you
23 have a problem gambling, call this number. And then they
24 have, you know, questions for you to answer. And that is one

1 of them, about do you ever use bill money to gamble and things
2 like that. There are other ones, but that -- that's one of
3 them.

4 Q Now, did Christie's gambling become an issue in
5 2018?

6 A Yes, it's --

7 MR. PAGE: Objection --

8 THE WITNESS: -- been --

9 MR. PAGE: -- foundation.

10 THE COURT: He's --

11 MR. MAYO: Okay, that --

12 THE COURT: -- laying it.

13 MR. MAYO: -- was my -- that was my preliminary
14 question to get into the actual foundation.

15 THE COURT: Yeah, he's laying it. It's preliminary.
16 Go ahead.

17 MR. MAYO: Yeah.

18 THE COURT: Overruled.

19 BY MR. MAYO:

20 Q Okay. And how was it --

21 THE COURT: Lay your foundation.

22 BY MR. MAYO:

23 Q How was it an issue in 2018?

24 A Well, we mostly kept our finances separate. So even

1 though I hated the waste aspect to the -- like, I didn't know
2 the amount of the waste at the time. The -- my big issue was
3 she would disappear for sometimes days at a time, leave me
4 with the kids with no car seat. Or you know, I'd have to
5 order food on Amazon. And she would just, you know, not
6 answer my calls. And I'd say, when are you coming home, are
7 coming home, that sort of thing. So that was the -- the issue
8 that was front and center.

9 Of course, there was financial stuff under the hood.
10 But she always made her \$1,500 payment to help the utilities
11 and things and the car payment and the car ins -- or and the
12 health insurance and stuff. Otherwise, that was it. We kept
13 our finances separate, otherwise.

14 Q All right. What is advantage gambling?

15 A It means you're gambling a game where if you play it
16 long enough, you will eventually win.

17 Q Okay. Has --

18 A Usually --

19 Q -- Christie ever --

20 A -- you do it in a scenario where there's a casino
21 promotion involved. Or card counting would be an example of
22 advantage gambling as well, for blackjack.

23 Q Okay. Has Christie ever stated in court during this
24 -- in this case that she does advantage gambling as part of

1 her ARI/PCCG medical imaging business?

2 A Not as a part of those businesses, but yeah, she
3 has claimed to use advantage gambling at some point.

4 Q And when was the last time you and Christie did
5 advantage gambling together?

6 A The last time we did anything, it was July of 2016
7 at the Tropicana. Or not -- yeah, it was at the Tropicana,
8 yes.

9 Q Now, if you can, let's turn to Exhibit 21.

10 (Pause)

11 THE WITNESS: Okay, I have it.

12 BY MR. MAYO:

13 Q All right. And do you recognize this document?

14 MR. PAGE: What's the Bates label number, Counsel?

15 MR. MAYO: It's Exhibit 21.

16 MR. PAGE: Bates --

17 MR. MAYO: The Bates --

18 MR. PAGE: -- number what?

19 MR. MAYO: -- number?

20 MR. PAGE: Yeah.

21 MR. MAYO: I don't know. I mean, I gave them in --
22 in chronological order. Bates should be 3008.

23 (Pause)

24 MR. PAGE: Got it.

1 BY MR. MAYO:

2 Q Okay. And so, David, what do you recognize it to
3 be?

4 A It's the P&L for -- it says PCCG, which is two
5 companies prob -- they're probably together. ActionRAD and
6 PCCG, I believe are together in that one --

7 Q Okay.

8 A -- even though it just says the one. And Atomic
9 Radiology, its, also, P&L.

10 Q All right. And where did you obtain this from?

11 A I created it with QuickBooks with my girlfriend,
12 Laura (ph). She's a bookkeeper, and we worked on it together.

13 Q All right. And what documents did you base it off
14 of?

15 A The bank statements that -- that we were even --
16 given.

17 Q And those are bank statements for Atomic Radiology
18 --

19 A Yeah. Yeah, Atomic Radiology and PCCG. No -- or
20 not Atomic Radio -- or yeah -- sorry. Atomic Radiology for
21 the bottom one and then PCCG and Medical Systems Group for --
22 for -- or no, sorry. That's Medical Systems Group and
23 ActionRAD are the other two companies that are Wells Fargo
24 accounts --

1 Q Okay.

2 A -- for 2017.

3 Q Now, on this P&L for PCCG, you list a net income of
4 \$171,000. How did you calculate that, based off the bank
5 statements?

6 A I went through every transaction and entered it and
7 categorized it as a reasonable business expense or not.

8 Q Okay. And then, how did you identify in terms of a
9 reasonable business expense or not?

10 A If it was a computer thing or a web hosting thing or
11 a payment to a -- a customer or something or a doctor, then it
12 was a business expense. Otherwise, like, if it's a cash
13 withdrawal, then it wasn't. Or if it's groceries or gas, tho
14 -- those sorts of things are -- were personal.

15 Q So a question for you. Were there any -- was there
16 ever a need to pay for Atomic Radiology, ActionRAD, or PCCG
17 expenses with cash?

18 A No.

19 Q Were expenses for the companies either paid through
20 the mail or online?

21 A Yes, she either got a check or a -- some would
22 deposit directly into an account. She would get checks. And
23 I believe she may have gotten some transfers as well.

24 Q And then I was talk -- and so I think you may have

1 misheard me. I was talking about actually payments out.

2 Payment of bills.

3 A Oh, payments out. So say the question?

4 Q So my question was, was there ev -- were the payment
5 of bills for the companies done through the mail or online?

6 A Mostly online. There may have been some by -- by
7 mail, but not many.

8 Q Okay. Now, for ActionRAD, same question. You had
9 listed net income, 124,680 -- 638, for 2017.

10 A That's for Atomic.

11 Q Is this ba -- say again?

12 A You -- you're talking about Atomic, not ActionRAD.

13 Q Sorry, Atomic Radiology. Was that based off the
14 bank statements?

15 A Yes.

16 Q Okay.

17 A This one, there's a little bit of a misleading
18 situation because there was an outstanding payment due from a
19 customer that wasn't paying. We have a lawsuit outstanding
20 against them. It was Wimbledon Health Partners. So that's on
21 there that -- I don't remember where I got the information to
22 put in there. I think I -- I took these books before I left
23 the house, I believe, to get that -- some of the client
24 information.

1 Q Okay, and so --
2 A With -- because that was --
3 Q -- you were saying that something --
4 A That was the big item.
5 Q So I'm sorry. So is it -- you're --
6 A So --
7 Q -- saying that's listed on here?
8 A Right. So I'm saying -- there's no longer an
9 income. I'd have to go back and look at the general ledger
10 because all -- not all the stuff shows on the P&L because the
11 way they -- they simplify it down. But the number is roughly
12 120,000 that is outstanding. But it shows it as income on a
13 P&L because you're owed the money, right?
14 Q Okay. So the 146,246 on top of the page, you're --
15 A The real --
16 Q -- saying --
17 A Well, the real --
18 Q -- 120,000 is --
19 A The real number would be more like 20, 26, or
20 something.
21 Q I'm sorry --
22 A Because there were --
23 Q -- say again?
24 A -- there were real business expenses for Atomic

1 Radiology, where ActionRAD, PCCG, they're -- they're pretty
2 small because it's just a software company. Atomic Radiology
3 paid doctors and insurance, med malpractice insurance, things
4 like that. So there was expenses involved, even with a decent
5 matter of revenue.

6 Q All right, the professional fees you list on here at
7 15,199, was that to doctors?

8 A Yes.

9 MR. MAYO: Move to exhi -- admit Exhibit 21, Your
10 Honor.

11 THE COURT: No objection?

12 MR. PAGE: Same objections. Him saying it is
13 (indiscernible) a summary.

14 THE COURT: Him what?

15 MR. PAGE: David saying, it is because I say it is,
16 there's no reference to any (indiscernible) summary
17 (indiscernible - simultaneous speech) --

18 THE COURT: I can't -- I cannot hear anything you're
19 saying. You keep cutting in and out.

20 MR. PAGE: David saying that is because I say it is
21 doesn't make it a summary. There's no reference to any of the
22 the underlying documents, such as a Bates label number, that
23 would support any of the calculations of any self-serving
24 claims that he made or any reference to the actual --

1 THE COURT: He --

2 MR. PAGE: -- exhibits.

3 THE COURT: -- doesn't have to. So a -- again, it's
4 about the weight I give it, right? So he --

5 MR. PAGE: (Indiscernible - simultaneous speech) --

6 THE COURT: -- summarized the voluminous -- and I'm
7 -- I don't know yet, whether he's going to admit the docu --
8 the underlying documents, but he doesn't have to. It's
9 summarized, and a summary is permitted. What weight I give it
10 is a different story.

11 So just because he says it, you're right, it doesn't
12 automatically mean it's anything. But it's about his
13 credibility. And I'd have to look at the documents. And it
14 depends upon what weight I give it. So -- so I'll allow it
15 because summaries are permitted. And he's laid the foundation
16 for how he created it. So with that, Mr. Mayo?

17 (PLAINTIFF'S EXHIBIT 21 ADMITTED)

18 MR. MAYO: All right. Thank you, Your Honor.

19 BY MR. MAYO:

20 Q Now, David, going into 2019, were you aware of any
21 factors that would -- that were anticipated to result in any
22 of the businesses losing profit -- profit decreasing?

23 A No.

24 Q And can you turn to Exhibit 69?

1 (Pause)

2 MR. PAGE: It's 69?

3 MR. MAYO: Yes.

4 THE WITNESS: Yeah, I -- I have it.

5 MR. MAYO: Okay. It's Bates 3074, Fred.

6 BY MR. MAYO:

7 Q All right, David, do you recognize this document?

8 A Yes.

9 Q And what is it?

10 A It's a message to my dad on Facebook Messenger. We
11 -- we were, you know --

12 Q Who's it from?

13 A -- fighting about home -- it -- it's from Christie
14 to my dad. Well, the blue is my dad, and the white is
15 Christie. And so we fighting about things. And as you can
16 see, my dad was complaining about, you know, Christie wasting
17 my gambling. And then she's bragging that she makes more
18 money than me.

19 Q Okay. Now, it says, I make very good money, I make
20 more than your son does by the way. And if I want to go and
21 spend 100 or 200 at a casino, I'm a grown-ass woman and I take
22 care of my shit. So when was this -- when did this
23 conversation take place?

24 A I have to look at the exact -- exact date. But I

1 believe it was beginning of November of 2018 because it was
2 probably after we had a -- an incident on the -- Halloween.
3 So I believe it was early November, but I could find out if we
4 needed it.

5 Q Okay. And is that -- is there a little image in the
6 bottom left corner of the text?

7 A Yes.

8 Q Is that image of Christie?

9 A Yes, it's -- that's her Facebook profile that she
10 had at the time.

11 Q Okay, and is that what she has identifying in
12 regards to the exchanges on her phone in terms of her image?

13 A Well, I'm sure it's different now than -- than --

14 Q But what it --

15 A -- it was on that --

16 Q Is that what it was back then?

17 A That's what it was back then, yes.

18 Q Okay. All right. And is this the same condition as
19 when you first had pulled the -- the text?

20 A Yes.

21 MR. MAYO: Your Honor, I move to admit 69.

22 MR. PAGE: Your Honor, this is a hearsay document.

23 This is a -- it's a -- it is statements from the cli --

24 MR. MAYO: (Indiscernible - simultaneous speech).

1 MR. PAGE: -- he alleges from his father. His
2 father's not here to lay a foundation. If he --

3 THE COURT: Right.

4 MR. PAGE: -- wants to ask her -- ask my client
5 about it and not ask her what she -- what she might have said
6 to his father. And there's no authenticity here as to whether
7 or not this is an actual text message --

8 THE COURT: Well, I think --

9 MR. PAGE: -- (indiscernible - simultaneous speech)
10 --

11 THE COURT: -- I think it's a --

12 MR. MAYO: Well --

13 THE COURT: -- hearsay. I think -- I can -- I'm --
14 I can only have one objection. I can -- I -- I would say if
15 -- with anything that comes from David's dad, is that right,
16 then that would be a hearsay statement, unless it is not
17 offered for the truth of the matter asserted.

18 MR. MAYO: So we -- so, Your Honor, it's -- it's a
19 hearsay -- it's a ce -- an exception to hearsay because it's a
20 party opponent admission. And it's a document that --

21 THE COURT: By her.

22 MR. MAYO: -- we had -- by --

23 THE COURT: By her.

24 MR. MAYO: It's a party opponent admission --

1 THE COURT: But it --
2 MR. MAYO: -- by her.
3 THE COURT: But -- but the document that -- but if
4 it has his -- I don't -- I can't see the document yet, so.
5 But if it has his statement in it -- if it has Dad's statement
6 in it --
7 MR. MAYO: Right, we --
8 THE COURT: -- then --
9 MR. MAYO: -- we can exclude -- we can exclude Dad's
10 statement. But her --
11 MR. PAGE: (Indiscernible - simultaneous speech) --
12 MR. MAYO: -- statement would be a party opponent
13 admission and we also --
14 THE COURT: Absolutely.
15 MR. MAYO: -- did provide this --
16 THE COURT: Agreed.
17 MR. MAYO: -- and there was no objection to it --
18 THE COURT: To the --
19 MR. MAYO: -- within the --
20 THE COURT: -- authenticity.
21 MR. MAYO: -- 20 days as required --
22 THE COURT: Right, so --
23 MR. MAYO: -- under 16.2.
24 THE COURT: All right.

1 MR. MAYO: So it's authentic --
2 THE COURT: Okay, hold on. Hold on. Hold --
3 MR. MAYO: -- and it's --
4 THE COURT: -- on. Hold --
5 MR. MAYO: -- an exception.
6 THE COURT: -- on.
7 MR. MAYO: Okay.
8 THE COURT: Hold on. Hold on.
9 MR. MAYO: I -- I --
10 THE COURT: Hold on. Hold on. Hold on. One at a
11 time -- one thing at a time. If there's been no authenticity
12 objection, that is waived. Done. Because if that's nev --
13 that never happened, then that's -- that's done. But his fo
14 -- his objection, I can only do one -- one at a time. So as
15 -- as it pertains to hearsay, if you're saying I don't need
16 what Dad said, I need her admission because it's re -- her
17 statement, I will allow it just for purposes of her statement.
18 And I will disregard the dad's statement.
19 MR. PAGE: But you have to bring it in through her.
20 He can't have him testify to what he thinks she said.
21 THE COURT: Oh, but --
22 MR. PAGE: You have to --
23 THE COURT: -- but the -- but --
24 MR. PAGE: -- lay a foundation --

1 THE COURT: -- you're saying --
2 MR. PAGE: -- through her.
3 THE COURT: You're saying because of the -- because
4 of the fact that it's between her and dad. Is that what
5 you're saying?
6 MR. PAGE: Yes.
7 THE COURT: He's right.
8 MR. MAYO: Well, no, but it's --
9 THE COURT: He's right, Mr. Mayo.
10 MR. MAYO: -- but it's docu -- but it's documented.
11 It's different if it was something that dad said --
12 THE COURT: Wait, wait --
13 MR. MAYO: -- but this was --
14 THE COURT: -- wait.
15 MR. MAYO: -- actually documented --
16 THE COURT: But how do --
17 MR. MAYO: -- that they said --
18 THE COURT: Wait, wait --
19 MR. MAYO: -- if the --
20 THE COURT: -- wait.
21 MR. MAYO: -- if -- but they said it was authentic.
22 They said it --
23 THE COURT: No, no.
24 MR. MAYO: -- was authentic.

1 THE COURT: I understand. I understand, but how
2 does -- hold on. He didn't object to the authenticity, but
3 how do we bring it in with David when it's not -- if the
4 statement wasn't made to him? And I mean, I guess the -- the
5 question becomes -- so he can -- he can just take any document
6 that -- that he locates and bring it in because it's got what
7 purports --

8 MR. MAYO: Your Honor, it would --

9 THE COURT: -- to be her statement in it?

10 MR. MAYO: It would be no different than, say, there
11 was a -- she had a -- she an application from a event -- from
12 a lender, right?

13 THE COURT: Okay.

14 MR. MAYO: And she had --

15 THE COURT: Right.

16 MR. MAYO: -- representations in it. The
17 representation -- excluding the -- the business records
18 document, those representations would be a party opponent
19 admission. The basis of --

20 THE COURT: Correct.

21 MR. MAYO: -- the statement that she makes, it
22 doesn't matter if it's made to --

23 THE COURT: Him or --

24 MR. MAYO: -- another party --

1 THE COURT: -- her or --
2 MR. MAYO: -- or not --
3 THE COURT: -- anybody else.
4 MR. MAYO: -- if it's in person. But --
5 THE COURT: Right.
6 MR. MAYO: -- since it's in paper and it's authentic
7 -- so we -- they -- so the authenticity is that it is a --
8 THE COURT: Right.
9 MR. MAYO: -- statement from her. The question --
10 THE COURT: Right.
11 MR. MAYO: -- is, can we --
12 THE COURT: I got you.
13 MR. MAYO: -- allow the statement from her because
14 it's hearsay? And because she's a party opponent admission,
15 we can --
16 THE COURT: Well --
17 MR. MAYO: -- allow it.
18 THE COURT: -- we can let it in because it's not
19 hearsay. It becomes -- well, it's a --
20 MR. MAYO: Correct.
21 THE COURT: -- an exception, right? So it's a party
22 opponent admission, it is what it is. And I understand --
23 MR. PAGE: But they claim it --
24 THE COURT: -- your point as to it --

1 MR. PAGE: They have to at --
2 THE COURT: Hold on.
3 MR. PAGE: -- least lay a foundation --
4 THE COURT: Hold on.
5 MR. PAGE: -- as to either --
6 THE COURT: Hold on. Hold on. Hold on. Nobody's
7 objected to the authenticity of the document --
8 MR. PAGE: I don't --
9 THE COURT: -- correct?
10 MR. PAGE: -- know. I came in mid-stream. I don't
11 know --
12 THE COURT: Well, you --
13 MR. PAGE: -- that.
14 THE COURT: -- have to know.
15 MR. PAGE: (Indiscernible - simultaneous speech).
16 THE COURT: So you have to know -- I know you came
17 in mid-stream. But if you can't show me that there's been a -
18 - an objection to the authenticity, then the document with her
19 statement in it, if it's a -- if it's a text message -- it's a
20 text message, correct?
21 MR. MAYO: Right.
22 MR. PAGE: It's allegedly a text message. I don't
23 know whether she said it, if she said it, the context in which
24 she said it. Lay a --

1 THE COURT: Oh, conte --
2 MR. PAGE: -- foundation, but lay it through my
3 client.
4 THE COURT: You don't ha -- I --
5 MR. MAYO: I --
6 THE COURT: -- I mean --
7 MR. MAYO: -- don't have to.
8 THE COURT: -- look, at the end of the --
9 MR. PAGE: It --
10 THE COURT: -- day -- all right, hold on. How do --
11 how do you know that it's a text message from her?
12 MR. PAGE: I don't.
13 THE COURT: Not you. Not you, Mr. Page. I'm asking
14 Mr. Stucke, how does he know it's a text message from
15 Christie. The foundation is the -- the objection because I --
16 I mean, if you have a statement there, but you can't tell that
17 it's from Christie, how do you tell it's from Christie?
18 THE WITNESS: The reason --
19 THE COURT: I understand --
20 THE WITNESS: -- you can tell --
21 THE COURT: -- they didn't --
22 THE WITNESS: I'm sorry.
23 THE WITNESS: -- there was no objection to the
24 authenticity, but -- what's that?

1 THE WITNESS: Nothing, I -- I'll wait for you to
2 finish. I'm sorry.

3 THE COURT: Well, I'm just saying I get that there
4 is no objection to the authenticity of a text message that ex
5 -- that it's on that piece of paper, but how do I know it's
6 from Christie?

7 THE WITNESS: Her face is on there to the left of
8 that -- the big block of text.

9 MR. MAYO: I can ask a --

10 THE COURT: But not of --

11 MR. MAYO: -- Da -- Dave -- oh, I can ask a question
12 on it, but go ahead.

13 THE COURT: No, go ahead.

14 DIRECT EXAMINATION CONTINUED

15 BY MR. MAYO:

16 Q So, David, did Christie and your dad ever
17 correspond?

18 A On occasion. Usually, it was an argument, but --
19 but yeah. It was either an argument or they were sending
20 pictures of the kids or something. That was -- that was about
21 it.

22 Q And did they do so via text messaging?

23 A Yeah, this is Facebook Messenger, but essentially
24 that. Yes.

1 Q Okay, through Facebook messaging. And did -- and
2 did they do so at the time in November of last year?

3 A Yes, my parents were quite angry because of the
4 domestic violence stuff that she was planning to pull on me.

5 Q Did Christie ever speak to you about messaging your
6 father?

7 A Af -- well, I'm not sure. Maybe afterwards,
8 potentially, but I'm not -- we probably fo -- we probably
9 argued about it afterwards. I -- but I don't recall for sure.

10 Q Okay. All right.

11 THE COURT: How did you get the document?

12 THE WITNESS: My dad told me. Well, I logged into
13 his Facebook and screenshotted it because he's not so
14 tech-savvy. But he told me about it.

15 MR. PAGE: There's not even a date on here.

16 THE COURT: Well --

17 MR. MAYO: And that's what --

18 THE COURT: -- that's a --

19 MR. MAYO: -- I was asking --

20 THE COURT: -- about -- that's about the weight and
21 about how I apply it and what's being said. But it's -- it --
22 okay. I'm -- I'll allow it with all -- noting all of your
23 objections. And I'm going to expect that, Mr. Mayo, you're
24 going to ask her about this when it's her --

1 MR. PAGE: Any --
2 THE COURT: -- her turn --
3 MR. PAGE: -- possible --
4 THE COURT: -- to testify.
5 MR. PAGE: -- prob -- probative value is greatly
6 outweighed by any potential prejudice because this is an
7 incomplete document that's un-dated that they laid no
8 foundation with through my client.
9 MR. MAYO: You know, the -- the point of -- of
10 having the -- the authentication is to say this is a document
11 wherein -- wherein Christie makes representations. We gave
12 that to them. They didn't object to it within the 20 days,
13 which --
14 THE COURT: Uh-huh.
15 MR. MAYO: -- means they say, yes, is what it is.
16 It is a message -- an electronic message between Christie and
17 her father (sic). The question is --
18 THE COURT: Well, he just told --
19 MR. MAYO: -- you have that --
20 THE COURT: -- me the --
21 MR. MAYO: -- but --
22 THE COURT: -- foundation as --
23 MR. MAYO: -- it --
24 THE COURT: -- to how he --

1 MR. MAYO: -- it's an exception --
2 THE COURT: -- got it.
3 MR. MAYO: -- to hear -- it's hearsay, so it's --
4 THE COURT: I un --
5 MR. MAYO: -- an exception. It wa --
6 THE COURT: I understand.
7 MR. MAYO: Yeah.
8 THE COURT: I -- look, I -- I -- look, I made the --
9 look, I'm going to make this finding. I just don't think this
10 case is going to hinge on this text message or this Messenger
11 message. But authenticity was not objected to when it was
12 provided. David just laid the foundation as to how he
13 obtained the -- the communication, which was he logged into
14 his dad's Messenger and printed it. And so that's the
15 foundation for how he obtained it. Now, is it -- it's -- it's
16 her -- it's her communication with his fath -- his -- her
17 communication with his father's Facebook Messenger. That's --
18 that's how I --
19 MR. PAGE: Allegedly.
20 THE COURT: -- understand it. Okay --
21 MR. PAGE: For which we don't have --
22 THE COURT: She --
23 MR. PAGE: -- the date.
24 THE COURT: -- can tell me it's not, then.

1 MR. MAYO: Yeah.

2 THE COURT: She can tell me it's not, then. If she
3 says it's not hers, then she can testify about it. But that's
4 -- that alone is enough foundation. And there is no authe --
5 authenticity objection. So it'll come in and then you can
6 cross examine everybody about it, or you can direct examine
7 your client about it. But it comes in.

8 (PLAINTIFF'S EXHIBIT 69 ADMITTED)

9 DIRECT EXAMINATION CONTINUED

10 BY MR. MAYO:

11 Q Okay. Now, David --

12 THE COURT: Go ahead.

13 MR. MAYO: Thank you, Your Honor.

14 BY MR. MAYO:

15 Q Did you speak to Christie about the divorce in
16 November of last year? I'm sorry, November of 2018?

17 A Sorry, I lost connection for a minute, but I -- I'm
18 back on.

19 Q Okay. Did you speak to Christie about divorce in
20 November of 2018?

21 A Yes.

22 Q Okay. Did Christie make any threats to you in
23 regard to the businesses at that time?

24 MR. PAGE: Objection --

1 THE WITNESS: Yeah, she --

2 MR. PAGE: -- leading.

3 THE COURT: It's a foundational --

4 MR. MAYO: Well, he ju --

5 THE COURT: -- question. The next -- the answer to
6 that is yes or no. And then he -- he's saying leading.

7 That's a -- that's a foundational question. Did she say X to
8 you or did she --

9 MR. MAYO: Yeah.

10 THE COURT: -- make any -- okay. And then your next
11 question, but the answer to that is yes or no.

12 THE WITNESS: Yes.

13 THE COURT: Hold on.

14 THE WITNESS: Okay, sorry.

15 THE COURT: Then, Mr. Mayo, your follow-up?

16 MR. MAYO: Okay.

17 BY MR. MAYO:

18 Q And -- and what was it she stated?

19 A She has said that I'll never get any money from her,
20 it -- that she keeps all her money in the businesses, she
21 makes very little money. In fact, I believe I have a
22 recording of that. She's also said that I would pay max child
23 support and that she would just do her business in another
24 name, under somebody else's name.

1 Q Okay. Has Christie ever made any threats to destroy
2 what you and her have built?

3 A Yes. This was right at -- shortly after a day or so
4 after she found out that I had filed divorce papers. She
5 called the police on me to try to get me run out of the house,
6 saying I was drunk, which I didn't even have a drink. And she
7 said, screaming, I'm gon -- I'll destroy you, I'm going to
8 destroy everything.

9 And you know, the next morning, she's, like, same
10 kind of thing. And she said that you'll be out -- talking --
11 threatening to get me out of my house because I told her she
12 should start to look for a place to live. I wasn't throwing
13 her out, I was trying to be amicable. But I told her that you
14 know, it was my house and that she should look for a place to
15 live.

16 Q Okay. And so you -- did you make a recording? You
17 said -- sorry. Did you -- you said you made a recording of
18 that conversation wherein Christie had said that she was going
19 to destroy what you and she had built?

20 A Yes.

21 Q All right. And are you familiar with Christie's --
22 where -- sorry, where was that conversation? Where was it
23 recorded?

24 A I was going to bed. I came back -- I went to a -- a

1 concert for a little while. I went to a Metallica concert,
2 and I came home. And she was angry that I went. And so I
3 just had my phone recording because things were -- were pretty
4 messy. And so I went upstairs to go to bed. And then she
5 tried to say that I forced my way into the bedroom or
6 something. And -- and I just said I was going to bed. And I
7 just -- I let my phone record. And she was screaming, and
8 then she left the house. And then she called the police.

9 Q All right, and you had kept the recording. Where
10 did you keep it?

11 A I recorded it with my phone. It was later deleted
12 by Christie from my phone, my computer, and my laptop. But I
13 was able to recover them from Google cloud, I believe.

14 MR. MAYO: Your Honor, we would play -- I was going
15 to play Exhibit 87, which is the recording of that
16 conversation. It's very short. I think it's about a minute.

17 THE COURT: Okay.

18 MR. MAYO: All right.

19 THE COURT: Anything, Mr. Page, on your end before
20 he plays the exhibit?

21 MR. PAGE: It's -- I mean -- the objection is --

22 THE COURT: What's the relevance?

23 MR. PAGE: -- people make emotional statements at
24 any point in --

1 THE COURT: What the -- what's the relevance? Hold
2 on. What's the relevance? I want to know what the relevance
3 is.

4 MR. MAYO: The relevance is that upon Christie
5 believing that David was having an affair and seeking to be
6 separate from her and -- and divorce, that she had
7 specifically stated that she was going to destroy everything
8 they had built together. The -- the offer of proof is that
9 after the divorce started, the businesses that were generating
10 hundreds of thousand dollars per year, one of them shut down
11 and the other two allegedly make a fraction of what they did.

12 THE COURT: Right, which we know.

13 MR. MAYO: Which we know, which -- which --

14 THE COURT: So?

15 MR. MAYO: So it's a matter of -- it's a -- for me,
16 Your Honor, it's a matter of if the Court says, look, David
17 made a representation, therefore, he's credible, then that's
18 fine. But it's not, and the Court says well, he's not, and I
19 didn't play the recording, then Christie says well, I deny
20 that I ever said that, and there's no recording on the record.

21 THE COURT: Okay, all right. I'll allow it.

22 MR. PAGE: So is the objection over -- upheld?

23 THE COURT: No, I -- I'm allowing the -- I'm
24 allowing the -- hey -- her -- it's her ca -- her statement.

1 And he laid the foundation for how he got it, so.

2 MR. PAGE: It's an emotional -- again, it's not
3 relevant (indiscernible - simultaneous speech) --

4 THE COURT: I understand. I understand. Look, at
5 the end of the day, Mr. Mayo made a point that if I don't --
6 if she -- if -- if I don't find David's testimony credible,
7 and she denies the statement was made, and somehow I find that
8 that has some bearing on the -- the assets and the value of
9 the assets, then I have erred by not letting it in. So,
10 Mr. Mayo, play your tape.

11 MR. MAYO: All right, thank you.

12 (Pause)

13 MR. MAYO: It gets kind of quiet first. It gets
14 louder.

15 THE COURT: Playing it now?

16 MR. MAYO: I am. It's -- let's see.

17 (Pause)

18 MR. MAYO: Can you hear it?

19 THE COURT: Nope.

20 MR. MAYO: Okay. For some reason, when I play it --
21 I think it's because --

22 MR. PAGE: I renew my objection.

23 MR. MAYO: What's that?

24 THE COURT: Overruled.

1 MR. MAYO: All right.

2 THE COURT: I just can't hear it.

3 MR. MAYO: Yeah, I -- so I --

4 THE WITNESS: Which file is it?

5 MR. MAYO: I think my -- it's Exhibit 87. For some

6 reason, I think it's because I'm on speaker. But when I --

7 THE WITNESS: I'll see --

8 MR. MAYO: -- play it on --

9 THE WITNESS: I'll see if I can do it. Let's see.

10 (Pause)

11 THE WITNESS: Yeah, it's doing the same thing on

12 mine. It's playing, but you can't hear it because of the --

13 BlueJeans is hogging the audio.

14 THE COURT: Okay, so it's in our exhibits, correct?

15 MR. MAYO: Correct.

16 THE COURT: Did you send it in? Question --

17 MR. MAYO: We --

18 THE COURT: -- becomes --

19 MR. MAYO: We --

20 THE COURT: -- where is it? Did you send it in a --

21 hold on one second. I'm just looking in the -- do we have it

22 in the form of an audio file? Oh, it looks like we might. We

23 have a bunch of movie -- which one is it again?

24 MR. MAYO: Exhibit 87.

1 THE COURT: Okay, hold on.
2 MR. MAYO: Sure.
3 (Pause)
4 THE COURT: Unh-unh.
5 (Pause)
6 THE COURT: Nope, it doesn't seem to be working on
7 our end, either.
8 MR. MAYO: Okay, let's see.
9 MR. PAGE: I ask that we move on.
10 MR. MAYO: All right, I'll see if I can work on it.
11 Let me try something.
12 THE WITNESS: I can probably send it to my phone and
13 play it in a few minutes.
14 MR. MAYO: Let me try to -- actually, let me try to
15 mute myself while we're --
16 MR. PAGE: I ask that we move on.
17 MR. MAYO: Okay, David, I -- Fred, I get it, you
18 don't want her to --
19 THE COURT: Hold on.
20 MR. MAYO: -- hear it. But I have --
21 THE COURT: Hold on a second.
22 MR. MAYO: -- a right to try to play it.
23 THE COURT: Well, hold on. Hold on. Hold --
24 MR. PAGE: Well, we have a right --

1 THE COURT: -- on.
2 MR. PAGE: -- to expect that it's --
3 THE COURT: Hold on.
4 MR. PAGE: -- going to be an exhibit.
5 THE COURT: It's in the exhibits, so the question
6 is, are you moving to admit the exhibit? I mean, I can try to
7 figure out a way to listen to it separately.
8 MR. PAGE: I can't even hear -- we can't even hear
9 it, so we can't even argue what the content is because we
10 can't hear it.
11 MR. MAYO: So that's why I said give me a second to
12 try something --
13 THE COURT: Did --
14 MR. MAYO: -- else.
15 THE COURT: -- you get a copy of it?
16 MR. PAGE: That's why I asked to move on.
17 MR. MAYO: I -- I did give him a copy --
18 THE COURT: Stop --
19 MR. MAYO: -- of it.
20 THE COURT: -- Mr. Page. Did you get --
21 MR. PAGE: I'm sorry?
22 THE COURT: -- a copy of it to know what the content
23 is?
24 THE WITNESS: I just emailed it. It should be a few

1 minu -- a minute here because I don't have it on my la -- I
2 should be able to play it on my phone.

3 MR. MAYO: So we -- we did provide it to Opposing
4 Counsel, Your Honor.

5 THE COURT: Right.

6 MR. PAGE: There's going to be -- there's going to
7 be no record, should this matter get appealed, on what the
8 actual content -- or audio is because they can't play it,
9 which is why I asked to move on.

10 MR. MAYO: I'm trying --

11 THE COURT: Nope. We're going to try -- they're --
12 he's going to and play it, so that's what we're doing. Hold
13 on one second.

14 (Pause)

15 MR. MAYO: And you can't play it, Fred?

16 MR. PAGE: No.

17 THE WITNESS: I -- I almost have it now. I'm
18 downloading it on my phone. It's -- it should be just another
19 few minutes, probably.

20 MR. MAYO: All right, hold on. Let me try
21 something. And, Your Honor, I apolo -- I started using the
22 share feature since we were -- first time in court, which is a
23 little bit easier, but I still haven't (indiscernible -
24 simultaneous speech) --

1 THE WITNESS: Okay, I have it now.

2 THE COURT: Okay.

3 THE WITNESS: I can turn my sound up, to the best I
4 can. Let's see. Not the loudest. No. Can you hear it at
5 all? Well, it -- maybe it gets louder. We'll see.

6 2:34:26

7 (Audio played)

8 2:34:30

9 MR. PAGE: I -- this is a circus.

10 THE COURT: Stop, Mr. Page.

11 MR. PAGE: He's playing something he downloaded on
12 his phone that he claims is Exhibit 87?

13 THE COURT: Did you not get Exhibit 87? You should
14 know what Exhibit 87 is. Did you not hear these?

15 MR. PAGE: No, I chose not to spend my time after I
16 received 8,000 pages of documents, trying to go through each
17 and every single page and each and every single recording.

18 THE COURT: I still can't hear -- I can't hear the
19 recording.

20 THE WITNESS: Yeah, well, it's just quiet for a
21 minute. It's 30-some seconds left. I'll -- can show you the
22 counter on it, but I think it's just quiet right now.

23 THE COURT: Yeah.

24 MR. MAYO: It -- it --

1 THE WITNESS: Oh, now it's going.

2 THE COURT: Can't see it.

3 MR. PAGE: This is a -- a completely defective
4 record. I'm sorry. I can't believe this is (indiscernible -
5 simultaneous speech) --

6 THE COURT: It's not a completely defective record.
7 Stop. Just stop. We're going to try and hear it. And if we
8 can't hear it, then there's no -- there's not a lot I can do
9 about it.

10 MR. MAYO: All right, David, try again.

11 THE WITNESS: Yeah, it's not really loud, and it --

12 THE COURT: No, it really isn't.

13 MR. MAYO: So I -- I mean --

14 THE COURT: And we don't hear --

15 MR. MAYO: So --

16 THE COURT: I can't hear anything, honestly.

17 THE WITNESS: Yeah.

18 THE COURT: Okay --

19 MR. MAYO: Your Honor, what I'll --

20 THE COURT: -- well --

21 MR. MAYO: So I'll --

22 THE COURT: -- (indiscernible - simultaneous speech)

23 Mr. Mayo. Your client's testified to it. We'll hear from
24 Christie as to whether she denies it happened, I guess, maybe

1 and --

2 MR. MAYO: Well, look, and I'll -- and -- and I'll
3 try to fix it. And if so if she does that, then I'll -- I'll
4 play it for -- in rebuttal.

5 THE COURT: Okay, very good.

6 MR. MAYO: All right.

7 THE COURT: Let's move on.

8 MR. MAYO: Okay.

9 DIRECT EXAMINATION CONTINUED

10 BY MR. MAYO:

11 Q Now, when you -- when your divorce was initiated,
12 David, were you the CEO of any of the businesses we were
13 discussing?

14 A For Atomic Radiology, I was.

15 Q Okay. And did you -- at some point, did you stop
16 being the CEO?

17 A Yeah, I found a --

18 Q What happened?

19 A Well, I found a document later that says that I
20 signed my rights to Christie, which I never did, filed with
21 the Secretary of State. At least, it was supposed to be, it
22 says.

23 Q Okay. Now --

24 A It was on Decem --

1 Q -- if you turn --

2 A -- December 4th is when that was done.

3 Q Okay. Now, if you could turn to Christie's --
4 Exhibit 194, which is Christie's February 12th, 2019 FDF.

5 A Okay, I have it.

6 Q All right. Now, do you see on the second page, it
7 lists gross monthly income from all sources for Christie?

8 A Yes.

9 Q All right, and does that say \$4,100?

10 A Yes.

11 Q Okay. Now, if you could, turn to Exhibit 192.

12 MR. PAGE: One ninety-what?

13 MR. MAYO: One ninety-two. It's the -- her answers
14 to interrogatories.

15 THE WITNESS: I have it when you're ready.

16 BY MR. MAYO:

17 Q All right. It -- there's for every expense paid or
18 withdrawn from the bank accounts for Atomic Radiology,
19 ActionRAD, Medical Systems Groups DBA PCCG, that can be deemed
20 personal in nature, including but not limited to gambling,
21 money spent at casinos, bars, fast food, Walgreens, charges,
22 groceries --

23 A Which question -- which question are we looking at?

24 Q Interrogatory 25.

1 A Twenty-five, okay.

2 Q Okay. Christie was asked basically, any expense
3 that could be deemed personal in nature, for her to explain
4 why she constituted it to be a legitimate business expense.
5 What's -- can you read Christie's answer -- answer to number
6 25?

7 A Yeah, it says, all money spent of personal nature
8 from any business account has not been labeled as a business
9 expense and are counted as personal income.

10 Q Okay, all right. Now, has -- during this
11 litigation, has Christie made any claims in regards to the
12 businesses not being profitable?

13 A Yeah, she changed -- well, okay. So the --
14 initially, it started with Atomic Radiology. It was May or
15 June of 2019. At one of the exchanges, she said that she
16 couldn't afford the malpractice insurance anymore and that she
17 was going to have to close down the business.

18 Later that summer, we had a court date, I believe.
19 And she said that it was because the medical director didn't
20 want to get involved with the divorce. So she changed her
21 story, but yes. For Atomic Radiology, the -- she said that.
22 For the other ones, she --

23 Q Well, hold -- hold -- hold on.

24 A Okay.

1 Q Slow down.

2 A All right.

3 Q Slow down. So I want to stay on Atomic Radiology.

4 A Okay.

5 Q So who was the -- the director that you were
6 referencing?

7 A Dr. Rajiv Saini.

8 Q All right. And what did his -- what did his duties
9 consist of?

10 A Well, he is basically the one that oversees -- in
11 theory, he oversees. He's responsible for the reads for the
12 company.

13 Q Okay.

14 A So if another doctor does it, it's -- he's got the
15 responsibility of it. Like, he double-signs off on it.

16 Q Okay. And you testified that Christie said that he
17 had quit because of the divorce?

18 A I mean, he said that -- that he was going to, but I
19 don't know the official ending.

20 Q Okay. Was there any proof provided during this case
21 that Dr. Saini had quit because of the divorce?

22 A Not to my knowledge.

23 Q Did Christie ever hire any doctors during that time
24 -- the time that you and she were together?

1 A Yeah, lots of -- lots of -- lots of the time. She
2 was always looking for extra doctors. She even signed up for
3 websites to try to get extra radiologists. You know, like --

4 Q How --

5 A -- a message board for radiologists looking for work
6 and stuff.

7 Q Could she have hired someone to replace Dr. Saini or
8 promote someone from within if he --

9 A I would --

10 Q -- had quit?

11 A I would think so. I don't see why not.

12 Q And did Christie ever make any claims in regards to
13 affording Dr. Saini?

14 A No. No.

15 Q Okay. Has Christie made any claims that she's lost
16 clients?

17 A Yeah, she started to say that in the same time
18 frame, too, that she was losing customers. She told my cousin
19 about her businesses going down, she was going to get a
20 nine-to-five job, it was going to pay shit, and I was going to
21 have to pay a lot of child support, is what she said to him in
22 a --

23 Q Do you know --

24 A -- phone call.

1 Q -- of any -- do you know of any reason why Christie
2 would lose clients in 2019 or 2020?

3 A Well, I mean, it could be because she wasn't keeping
4 up with the work or something. I'm not sure without being
5 directly involved at that point.

6 Q Okay. And 2018, was there any discussions between
7 you and she regarding the loss of her clients for the
8 businesses?

9 A Yeah, at one point, she lost one of the big -- one
10 of a big compan -- big clients. It was USARAD, is what it was
11 -- was called. And she was concerned and wanted to update her
12 software. She was working with some Indian groups. And I
13 don't know the final outcome. Presumably, it either didn't
14 happen. Or I'm not sure what the outcome was. But she was
15 working -- she was trying to get her software updated.

16 Q Okay. Now, did Christie ever claim that her
17 software need to be updated so that she wouldn't lose business
18 or income?

19 A It was more, I think, to keep up and try to gain new
20 clients. It's -- the ones that she had, I -- I -- it's my
21 understanding, it was fine for maintenance. But it's harder
22 to gain a client when other companies have, you know, superior
23 looking products.

24 Q Did she ever -- did you and she ever talk about the

1 cost for updating the software or replacing the software?

2 A Yeah, the -- there was a discussion of, I think, 20
3 to 40,000 was the -- the range that it was looking like it was
4 going to cost.

5 Q Okay. Would the lack of software automatically --
6 based on your experience with the companies, would the lack of
7 updating software have resulted in the loss of the clients
8 automatically, in terms of not having it?

9 A I mean, not automatically. Certainly, over time,
10 that -- that could happen. But it seems like a short -- short
11 time frame.

12 Q Okay. Did Christie -- she claimed that she's lost
13 business due to the pandemic?

14 A Yes.

15 Q Are you aware of any documentation or evidence
16 substantiating that she's lost clients due to the pandemic?

17 A No, I -- I don't know of any, no.

18 Q Okay. Do you know of any medical providers who were
19 doing less business during the pandemic?

20 A There may be some.

21 MR. PAGE: Foundation -- objection, foundation.

22 MR. MAYO: That's fine. I'll withdraw, Your Honor.

23 (Pause)

24 BY MR. MAYO:

1 Q Now, in 2019, were you residing in the Grandview
2 residence?

3 A 2019, I was -- oh, I was in Birkland, and then I
4 moved to Grandview. So I moved to Grandview in, I believe,
5 February when Birkland sold.

6 Q And were you paying the mortgage for that residence
7 while you were living in it?

8 A Yes.

9 Q All right. Was -- in 2019 --

10 A And even be --

11 Q -- was --

12 A -- even before, I was covering all of them.

13 Q Okay, do me a favor, David. Just yes or no. We're
14 trying to get --

15 A Oh, I'm sorry.

16 Q -- through these questions.

17 A But yes, I -- yes, I was paying the mortgages All
18 right. Now, in 2019, was Christie residing in the West Maule
19 residence?

20 A Yes.

21 Q Okay. And was she paying a mortgage on that
22 residence in 2019?

23 A She started paying in April. I was bringing it from
24 December until -- until then.

1 Q Okay. And in 2019, was Christie also paying the
2 monthly loan on the Chrysler van?

3 A Yes.

4 Q And is that the vehicle that she drove?

5 A Yes.

6 Q Okay. And was that pursuant to court orders from
7 April and May of this -- of last year?

8 A Yes.

9 Q Okay. Now, at some point in 2019, did Christie stop
10 paying the West Maule monthly mortgage and the Chrysler van?

11 A Yes, in -- it was December of 2019, is when she
12 started to, you know, stop paying them.

13 Q Okay.

14 (Pause)

15 BY MR. MAYO:

16 Q All right. If you could, David, turn to Exhibit
17 205. It's Christie's filing from January of this year.

18 A Okay, I have it.

19 Q And I'll have you turn to page 5.

20 A Okay.

21 Q All right. Can you read for me lines 11 through 23?

22 A Okay. The seller is not being -- the seller is not
23 being in control of the situation --

24 Q Hold on. Hold on. Hold on, it's page 5. You on

1 page 5?

2 A Oh, I thought I was. Oh, it says four. It's five
3 on the PDF reader, sorry about that. You said 11 to 14?

4 Q Eleven to 23.

5 A Eleven to 23, okay. In response to page 12 of
6 Plaintiff's counter-motion, David has caused the late payments
7 regarding the vehicle and mortgage. David intentionally
8 denied assistance in trading in the van at the dealership when
9 the vehicle was found to have significant transmission and
10 engine issues that were not covered under warranty. Christie
11 had alerted David and asked for his help via Our Family Wizard
12 and has documented in -- yeah, and has documented in providing
13 the contract and business card at the dealership and the
14 information.

15 Christie then had to come up with significant funds
16 to pay for a manufacturer's warranty because she was unable,
17 without David's assistance, to trade in the van. Whereas, if
18 she would have been able to trade in and not pay for such,
19 would have had the funds to make the mortgage and vehicle
20 payments on time and would have eliminated the van even being
21 in his name and his concerns about such late payment. Every
22 payment, including the trade-in vehicle, was made by Christie
23 to note regarding -- to note regarding true ownership.

24 Q Okay. So does Christie blame you for her failing to

1 make the payments on the mortgage and the van?

2 A She does that, yes.

3 Q Okay. Now, did Christie -- did Christie ask you to
4 sign to trade in for a new vehicle?

5 A Yes.

6 Q Okay. Was that in December of last year?

7 A Yeah, it may have been a little before then. I'm
8 not sure exactly. But -- but yes, she was asking.

9 Q All right, and were you inclined to do that in the
10 middle of a divorce?

11 A No, I was told not to do any property transfers
12 during the divorce.

13 Q Okay. Now, did Christie ever state how much she
14 allegedly paid for the -- for the ma -- warran -- for the
15 manufacturer's warranty that she --

16 A Ye --

17 Q -- received?

18 A Yes, she -- she said it was \$4,000.

19 Q Okay. Now, do you know if Christie actually made a
20 -- paid a 4,000-dollar lump-sum payment for the warranty?

21 A Yes, she actually submitted an email that claims she
22 paid 4,000 -- it was a hair under 39-something, I believe --
23 from someone at the dealership. I went down there to find out
24 the situation. And I talked with the person. And he was very

1 spooked. And --

2 MR. PAGE: Objection, hearsay.

3 THE WITNESS: Well, I can tell you what happened.

4 So he went to talk to his manager --

5 MR. PAGE: Objection, hearsay.

6 THE WITNESS: Okay.

7 THE COURT: Hold on. Hold on. Sustained.

8 MR. MAYO: All right.

9 THE COURT: Unless you're -- yeah, unless you're
10 offering for the -- not the truth of the matter asserted. But
11 it sounds like you are, so sustained. Unless you have an
12 exception.

13 MR. MAYO: No, no, that's okay, Your Honor. One
14 second.

15 (Pause)

16 BY MR. MAYO:

17 Q All right, David, can you turn to Exhibit 142?

18 A Okay. Yeah, I have it.

19 Q All right. Do you recognize this document?

20 A Let's see. Okay, yeah, it looks like a login --
21 online login for home warranty -- or not for a home warranty,
22 for the car warranty. It's either -- let me ro -- I've got to
23 rotate it, and then I can read a little better. Okay, yeah,
24 it's DealerCONNECT, the home -- home warranty (sic) thing.

1 Q And how much -- how much is the amount listed on the
2 warrant -- for the warranty?

3 A I'm not sure. Which page are we looking at here?

4 Q It's pa -- it's Bates 5904.

5 A Five-nine -- oh, okay, 5902, I was looking at.
6 Okay, 5904. This one says \$403, is what it says was paid. It
7 was a payment. It's a double-payment really, but --

8 Q Okay.

9 A -- but yeah.

10 Q Based on the -- the bank statements that you
11 reviewed, was Christie making monthly payments towards that
12 4,000 lump-sum?

13 A Yes, \$200 -- 200 and -- and whatever. A li -- a
14 hair over \$200 a month. And it was cancelable at any time,
15 the warranty, I found out after doing some research.

16 Q Okay.

17 (Pause)

18 MR. MAYO: One second, Your Honor, I'm just pulling
19 something up.

20 THE COURT: It's fine.

21 (Pause)

22 BY MR. MAYO:

23 Q Now, after Christie missed the December 2019 West
24 Maule mortgage and the Chrysler van loan payment, did Christie

1 allege that she couldn't afford to continue making payments in
2 2020?

3 A Yes.

4 Q One second.

5 (Pause)

6 BY MR. MAYO:

7 Q All right. Can you turn to Exhibit 37?

8 A Okay.

9 Q All right, and do you recognize this document?

10 A Yeah, it's the P&L statement, broken down month by
11 month for 2019 for, it looks like, ActionRAD.

12 Q All right. And did -- did you create this document?

13 A Yes.

14 Q And what di -- what -- what information did you base
15 it off of?

16 A Same as the ones, it was -- I went through the
17 transactions on the bank statements and input them into
18 QuickBooks.

19 Q Okay. Now, in the -- the descriptions that you have
20 on here, how did you identify those?

21 A Well, you can tell by the description of the
22 transaction on many of them, and some of them are a little
23 unclear. And I Googled the ones that were unclear the best I
24 could.

1 Q Now, when you have stuff like Color Nails, and
2 PokemonGo, Amazon, were those listed on the bank statements?

3 A Yes.

4 Q Now, is there -- do you have withdrawals on here in
5 terms of gambling or ATM withdrawals?

6 A Yeah, it should be. I'm looking -- yeah, it looks
7 like it's towards the bottom of page 3, cash withdrawals.
8 There's a section.

9 Q Okay.

10 (Pause)

11 BY MR. MAYO:

12 Q So it that cash casino?

13 A Well, there's -- yeah, there's cash ATM other and
14 then cash made in branch. And I don't see cash casino. It
15 should be there, too. Oh, yeah, there it is, cash bar, cash
16 casino. Yes, I see them all.

17 Q Okay. And again, cash casino, how'd you identify
18 the casinos?

19 A By their addresses on the transactions.

20 Q And how -- the same thing for cash bar.

21 A Yeah, same thing.

22 Q One second. Now, if you could turn to Bates 39.

23 A Page 39?

24 Q No, sorry, Exhibit 39.

1 A Exhibit 39, okay. Okay.

2 Q All right. And well, do you recognize this
3 document?

4 A Yeah, it's the same thing for PCCG.

5 Q Okay. And in terms of creating, what information
6 did you base it off of?

7 A The PCCG bank statements up -- it looks like through
8 June of this year.

9 Q Okay. All right. And were there -- do you have
10 listed on here withdrawals that are made by -- from the
11 account?

12 A Yes.

13 Q Okay. And are there ATM withdrawals and cash res --
14 ATM withdrawals at bars and casinos?

15 A Yes.

16 Q And the same thing in terms of ca -- casinos and
17 bars, did you identify those from the bank statements?

18 A Yes, the addresses on the bank statements.

19 Q Okay.

20 MR. MAYO: Your Honor, move to admit thir -- Exhibit
21 37 and 39.

22 MR. PAGE: Exhibit 39, the print is so small
23 (indiscernible). I --

24 THE COURT: I'm sorry, what are you saying,

1 Mr. Page?

2 MR. PAGE: Exhibit 37, the print on there is so
3 small, as to be illegible. While he's questioning Mr. Stucke,
4 I'm trying to use the zoom feature on my iPhone camera to try
5 and begin to read what's even there. Should -- if they want
6 to do submit something, submit something that's legible. I se
7 -- would ask that the admission be --

8 THE WITNESS: He's looking --

9 MR. PAGE: -- denied based on --

10 THE WITNESS: -- on his phone, is the (indiscernible
11 - simultaneous speech) --

12 MR. PAGE: -- that ground. Also as for Exhibit 39,
13 the same issues again --

14 THE COURT: Okay, hold --

15 MR. PAGE: -- (indiscernible - simultaneous speech)
16 --

17 THE COURT: -- on, Mr. Page. Hold on. Hold on, let
18 me ask you a question. Did you say 37 is fine?

19 MR. PAGE: No, I said 37 is illegible. Well, he
20 (indiscernible - simultaneous speech) --

21 THE COURT: Okay, so are you objecting to what it
22 says? Are you objecting to some -- is there some legal
23 objection, or is that it's illegible? Because if I can't read
24 --

1 MR. PAGE: I (indiscernible - simultaneous speech)

2 --

3 THE COURT: -- it, then it's not going to do me any
4 good.

5 MR. PAGE: If memory serves me correctly, I believe
6 illegible is a -- is a valid --

7 THE COURT: Hold on.

8 MR. PAGE: -- objection.

9 THE COURT: Well, let me look at mine. Hold on --

10 MR. PAGE: I --

11 THE COURT: -- one second. Because if yours --

12 MR. PAGE: Yeah.

13 THE COURT: -- is illegible, then we can maybe fix
14 that. Let me see if mine is illegible on my end because I
15 don't know the answer. Hold on.

16 (Pause)

17 MR. MAYO: Mine's legible. It's just small because
18 we're trying to -- we were trying to, instead of having it on
19 for like, you know, 20 pages, we were trying to do what we
20 could to keep him on as few pages as possible.

21 THE WITNESS: Yeah, it's pretty readable. You might
22 have to click zoom once or twice, but it'll print fine also.

23 MR. PAGE: Well, the current version is too small to
24 be considered legible.

1 MR. MAYO: Okay.

2 MR. PAGE: I'm not required to use a magnifying
3 glass to try and read it. That should have been considered
4 before it was put in an exhibit, quite frankly.

5 THE COURT: Yeah, mine's really small, too.

6 MR. MAYO: Can you zoo -- can you zoom in, Your
7 Honor?

8 THE COURT: I am zooming. Hold on one second.
9 Zooming -- zooming -- yeah, I did a couple zooms, and I can
10 review it. Do you have it on -- does -- Mr. Page, do you have
11 it on -- do you have it on electronic version? You have an
12 electronic version; don't you?

13 MR. PAGE: He did email an electronic version. The
14 point is, I printed everything out. As far as what the
15 record, should this go on appeal is, it's going to be the
16 printed-out version. This is illegible.

17 THE COURT: You sure about that? I don't know about
18 that.

19 MR. PAGE: While he's -- while he's questioning his
20 client, I'm using the zoom feature on my camera on my iPhone
21 to try and read what's going on -- what -- what's there --
22 what he's asking questions about. No one should have to do
23 that.

24 MR. MAYO: You -- Your Honor, he's got a laptop in

1 front on him. I assume he's got that downloaded --

2 MR. PAGE: I shouldn't have to use a laptop,

3 Mr. Mayo. (Indiscernible - simultaneous speech) --

4 THE COURT: Stop it, Mr. Page. You don't have to be
5 so obnoxious about it. Let's just figure it out. Hold on.
6 Look, I'm looking at mine, and I -- it is very small. I don't
7 know how -- the problem is, I don't know what the record will
8 look like.

9 MR. MAYO: Well, when you print it --

10 THE COURT: I mean --

11 MR. MAYO: I mean, I -- you know, you print it, you
12 -- you can -- you've just got to focus in. It's small, but
13 you can read it. But when you do it electronically --

14 MR. PAGE: This is the way you print and sent for
15 the trial.

16 THE COURT: At 100 percent --

17 MR. PAGE: He should have figured this out --

18 THE COURT: At 100 percent --

19 MR. PAGE: -- prior to (indiscernible - simultaneous
20 speech) --

21 THE COURT: Hold on, Mr. Page. At 100 percent,
22 which would be what I would consider to be the number that we
23 should use, I can see the numbers, they're just small. I
24 mean, they're not the easiest to read, but they are legible at

1 100 percent. I don't know what percentage your computer has
2 it on. But at 100 percent, which would, to me, be the number
3 that we should be utilizing, I can see the numbers. Hold on
4 one second. Let me look.

5 MR. PAGE: I'm sorry, what I printed out -- and I'm
6 sorry you -- you call this being obnoxious, but what --

7 THE COURT: Well, when --

8 MR. PAGE: -- I printed --

9 THE COURT: -- you're yell --

10 MR. PAGE: -- out --

11 THE COURT: -- when --

12 MR. PAGE: -- is --

13 THE COURT: -- you're yelling over everybody, it's
14 obnoxious. You don't need to do that. We're all here to get
15 this done right. And you can talk to me. And I will hear you
16 and I will listen. You don't have to -- to yell. So I get
17 it. What I'm trying to do is look at it from a pers --
18 rational perspective. At 100 percent, it is small, but it is
19 legible. I can see it.

20 I don't know what your -- what percentage you're
21 looking at it. I see, you know, at the top of the column, 100
22 percent 2020, 100 percent -- I -- and this number is not real
23 legible -- 4,204, it appears, 100 percent 5,025, 3,047. I
24 mean, I'm seeing the numbers at 100 percent, they're just not

1 real easy to see.

2 MR. PAGE: Agreed. They're (indiscernible -
3 simultaneous speech) --

4 THE COURT: And like I said, I don't know what your
5 computer is -- is showing them --

6 MR. PAGE: Actually --

7 THE COURT: -- to you at --

8 MR. PAGE: I'm --

9 THE COURT: -- but if they're --

10 MR. PAGE: I'm not -- I -- I don't mean to interrupt
11 Your Honor. I'm not using my computer. We are to use paper
12 because that is the record. The record, what I've printed
13 out, is too small to be legible. Should this, however it may
14 go --

15 THE COURT: Well, my point being --

16 MR. PAGE: -- up on (indiscernible - simultaneous
17 speech) --

18 THE COURT: -- when we print -- if we were --

19 MR. PAGE: -- the --

20 THE COURT: -- to -- well, wait --

21 MR. PAGE: -- record is going --

22 THE COURT: -- wait, wait.

23 MR. PAGE: -- to be printed out and is not going to
24 be legible.

1 THE COURT: Well, I don't know. That's my point.
2 If we're utilizing -- if we're printing at 100 percent, then
3 it's legible. That's what I'm trying to --

4 MR. PAGE: I --

5 THE COURT: -- tell you. I can --

6 MR. PAGE: I printed out --

7 THE COURT: -- see it.

8 MR. PAGE: -- at 100 percent. I printed it out as
9 it comes in. And this is how it printed out when I --

10 THE COURT: Well, I don't know --

11 MR. PAGE: -- did all --

12 THE COURT: -- because it wa --

13 MR. PAGE: -- 8,000 pages.

14 THE COURT: -- because when it first -- hold on.

15 Hold on. Because when I first opened it up, it was at 77 or
16 something percent. And if you printed it at that number, it
17 would be absolutely illegible. It's still not --

18 MR. PAGE: Well --

19 THE COURT: -- great. I will --

20 MR. PAGE: -- when I had --

21 THE COURT: -- agree with you.

22 MR. PAGE: This fills up the entire page. It's
23 still too small to read.

24 MR. MAYO: Your Honor, I can read it. And if I

1 don't, I have my glasses here to put it on. It's not that
2 hard.

3 THE COURT: Well, like --

4 MR. PAGE: It's not --

5 THE COURT: -- I said --

6 MR. PAGE: -- that hard to (indiscernible -
7 simultaneous speech) --

8 THE COURT: -- at 100 percent, which is what it
9 should be printed at.

10 MR. PAGE: -- that is legible. It should be a basic
11 requirement.

12 MR. MAYO: Okay, Your Honor, we are in the
13 technology age. The administrative orders said, during this
14 time, that we can submit exhibits electronically and look at
15 them --

16 THE COURT: I agree.

17 MR. MAYO: -- electronically --

18 THE COURT: I understand --

19 MR. MAYO: -- through a shared screen --

20 THE COURT: -- that. And I'm --

21 MR. MAYO: It's like --

22 THE COURT: -- saying at a hun -- I -- I hear you.

23 At 100 percent, which is what I'm going to say this needs to
24 be printed at, I can see it, 100 percent size. It's not

1 great. And there are some numbers that I have a hard time
2 seeing with my bare eyes, without my glasses on. And so to
3 me, that's what the record should be, 100 percent size. I can
4 see it. I read the num -- I can read the numbers across the
5 bottom. I can read the percentages. Again, not -- not great.
6 And if I can't see it and that -- and that causes me to not be
7 able to consider a number, then that's life.

8 Because I'm not going to say it should be blown up
9 to 250 percent just -- you know, no. One hundred percent
10 size, this is what it is. So I don't know -- again, I -- I sa
11 -- like I said, Mr. Page, I don't know what you printed on
12 your end. But whatever the record will be, whatever we print
13 on our end -- and I'm saying this needs to be at 100 percent
14 size, period. The end. And so I can see most of the numbers.
15 Some of them I cannot. And then if I cannot see them, that's
16 on Mr. Mayo's client and Mr. Mayo, however they presented
17 this. One hundred percent.

18 I don't know, Mr. Mayo, if it's going to be utilized
19 in electronic form. If it is and somehow if it goes up to the
20 court of appeals and it's -- they're willing to take the
21 electronic version per -- version and blow it up to a thousand
22 percent, fine. But from my perspective, if it's going to be
23 printed, it'll be printed at 100 percent. And that's what
24 I'll utilize.

1 MR. PAGE: And --
2 THE COURT: That's all --
3 MR. PAGE: -- and also --
4 THE COURT: -- I can say.
5 MR. PAGE: -- I'll submit, Your Honor, if I had --
6 if this office had done this, we would --
7 THE DEFENDANT: (Indiscernible) --
8 MR. PAGE: -- I -- I'd be -- I would be doubtful
9 that I would be having any success in getting this to be
10 admitted, notwithstanding --
11 THE COURT: What do you mean?
12 MR. PAGE: -- we still have the standing objections
13 that the doc -- basis upon which -- I'll cross examine
14 Mr. Stucke on this. But the --
15 THE COURT: Uh-huh.
16 MR. PAGE: -- basis or foundation upon which he
17 claims he created this is still insufficient for it to be
18 given any weight.
19 THE COURT: Well, that's -- that may be so. But
20 that's -- that's after I get the document in, right? So
21 that's for you to argue. And I hear you a hundred -- I've --
22 we've had this discussion. I don't -- I don't know yet if
23 Mr. Mayo has moved to put in the backup documents. You don't
24 have to for summaries.

1 MR. MAYO: Right. And -- and --

2 THE COURT: But --

3 MR. MAYO: -- if you recall, we had -- we had this
4 argument on the first day of trial.

5 THE COURT: I know.

6 MR. MAYO: And Your Honor had said --

7 THE COURT: I know.

8 MR. MAYO: -- that I had disclosed -- I disclosed
9 the documents, which was -- I was required to, that they had
10 time to review the documents, to review the summary. And if
11 there's issues regarding either one, they have the right to
12 cross examine my client or to ask Christie as to inaccuracies
13 or unreliability. But I'm --

14 THE COURT: I --

15 MR. MAYO: -- not required -- yeah.

16 THE COURT: -- understand. Yeah, we had -- we did,
17 that's what I'm saying. What -- the weight I give it is a
18 different story. But the fact that those documents are
19 created and summarized utilizing various documentation that --
20 that was voluminous, which Mr. Page pointed out was
21 voluminous, then he's entitled to make those summaries. What
22 -- the weight I give it is the question.

23 And mister -- Mr. Page is absolutely entitled to ask
24 him any questions about that, the underlying documentation he

1 used, sum -- how he created the summary. And so I think we're
2 -- we're beating a dead horse at this point. So -- and we --
3 and we do not have a lot of time, guys. I keep saying this.
4 Like, Mr. Ma -- Mr. Mayo, you've got to, like, focus and get
5 this -- get us through this --

6 MR. MAYO: I --

7 THE COURT: -- because --

8 MR. MAYO: I am, but I'm -- I'm getting ex -- I'm
9 getting --

10 MR. PAGE: He's not --

11 MR. MAYO: -- objections every --

12 MR. PAGE: He's not focused.

13 MR. MAYO: -- five seconds that --

14 THE COURT: I know, but -- I -- I mean, I need some
15 -- I need some -- I'm just telling you, I need some focus.
16 Like, what are we trying to accomplish here by all of this?
17 If they can't have him -- I just think --

18 MR. PAGE: (Indiscernible - simultaneous speech) --

19 THE COURT: -- we need to move faster.

20 MR. PAGE: -- two weeks.

21 THE COURT: We mo -- we need to move faster.

22 MR. MAYO: All right, that's fine, Your Honor. So
23 we would -- again, I -- my -- I have requested to admit 37 and
24 39, just waiting for a ruling.

1 THE COURT: It'll be admitted.

2 (PLAINTIFF'S EXHIBITS 37 and 39 ADMITTED)

3 MR. MAYO: Okay.

4 DIRECT EXAMINATION CONTINUED

5 BY MR. MAYO:

6 Q Now, David, we had a hearing on January 7th of this
7 year; is that right? David, take your mute off.

8 A Oh, sorry, I said yes.

9 Q Okay. All right. And did the Court order at that
10 hearing -- it's reflected in the order filed February 27th,
11 2020 -- that the monies would be reimbursed from Christie's
12 half of the community equity and the -- the proceeds in our
13 account for West Maule residence?

14 A Yes.

15 Q Okay. Now, how much --

16 MR. PAGE: (Indiscernible - simultaneous speech) --

17 MR. MAYO: Say it again, Fred?

18 MR. PAGE: What did you say?

19 MR. MAYO: My apol -- I don't know what you said,
20 Fred.

21 MR. PAGE: For which did you say -- which were to be
22 reimbursed?

23 MR. MAYO: It was the order from January 7th, 2020.

24 BY MR. MAYO:

1 Q So now, how much were the monthly mortgage payments
2 on the West Maule residence, David?

3 A Right around 1,600 -- and 1590-something -- close to
4 1,600.

5 Q All right. Fifteen ninety-nine, does that sound
6 accurate?

7 A Yeah, that sounds right.

8 Q Okay. And did you -- did you pay those -- you make
9 those payments from December 19th through December -- this
10 month?

11 A Yes, and then I got reimbursed off from -- I think
12 the first two -- I think the December and January might have
13 came directly from the escrow account. I don't recall. And
14 then the -- after that, I have paid them, and then I've been
15 reimbursed for it.

16 Q Okay, so you made the payment. And then pursuant to
17 the court order, you've been reimbursed from --

18 A Right.

19 Q -- our account. From the --

20 A Yes.

21 Q -- trust account. Okay.

22 A Yeah.

23 MR. PAGE: So you're saying there's an order that
24 was filed on January -- there's no order that was filed in

1 January.

2 MR. MAYO: No, the order was filed February 27th.
3 It was from the January 7th hearing.

4 THE COURT: Right, I allowed some monies to come out
5 of the account to pay the bills.

6 MR. MAYO: Correct.

7 BY MR. MAYO:

8 Q All right. Now, so, David, that would have been 13
9 -- 13 months' worth of payments that were paid for by you and
10 re -- and taken out of the client trust account?

11 A Yes.

12 Q All right. So that would have come to \$20,790.64?

13 A I -- I believe you. (Indiscernible - simultaneous
14 speech) --

15 MR. PAGE: Objection, foundation.

16 MR. MAYO: I --

17 THE COURT: Sustained.

18 MR. MAYO: My founda -- no, the foundation was
19 monthly payments of \$1,599 and that there was 13 months of
20 payments that were made, totaling \$20,000 --

21 THE COURT: One thousand -- what was the number?
22 Okay, so did --

23 MR. MAYO: Well --

24 THE COURT: -- you hear that, Mr. Page?

1 MR. MAYO: -- he -- he did testify to some --
2 THE COURT: What was the number again? I'm sorry.
3 MR. MAYO: He testified \$1,598 and (indiscernible).
4 MR. PAGE: For how --
5 THE COURT: Did you --
6 MR. PAGE: -- many months?
7 THE COURT: -- get that number, Mr. Page? Thirteen
8 months.
9 MR. PAGE: I got \$1,598.
10 THE COURT: Thir -- 13 months.
11 MR. MAYO: Correct.
12 MR. PAGE: Thirteen months?
13 THE COURT: One-three, yeah.
14 MR. PAGE: Okay.
15 MR. MAYO: All right.

16 DIRECT EXAMINATION CONTINUED

17 BY MR. MAYO:

18 Q And then, David, how much were the Chrysler van
19 payments on the west -- how much were the Chrysler van monthly
20 payments?

21 A Three hundred and thirty-one dollars and -- and
22 maybe 60 cents or something like that. Yeah, 331, I believe.

23 Q Okay. And then how many months did you pay for the
24 van payment in 2019, December through the present?

1 A I believe Christie made two since then, so I -- I
2 think 11.

3 Q Okay, so 11 --

4 MR. PAGE: I'm sorry --

5 MR. MAYO: -- months times --

6 MR. PAGE: -- (indiscernible - simultaneous speech)
7 months was that?

8 THE DEFENDANT: Eleven.

9 MR. PAGE: Eleven months?

10 MR. MAYO: Yes.

11 BY MR. MAYO:

12 Q So 11 months times \$331.60, that's \$3,647.60. Does
13 that sound accurate?

14 MR. PAGE: Three-six-four-one.

15 MR. MAYO: Three-six -- 3647.60 (indiscernible) a
16 month.

17 THE COURT: That's the number I got, 3647.6.

18 MR. MAYO: Correct. Okay.

19 THE COURT: Is that what you got, Mr. Page?

20 MR. PAGE: What was the number again?

21 THE COURT: Three-six-four-seven, point, sixty.

22 MR. PAGE: I have 3641 -- 331 times 11.

23 THE COURT: 331.60 times 11. That's where the
24 difference comes.

1 MR. PAGE: Three-six-four-seven-sixty, got it.

2 THE COURT: Perfect, thanks.

3 MR. MAYO: All right, thank you.

4 (Pause)

5 BY MR. MAYO:

6 Q Now, let's -- let's look at your affidavit, David,
7 which should be exhibit --

8 MR. MAYO: Actually, Your Honor, we had filed answer
9 documents called updated -- let me pull this up.

10 (Pause)

11 MR. MAYO: One second.

12 THE COURT: A notice of updated balances. I see it
13 in the system. What is --

14 MR. MAYO: We -

15 THE COURT: -- that?

16 MR. MAYO: We -- correct. So basically, the marital
17 -- it's a marital balance sheet updated bank statements from
18 my party -- my client and from (indiscernible) --

19 MR. PAGE: (Indiscernible) --

20 MR. MAYO: It's based on the -- it's -- man, this
21 echo is horrible.

22 THE COURT: What was that?

23 MR. MAYO: I keep getting echo of myself and
24 everyone else.

1 THE DEFENDANT: Turn down your volume.

2 THE COURT: Oh, yeah, it might be a volume.

3 MR. MAYO: All right. That's fine.

4 THE COURT: Okay, so you filed what would be -- is
5 that your -- is that your asset-debt summary?

6 MR. MAYO: Yes.

7 THE COURT: But is that what would typically be on
8 the -- oh, that's part of, like, the old FDF or old asset/debt
9 --

10 MR. MAYO: So what --

11 THE COURT: -- asset --

12 MR. MAYO: So what we did is we -- we updated what
13 we had on our prior FDF, but with updated numbers because it's
14 been several months since we were in court. And we had
15 requested from Christie her statement so that we could update
16 for both sides, which we did. And so we put it in that
17 updated asset sheet. So we were going to -- I was going to
18 ask questions based off of it and ask to have it admitted as
19 an update to David's prior FDF in regards to the -- the
20 property --

21 THE COURT: Well --

22 MR. MAYO: -- and debt --

23 THE COURT: -- okay, so --

24 MR. MAYO: -- schedule.

1 THE COURT: -- wait a minute. Hold on. So does --
2 does mister -- has Mr. Page looked at this or been able to see
3 this? I --

4 MR. MAYO: We --

5 THE COURT: -- and know --

6 MR. MAYO: We did --

7 THE COURT: -- these numbers?

8 MR. MAYO: We did -- we did give him a copy of it,
9 Your Honor.

10 THE COURT: I know, but --

11 MR. PAGE: You gave --

12 THE COURT: -- I'm asking you have --

13 MR. PAGE: -- me an --

14 THE COURT: -- (indiscernible - simultaneous speech)
15 --

16 MR. PAGE: -- updated Wells Fargo bank statements,
17 Premier credit card statements. But nonetheless, it -- what a
18 proposed division is, is closing argument.

19 THE COURT: It -- it is. And what -- I think what
20 he's saying is, is the numbers have changed since we started
21 this. But what I'm trying to say is -- or a -- or ask is have
22 you had the opportunity to confirm that these numbers are
23 accurate, based upon what you've provided and what they've
24 provided you. I -- I just don't know because I know it's only

1 been filed two days ago and --

2 UNIDENTIFIED VOICE: No.

3 THE COURT: All right, well, I mean --

4 MR. MAYO: But, Your Honor --

5 THE COURT: -- is there --

6 MR. MAYO: But, Your Honor, it's -- it's based on
7 the statements he gave us for his own client.

8 MR. PAGE: Closing argument.

9 THE COURT: Well, hold on. Let me make that
10 determination. I'm trying to figure out, the documents that
11 you -- so you updated this. I mean, are you guys using those
12 updated documents? I mean, look, we have Kogod to deal with,
13 right? So I need to know what the most updated information
14 is.

15 MR. MAYO: I --

16 THE COURT: Otherwise, I --

17 MR. MAYO: -- I'm representing --

18 THE COURT: -- can only do --

19 MR. MAYO: -- what's --

20 THE COURT: -- so much.

21 MR. MAYO: I'm representing what's in our updated
22 statement is the updated balance for both parties' accounts.

23 THE COURT: Okay. Does Mr. Page have the
24 information for your client's accounts as well as his own,

1 which obviously he provided to you?

2 MR. MAYO: I believe so. I believe that was
3 disclosed in our last set of disclosures. Let me try to pull
4 those up.

5 MR. PAGE: So they sent me some more exhibits, which
6 would have been on Monday. And it happened to be more
7 documents filed with the Court. And that's really about --

8 THE COURT: So I don't have anything else filed.
9 All I have is the -- the 12/07 notice of updated balances,
10 which is just sort of that back half of what I think was an
11 old FDF or an old --

12 MR. MAYO: It's basically the marital balance sheet
13 portion of it.

14 THE COURT: Yeah. Yeah, no, I get -- I see. I
15 recognize it. I'm just -- yeah, I -- I get it.

16 MR. MAYO: So all -- so --

17 THE COURT: I mean --

18 MR. MAYO: -- what it shows is the updated balances.
19 Which again, you -- the Court can see they're -- they're
20 pretty small. We have updated statements for the retirement
21 accounts.

22 THE COURT: All right. Well, I mean --

23 MR. MAYO: And the (indiscernible - simultaneous
24 speech) --

1 THE COURT: -- the retirement accounts are what they
2 are, right? I mean, whatever they are, they div --

3 MR. PAGE: But they --

4 THE COURT: -- get divided --

5 MR. PAGE: They -- they're un --

6 THE COURT: -- (indiscernible - simultaneous speech)
7 --

8 MR. PAGE: They're prejudicial because they're
9 claiming things that they've characterized as to separate
10 property that are actually community property. It --

11 THE COURT: Well, that's a --

12 MR. PAGE: There is --

13 THE COURT: -- different story --

14 MR. MAYO: Well --

15 THE COURT: -- right?

16 MR. MAYO: -- that's -- that's a different iss --

17 THE COURT: I just need to know -- I just -- I mean,
18 I -- my concern is, am I using the right numbers and does
19 anybody have any issue with these numbers. But I -- it
20 doesn't sound to me like there's really an issue with the
21 numbers. It -- we're go -- you know what the updated amounts
22 are. And I mean, I'll utilize as most updated as I can if it
23 makes the most sense to do that. But I -- I -- that's why I
24 was asking you, Mr. Page, if there was any issue with --

1 MR. PAGE: No, and --

2 THE COURT: -- these numbers --

3 MR. PAGE: -- (indiscernible - simultaneous speech)

4 --

5 THE COURT: -- and whether it's separate or
6 community is a different story. That's obviously another
7 factual and legal determination.

8 MR. MAYO: And you -- and I'm not asking Fred to --
9 to admit --

10 MR. PAGE: (Indiscernible - simultaneous speech) --

11 MR. MAYO: -- that everything I represent in there
12 was -- is --

13 MR. PAGE: -- and that is I -- I was in a -- they
14 sent this to me on Monday at 5:07. I had an arbitration that
15 went yesterday from about 10:00 o'clock to about 1:30. And
16 then I had more court audio in Pahrump (ph). And then I have
17 to get ready for this trial. And we're obviously not --

18 THE COURT: I understand.

19 MR. PAGE: -- going to finish today. So we're just
20 going to get another updated summary at some point later. So
21 how is this helpful, and how is this not unduly prejudicial?

22 THE COURT: Well, I don't know if it's -- I -- I
23 don't know if it's prejudicial. I mean, I -- again, I --
24 that's why I asked --

1 MR. PAGE: I mean --

2 THE COURT: -- the question. Hold on. I don't know
3 what they're even trying to accomplish with it. It's just a
4 notice of updated values, which it sounds to me like
5 everybody's exchanged the documents. Are you utilizing the
6 newest documents now? Is everybody utilizing the -- that's, I
7 guess what I'm trying to figure out. And I don't know what
8 Mr. Mayo is trying to accomplish with this new document, this
9 notice. If he's utilizing it as an exhibit or if he just
10 wants the Court to consider it as part of their prior -- like,
11 an updated --

12 MR. MAYO: Yeah, I'm asking the Court to consider
13 it as part of our prior marital balance sheet, just updating
14 in terms of some of the -- so basically, there was --

15 THE COURT: So this is --

16 MR. MAYO: -- some updated --

17 MR. PAGE: (Indiscernible - simultaneous speech) --

18 MR. MAYO: -- credit card --

19 THE COURT: So this is part of your prop -- so this
20 is really part of your proposal or sort of your pretrial memo
21 kind of like division of assets?

22 MR. MAYO: Cor -- correct. Well, it's -- it's in
23 terms of listing the assets so the Court -- so we can all look
24 at it for purposes of tra -- of identifying what they all are.

1 Otherwise, then we're going through each individual account.

2 THE COURT: Yeah, no.

3 MR. MAYO: Which -- and I get that -- I get that.

4 I'm not saying that Fred has to -- you know, we have an
5 estimated value for West Maule. But we're not asking for Fred
6 to say that that number is accurate. I'm simply -- I'm making
7 representation in regards to my client's representation
8 regarding --

9 THE COURT: All right.

10 MR. MAYO: -- assets. I'm not --

11 THE COURT: So --

12 MR. MAYO: -- saying that Fred has agreed to it.

13 THE COURT: Okay, I -- I --

14 MR. MAYO: Yeah.

15 THE COURT: -- understand. I think I understand.

16 So, Mr. Page, it sounds to me like he's just utili -- as
17 opposed to the old one, he's utilizing this one as his
18 proposed division with updated numbers. Whether they're
19 accurate or not, I guess we'll make that determination with
20 the evidence.

21 MR. MAYO: Correct.

22 THE COURT: But at the end of the day -- at the end
23 of the day, I don't know that any ma -- some of it may or may
24 not matter. Because like, a retirement account, if it's