

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

TONY MATKULAK

Appellant,

vs.

KOURTNEY L. DAVIS

Respondent.

SC NO: 83173
DC NO: EV20-00559
Electronically Filed
Jan 04 2022 04:25 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT'S
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APPENDIX**

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31

Code: 1740
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FILED
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2020-12-11 01:57:08 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 8201229

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

KOURTNEY DAVIS,
Plaintiff,

vs.

TONY MATKULAK,
Defendant.

Case No. FV20-00559

Dept. No. 12

SECOND AMENDED GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) Kourtney Lynn Davis
2. How old are you? 40
3. What is your date of birth? December 3, 1980
4. What is your highest level of education? Bachelor's Degree

B. Employment Information:

1. Are you currently employed/self-employed? (☒ *check one*)
☐ No
☒ Yes If yes, complete the table below. Attach an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
June, 2006	Self Employed - Club K, LLC	Owner (Sports Instructor)	Seasonal/ Varies	Varies*
August, 2020	Credova Financial, LLC	Operations		Monday-Friday

***Seasonal hours, works every other Tuesday evening, every other Wednesday evening and every other Sunday.**

2. Are you disabled? (☒ *check one*)

☒ No
☐ Yes If yes, what is your level of disability? _____

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending **December 7, 2020**, my gross year to date pay is **\$10,716.36**.

B. Determine your Gross Monthly Income.

Hourly Wage

Hourly Wage	X	Number of hours worked per week	=	Weekly Income	X	52 Weeks	=	Annual Income	+ 12 Months = Gross Monthly Income

Annual Salary

\$45,000.	+	12 Months	=	\$3,750.
Annual Income				Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income		\$0.	
Bonuses		\$0.	
Car, Housing, or Other allowance		\$0.	
Commissions or Tips		\$0. .	
Net Rental Income		(\$960.)	(\$80.)
Overtime Pay		\$0.	
Pension/Retirement:		\$0.	
Social Security Income (SSI)		\$0.	
Social Disability (SSD)		\$0.	
Spousal Support		0.	
Workman's Compensation		0.	
Other: Child Support (Minus Swim Lessons)	Monthly	\$1,849.	\$1,849.
Total Other Income Received			\$1,769.*

***Plaintiff received a lump sum unemployment award in the amount of \$6,653., in 2020.**

D. Monthly Deductions

	Type of Deduction	Amount
1	Court Ordered Child Support (automatically deducted from paycheck)	\$0.
2	Federal Health Savings Plan	\$0.
3	Federal Income Tax	\$286.
4	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	\$0.
5	Life, Disability, or Other Insurance Premiums	\$0.
6	Medicare	\$54.
7	Retirement, Pension, IRA, or 401(k)	\$563.
8	Savings	\$0.
9	Social Security	\$233.
10	Union Dues	\$0.
11	Other: (Type of Deduction) Club K Taxes	\$334.
	Total Monthly Deductions (Lines 1-11)	\$1,470.

Business/Self-Employment Income & Expense Schedule**A. Business Income:**

What is your average gross monthly income/revenue from self-employment or businesses?

Gross from Club K and Rental Property = \$3,660.

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising		\$0.	
Car and truck used for business		\$0.	
Commissions, wages or fees		\$0.	
Business Entertainment/Travel		\$0.	
Insurance		\$0.	
Legal and professional		\$0.	
Rent (Cage Rent)	Annually	\$4,560.	\$380.
Pension and profit-sharing plans		\$0.	
Repairs and maintenance		\$1,431.	\$119.
Depreciation		\$8,808.	\$734.

Mortgage		\$15,552.	\$1,296.
Rental Sewer		\$576.	\$48.
Supplies (Equipment)	Annually	\$1,068.	\$89.
Licenses	Annually	\$480.	\$40.
Club K, LLC Taxes	Monthly	\$334.	\$334.
Other: Business Banking Fees	Annually	\$168.	\$14.
		Total Average Business Expenses	\$2,720.

Gross Monthly Income	\$3,750.
Business Monthly Income	\$940.
Total Average Monthly Income	\$4,690.

Personal Expense Schedule (Monthly)

- A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me ✓	Other Party ✓	For Both ✓
Alimony/Spousal Support				
Auto Insurance	\$124.	✓		
Car Loan/Lease Payment/Registration (\$528. Yearly)	\$44.	✓		
Car Maintenance	\$20.	✓		
Cell Phone	\$0.			
Child Support	\$0.			
Clothing, Shoes, Gifts, Etc.	\$265.	✓		
Credit Card Payments (minimum due)	\$0.			
Dry Cleaning	\$0.			
Electric	\$111.	✓		
Food (groceries & restaurants)	\$325.	✓		
Fuel/Gasoline	\$135.	✓		
Gas (for home)	\$0.			
Health Insurance (not deducted from pay)	\$0.			
Home Phone	\$0.			
Internet / Cable	\$0.			
Maintenance	\$0.			

Membership Fees (Gym)	\$49.	✓		
Rent	\$1950.	✓		
Pest Control	\$0.			
Pets	\$30.	✓		
Pool Service	\$0.			
Property Taxes (if not included in mortgage)	\$0.			
Security	\$0.			
Sewer	\$48.	✓		
Student Loans	\$0.			
Unreimbursed Medical Expenses	\$0.			
Water	\$47.	✓		
Other: IRA Contributions	\$500.	✓		
Total Monthly Expenses	\$3,648.			

Personal Expense Schedule
Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attach a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	Bennett Davis Matkulak	5/03/2018	Both	Yes	No

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone	\$0.			
Child Care	\$468.			
Clothing	\$85.			
Education	\$0.			
Entertainment, Gifts & Toys	\$131.			
Extracurricular & Sports(Swimming – Tony takes \$53 out of Child Support Check)	\$53.			
Health Insurance (if not deducted from pay)	\$0.			

Summer Camp/Programs	\$0.			
Transportation Costs for Visitation	\$0.			
Unreimbursed Medical Expenses	\$0.			
Vehicle	\$0.			
Other: Diapers/Wipes	\$50.			
Total Monthly Expenses	\$787.			

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attach a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc.)	Monthly Contribution
N/A			

Personal Asset and Debt Chart

- A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line #	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1	2235 Keystone Ave, Reno NV 89503 (Rental Home)	\$389,000.	\$145,578.	\$243,422.	Self
2	2017 Lexus RX250	\$28,000.	\$0.	\$28,000.	Self
3	Bank of America Checking Acct. 8489	\$3,629.		\$3,629.	Self
4	Bank of America Business Advantage Acct. 7095	\$7,314.		\$7,314.	Self
5	Cash	\$17,000.		\$17,000.	Self
6	Roth IRA	\$66,486.		\$66,486.	Self
7	TD Ameritrade	\$21,193.		\$21,193.	Self
Total Value of Assets (add lines 1-7)		\$532,622.	- \$145,578.	= \$386,044.	Self

- B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount Owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1	Promissory Note – Legal Fees	\$16,000.	Self

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (have/have not) _____ retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$_____ on my behalf.
3. I have a credit with my attorney in the amount of \$_____.
4. I currently owe my attorney a total of \$_____.
5. I owe my prior attorney a total of \$_____.

IMPORTANT: Read the following paragraphs carefully and initial each one.

1/0 This document does not contain the personal information of any person as defined by NRS 603A.040.

1/0 I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

1/0 I have attached a copy of my 3 most recent pay stubs to this form.

1/0 I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

1/0 I have not attached a copy of my pay stubs to this form because I am currently unemployed.

Signature

Date

12/10/2020

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, FINANCIAL
DISCLOSURE FORM

filed in case number: FV20-00559

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

-or-

☐ For the administration of a public program

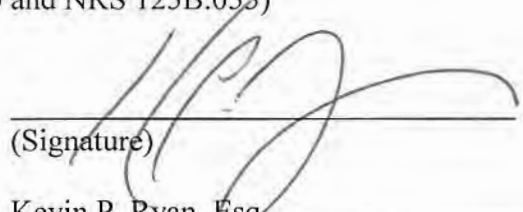
-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 12/11/2020


(Signature)

Kevin P. Ryan, Esq.
(Print Name)

Koutney L. Davis
(Attorney for)

Credova Financial, LLC
 20130 Lakeview Center Plaza
 Suite 400
 Ashburn, VA 20147

Kourtney Davis
 1601 Rocky Cove Lane
 Reno, NV 89521

Direct Deposit

Employee Pay Stub

Check number: DD2524

Pay Period: 11/16/2020 - 11/30/2020

Pay Date: 12/07/2020

Employee

Kourtney Davis, 1601 Rocky Cove Lane, Reno, NV 89521

Earnings and Hours	Qty	Rate	Current	YTD Amount
Operations			1,875.00	10,716.36
Flex time Hourly				64.89
	0.00		1,875.00	10,781.25
Deductions From Gross			Current	YTD Amount
401k Emp.			-281.25	-281.25
Taxes			Current	YTD Amount
Medicare Employee Addl Tax			0.00	0.00
Federal Withholding			-143.00	-919.00
Social Security Employee			-116.25	-668.44
Medicare Employee			-27.19	-156.33
			-286.44	-1,743.77
Net Pay			1,307.31	8,756.23

Direct Deposit	Amount		
Checking - *****8489			1,307.31
Flex Time	Accrued	Used	Available
Current	5:00	3:00	2:00
YTD			
Taxable Company Items	Current	YTD Amount	
401k Co. Match	75.00	75.00	
Memo			
Direct Deposit			

CERTIFICATE OF SERVICE

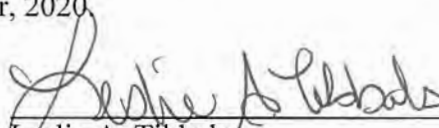
Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

- _____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada/
_____ Personal delivery.
_____ Facsimile to the following number: () _____
_____ Federal Express or other overnight delivery.
_____ Reno Carson Messenger Service.
_____ Certified Mail Return Receipt Requested.
_____ XXX Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 11th day of December, 2020.



Leslie A. Tibbals

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

-o0o-

KOURTNEY L. DAVIS, Case No. FV20-00559
Petitioner, Department No. 12
vs.
TONY MATKULAK,
Respondent.

_____ /

DEPOSITION BY ZOOM VIDEOCONFERENCE OF
KOURTNEY DAVIS
December 17, 2020
Reno, Nevada

REPORTED BY: CONSTANCE S. EISENBERG, CCR #142, RMR, CRR
Job No. 694997

A P P E A R A N C E S

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Also present:

TONY MATKULAK

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6	EXHIBITS	
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10	Note: Exhibits were not marked.	
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1 BE IT REMEMBERED that on Thursday, December 17, 2020, at
2 the hour of 8:53 a.m. of said day, in, Reno, Nevada, before me,
3 CONSTANCE S. EISENBERG, a Nevada Certified Court Reporter,
4 personally appeared KOURTNEY DAVIS, via Zoom videoconferencing,
5 who was by me first remotely duly sworn, and was examined as a
6 witness in said cause.

7 -o0o-

8
9 (Counsel stipulated to the reporter
10 swearing the witness remotely.)
11

12 KOURTNEY DAVIS
13 called as a witness, having been duly sworn,
14 testified as follows:
15

16 EXAMINATION

17 BY MR. MEADOR:

18 Q Will you please state your name for the record.

19 A Kourtney Davis.

20 Q And in this deposition today are you more comfortable
21 with me referring to you as "Ms. Davis," "Miss Davis," "Kourtney"?
22 Which do you prefer today?

23 A "Ms. Davis," please.

24 Q "Ms. Davis." Fine.

25 And Ms. Davis, have you ever had your deposition taken

1 before?

2 A I have not.

3 Q Do you understand that you are under oath here today and
4 it's the same oath to tell the truth as if you were in a court of
5 law?

6 A Yes.

7 Q Do you understand that everything we say is being taken
8 down verbatim by the court reporter?

9 A Yes.

10 Q And that if, for example, your testimony at the hearing
11 was different than your testimony here today, I could rely on the
12 transcript to show that you had changed your testimony?

13 A Yes.

14 Q So it's important that you make sure you hear and
15 understand my question before you ask. Do you understand that?

16 A (Nodding head affirmatively).

17 Q The next rule is, because the court reporter can't take
18 down shakes and nods of the head well, you need to answer verbally
19 and use "yes" and "no" rather than "uh-huhs" and "huh-uhs." It
20 makes the court reporter's life easier.

21 A Uh-huh.

22 Q Also, in conversation, we often step over each other's
23 sentences, so I would ask that you try to let me finish my
24 question before you start your answer, and I'll try to wait and
25 let you finish your answer before I ask my next question.

1 We'll probably both violate this rule, but we'll try our
2 best. Fair enough?

3 A Fair.

4 Q If you answer a question, I will assume that you heard
5 it and understood it. Is that fair?

6 A Yes.

7 Q Is there any reason you cannot testify accurately and
8 honestly here today?

9 A No.

10 Q Are you on any medication, have any illness, anything
11 that would impair your memory or ability to answer my questions?

12 A None.

13 Q What did you do to prepare for this deposition?

14 A Looked over my financial disclosure.

15 Q Anything else?

16 A No.

17 Q Did you speak with anyone other than your lawyer about
18 the deposition?

19 A Family is aware that I have the deposition today, yes.
20 And my attorney and I discussed it prior, yeah.

21 Q I don't want you to tell me anything about your
22 discussions with your lawyer. That's protected by attorney-client
23 privilege.

24 What discussions did you have with any family members
25 about the deposition?

1 A Nothing. That's strictly left between my attorney and
2 I. They just know I'm having my deposition. I'm trying to handle
3 this case on my own.

4 Q So no substantive decision with your father, for
5 example?

6 A No, none.

7 Q And do you have your financial disclosure forms in front
8 of you, in case I need to ask you questions about them?

9 A I do.

10 Q Thank you. And how much support do you believe my
11 client should be required to pay you each month?

12 A What's legally fair and owed to my son.

13 Q Well, that amount is defined by statute and you've asked
14 for more than the statutory amount. Do you understand that?

15 A Yes, there's deviation factors in the law.

16 Q I want to know how much you believe he should pay you in
17 child support?

18 A What is fair and what I believe is fair for my kid.

19 Q Yeah, that means nothing to me. How much? What's the
20 dollar amount you seek?

21 MR. RYAN: Objection. Asked and answered.

22 MR. MEADOR: It isn't answered, Kevin.

23 MR. RYAN: Yes, it is. She's not going to throw out a
24 number. She's told you what's fair from the Court consistent with
25 the statute. That's what she told you.

1 MR. MEADOR: Kevin, you don't get to testify for your
2 client. And I'm going to ask this question until she answers.

3 MR. RYAN: She's answered it and that's what you're
4 going to get.

5 BY MR. MEADOR:

6 Q Are you refusing to answer my question, Ms. Davis?

7 A No, I'm not. That was my answer.

8 Q No, that's your lawyer's legal argument. I want your
9 answer.

10 A I do not have a number at this time for you.

11 Q You have no opinion whatsoever --

12 MR. MEADOR: Kevin, please let me ask my questions.

13 BY MR. MEADOR:

14 Q You have no opinion whatsoever on how much child support
15 you should receive?

16 A What is fair for my child.

17 Q And you appreciate that at trial I will object to you
18 offering any testimony other than what is fair for your child, in
19 response to this question?

20 MR. RYAN: Objection. That wasn't a question. Move to
21 strike.

22 BY MR. MEADOR:

23 Q You can answer the question, Ms. Davis.

24 MR. RYAN: You didn't pose a question, Shawn.

25 MR. MEADOR: I did. I asked her if she understood that,

1 Kevin.

2 BY MR. MEADOR:

3 Q Do you understand that, Ms. Davis?

4 A Well, I feel like I've answered your question. I do not
5 have a dollar amount to give you.

6 Q And my follow-up question is: At trial, do you
7 understand that I will object to you making any testimony about a
8 dollar amount?

9 MR. RYAN: Calls for speculation.

10 BY MR. MEADOR:

11 Q You can go ahead and answer, Ms. Davis.

12 I'm not going to be sandbagged by you pretending you
13 don't have an answer today and then having an answer at trial.
14 That's what I'm trying to make clear. Do you understand that?

15 A I understand that.

16 Q Fair enough. We'll move on.

17 Where were you employed between 2014 and 2017?

18 A My own business, Club K.

19 Q What does Club K do?

20 A Private softball instruction.

21 Q What was your total income in 2014?

22 A I do not recall.

23 Q It was less than \$30,000, was it not?

24 A No, I don't know. I haven't looked at those. I just
25 looked at the recent ones.

1 Q What was your total income in 2015?

2 A I don't have that number with me.

3 Q What was your total income in 2016?

4 A Honestly, I don't know.

5 Q What was your total income in 2017?

6 A I don't know that either.

7 Q What's the most you've ever earned in the last 10 years?

8 A If I answered -- I don't know. I don't look at it.

9 Q You don't even know within \$20,000 how much you've
10 earned in the last 10 years?

11 A I would definitely say in the 30s, if you want to be
12 within 20,000.

13 Q When did you purchase the 2017 Lexus that you now drive?

14 A Two months after Tony and I -- maybe a month after we
15 separated.

16 Q Just looking for a date, Ma'am.

17 A '19 -- March, maybe April of '19.

18 Q And did you finance it or pay cash?

19 A I paid cash.

20 Q How much did you pay?

21 A I think 31. I'm not exactly sure. But I think it was
22 like 31.

23 Q In 2018 were you still working for Club K?

24 A I was.

25 Q And you earned less than \$35,000 that year, did you not?

1 A Yeah, I would say less, a little bit, maybe. I was --
2 and I had Bennett that year. So, you know, I took -- I guess it's
3 maternity leave, but my choice.

4 Q How much were your monthly expenses in 2000?

5 A Oh, gosh. I didn't have any expenses so I was able to
6 save quite a bit.

7 Q What years did you live with Mr. Matkulak?

8 A Maybe 2017, 2018, to '19.

9 Q So three years?

10 A Well, no, I think maybe two.

11 Q From when to when?

12 A '17, maybe July of '17 to March '19. March '19.

13 Q My client tells me that both you and your father told
14 him that at Club K you're often paid in cash and that you do not
15 always report the cash; is that true?

16 A That is not true.

17 Q So you've reported every single dime you've earned
18 through Club K, including any tips or cash payments?

19 A Yes.

20 Q Pardon me?

21 A Yes.

22 Q What records do you keep of those cash receipts?

23 A Just an Excel spreadsheet that I'm keeping currently.

24 Q Well, I'm talking about back in '17, '18, '19.

25 A Yeah, I never kept good records and I've definitely

1 learned to keep better records.

2 Q So you don't have records of your cash receipts for
3 those years; is that what you're telling me?

4 A Yes.

5 Q So how could you possibly correctly report it on your
6 tax returns if you didn't keep records of the cash?

7 A I don't know.

8 Q And you have \$17,000 in cash in your possession,
9 correct?

10 A Yes.

11 Q And where did that cash come from?

12 A I just saved up over the last 20 years that I've been
13 working. I worked at Chili's for 10 years between when I was 20
14 to 30 years old.

15 Q Got tips there?

16 A I did get tips.

17 Q Report all those tips on your tax returns?

18 A Yes.

19 Q What records did you keep of those tips?

20 A W-2s.

21 Q Well, W-2 won't reflect a tip.

22 A I don't have records of those.

23 Q Did you purchase the Lexus before or after Bennett was
24 born?

25 A The one I have now, after.

1 Q Did you have a Lexus before that?

2 A I did.

3 Q What year was that prior Lexus?

4 A 2007.

5 Q And your current is a '17?

6 A Yes.

7 Q Did you purchase the home that you own before or after
8 Bennett was born?

9 A Before.

10 Q Did you finance it?

11 A That home?

12 Q Yeah.

13 A Yes.

14 Q When did you buy the home?

15 A 2003.

16 Q Who financed it?

17 A I'm sorry?

18 Q Who financed the house, who is your mortgage with?

19 A They changed their name, but Cooper.

20 Q Do you have a -- do you have copies of your escrow file,
21 from when you bought the home?

22 A I don't know.

23 Q Do you have a copy of the loan application in connection
24 with the purchase of that home?

25 A I don't know. I do not know. If I do, I would have to

1 look.

2 Q Who was your mortgage broker, who did you get the
3 loan -- who did you go and talk to, a bank, a mortgage company?

4 A Probably a mortgage company. I don't remember. It was
5 so long ago. It was like 20-something, I don't know.

6 Q On July 6th, 2020, a little over five months ago, you
7 signed a financial disclosure form under oath. Do you recall
8 that?

9 A Yes.

10 Q Okay. And on that financial disclosure form you claimed
11 that your house is worth 389,000, that you had 17,000 in cash, you
12 had an IRA worth 66,486, and you had a TD Ameritrade account with
13 a value of 21,193?

14 A Yes.

15 Q Were those numbers accurate back in July when you
16 reported them to the court under oath?

17 A Yes.

18 Q Now, if you were making less than \$30,000 a year, how do
19 you manage to save that much money?

20 A I just do. I have figured it out. There's been gifts
21 in there from family. I don't --

22 Q How much of that?

23 A I was going backwards for a while, using my cash.
24 That's another reason why I have a full-time job now.

25 Q You would have to spend less each year than you earned,

1 to save money, correct?

2 A Yes.

3 Q And how much of the wealth, the equity in the home, the
4 cash, the IRA, the Ameritrade account, how much of that was gifts
5 from parents or gifts from anyone?

6 A I don't know that answer. I know I had roommates for
7 like 10 years at my Keystone house and I didn't have to pay any
8 mortgage, pretty much. They covered it for me, which was nice.

9 Q On December 10th, 2020, about five months after your
10 first financial disclosure form you filed your third financial
11 disclosure form under oath, about a week ago. Do you recall that?

12 A Yes.

13 Q Were you careful to make sure it was accurate before you
14 signed it under oath?

15 A Everything, maybe -- I mean for the TD Ameritrade and
16 stuff like that, I probably didn't change, just because my -- I
17 just did -- my income changed, just with Credova, I just kind of
18 updated it.

19 Q Well, you filed it with the Court under oath
20 representing that it was true and accurate. And my question is if
21 you were careful to make sure it was true and accurate before you
22 made the representation that it was.

23 A To the best of my knowledge, yes.

24 Q Now, you do know that you did not update your net worth
25 on your third financial disclosure form; correct?

1 A I'm not aware of that. What did I miss?

2 Q Well, you claim that your house had exactly the same
3 value it had five months earlier, correct?

4 A Yes. I think that Zillow has a large range, but yes.

5 Q And you claimed you still had 17,000 in cash, hadn't
6 changed by a dime; correct? Is that a "yes?"

7 A Yes.

8 Q And you claimed that the value of your IRA had not
9 changed?

10 A That is what is in my financial disclosure. I did not
11 look. Again, I just updated Credova.

12 Q And you claimed that your TD Ameritrade account had not
13 changed?

14 A I did not -- I did not look at it, I just updated the
15 business part.

16 Q Well, you know that the values of your house and various
17 cash accounts and retirement accounts, brokerage accounts, changed
18 between July and December, correct?

19 A I guess. I didn't look. It could have went down, yeah.

20 Q Well, that's a different -- an answer to a different
21 question.

22 My question, you know that those values changed in that
23 five month period of time?

24 A No, I did not look.

25 Q Well, you claim you are making contributions to your

1 IRA, so it would necessarily have to change in value; would it
2 not?

3 A I haven't made a contribution this year.

4 Q Then why did you report under all three of your
5 financial disclosure forms that you are making \$500 per month in
6 IRA contributions?

7 A In one lump sum, so I do a 12-month average. I do it
8 annually.

9 Q Well, where is the IRA invested?

10 A I guess the TD Ameritrade takes care of it. I'm not a
11 100 percent sure.

12 Q And what stocks do you have in your TD Ameritrade
13 account?

14 A I have no idea. I let the financial advisor take care
15 of that.

16 Q Well, you know you own some Apple stock, don't you?

17 A No, I let them handle it. They are professionals.

18 Q So you made no efforts to look to see if the
19 representations about the value of your assets was accurate on
20 your third financial disclosure form?

21 A I did not. I was just advised. I did my Credova.

22 Q Well, who advised you to just do Credova?

23 MR. RYAN: Objection. Calls for privileged information.

24 BY MR. MEADOR:

25 Q Other than -- other than you're never to tell me what

1 your lawyer told you, did anyone tell you to file a financial
2 declaration that was inaccurate? I'm not suggesting your lawyer
3 did, I'm just saying don't tell me what he told you.

4 A Yeah. No.

5 Q But in any event, for whatever reason, the Court cannot
6 rely on the accuracy of the representations you made about your
7 assets?

8 A I don't understand. Is that a question?

9 Q Yes. For whatever reason, you would agree that for
10 whatever reason, for whatever reason you did it, the Court cannot
11 rely on the values you listed for your assets on your financial
12 declaration of a week ago?

13 A I believe that they would be able to rely on it.

14 Q So your testimony, your sworn testimony here today under
15 oath is that the value of your IRA and the value of your
16 TD Ameritrade account didn't change by one dime in that five-year
17 period -- in that five-month period?

18 A Well, I didn't look so I can't answer that question.

19 Q So if you didn't look, you could not represent to the
20 Court that those numbers were accurate, could you?

21 A I guess I could not.

22 Q And, therefore, the Court could not rely on the accuracy
23 of those numbers, could it?

24 A I don't know.

25 Q And you don't know. Okay.

1 Can the Court rely on the other numbers in your
2 financial declaration?

3 A 100 percent, yes, they can.

4 Q Okay. Can you show me bank statements where you
5 deposited your cash receipts and then at some point took out
6 17,000 to keep in cash in the house?

7 A No, I just keep my cash stashed. That's what sits
8 there. I don't touch it. I don't deposit it.

9 Q Oh. Stash the cash and don't keep any records of the
10 cash, in effect?

11 A I am now, yes.

12 Q We were talking about the past. If you are now, what
13 records are you keeping of the cash?

14 A A profit and loss statement.

15 Q Who set it up for you?

16 A I did.

17 Q So you have accounting skills sufficient to do that kind
18 of basic accounting work, profit and loss, income and expense,
19 those kind of things?

20 A Yes, I have an honors degree in business and I'm very
21 well capable of doing it.

22 Q Super. Thanks.

23 Would you take a look at what's labeled your Second
24 Amended General Financial Disclosure Form. It's your third one
25 that was filed on December 11th, 2020. Do you have that in front

1 of you?

2 A I do.

3 Q Please turn to the second page.

4 A Okay.

5 Q If I'm reading it right, it reflects that your salary is
6 3750 per month.

7 A Yes.

8 Q Is that an accurate number?

9 A Yes.

10 Q What do you claim is your effective tax rate on a salary
11 of 3750 per month?

12 A I don't understand that question.

13 Q How much taxes do you think you have to pay on 3750 a
14 month?

15 A I do not know.

16 MR. RYAN: Calls for a legal conclusion.

17 BY MR. MEADOR:

18 Q If you look at page 3.

19 A Uh-huh.

20 Q You list for federal income tax the sum of \$286. Do you
21 see that?

22 A Uh-huh.

23 Q And on line nine you list 233 for Social Security; do
24 you see that?

25 A Uh-huh.

1 Q Those are "yeses"?

2 A Oh, sorry. Yes, I see those.

3 Q How did you estimate those numbers?

4 A I believe those came off of my pay stubs.

5 Q How many dependents did you claim when you filled out
6 your paperwork with your employer?

7 A I do not recall. I don't know.

8 Q So in effect, any amount can be withheld from a paycheck
9 and then you either owe taxes at the end of the year or you are
10 owed a refund at the end of the year; correct?

11 A I just know I have my taxes taken out of my paycheck.

12 Q And you don't know how many dependents you claimed or
13 how this number came about?

14 A I do not.

15 Q Now where are you currently employed?

16 A At Credova Financial.

17 Q And does your father own Credova Financial?

18 A You know what, I don't know that.

19 Q Who do you know to own Credova Financial?

20 A I do not know who owns it.

21 Q Who hired you?

22 A Credova. And I was asked to work there by Sam. I don't
23 know who owns it. I don't know how they have it structured.

24 Q Who do you report to?

25 A Mike Pena.

1 Q Who?

2 A Mike Pena.

3 Q And who does Mike Pena report to?

4 A I do not know who his uppers are. I don't know.

5 Q What's the nature of your job?

6 A Compliance coordinator.

7 Q What does that mean?

8 A I make sure that we are following all the banking
9 regulations and laws, and I do due diligence to make sure that
10 we're not bringing on customers that are fraud.

11 Q And what's Sam's last name?

12 A Paul.

13 Q And it's not your understanding that he's 50-50 owner of
14 the business with your father?

15 A I do not know how they have it structured, no.

16 Q It's your testimony under oath that you don't know if
17 your father has any ownership interest at all?

18 A I do not know.

19 Ownership interest, I don't know. I can't answer that
20 question. I don't know, honestly, how they have it set up.

21 Q How did you come to work for Credova now? How did you
22 get the job?

23 A Sam asked me if I wanted a job, basically. It was
24 perfect timing because I was looking. Right before I started,
25 maybe two or three months before, I was wanting to do something, I

1 didn't know what, and it was perfect. I'm thankful for it.

2 Q Your qualifications for the position?

3 A Hm?

4 Q What are your qualifications for the position?

5 A Honestly, other than a business degree, I was doing
6 serving and lessons for 20 years, and was fortunate enough to be
7 able to get offered that without -- I mean, the qualifications --

8 Q Did you fill out an employment application?

9 A I did.

10 Q Did you provide a resume or CV?

11 A I did not. What is a CV?

12 Q If you don't know, it doesn't matter, and we'll move on.
13 Fair enough?

14 A Yeah.

15 Q So it's not your understanding that your father has been
16 business partners with Sam for at least 20 years?

17 A He has been, yes.

18 Q Okay. What are your work hours?

19 A Eight hours a day.

20 Q How many days a week?

21 A Five, if you're just talking of Credova, yes.

22 Q So you are working a standard 40-hour week for Credova?

23 A Yes.

24 Q When did you start working a standard 40-hour day for
25 Credova?

1 A I don't know the exact date but it was obviously right
2 before the updated financial disclosure.

3 Q I don't know what that means. Did you start part time
4 and then go full time, or have you been full time since you went
5 to work there?

6 A No, I have not been full time since I worked there. I
7 started out at 30 hours a week to see if I could handle the
8 coaching and that. And I can, so --

9 Q How many hours a week are you coaching?

10 A Well, I would like to get out of the coaching if I can.

11 Q That wasn't the question I asked you, Ma'am.

12 A It depends on the week. It varies.

13 Q What's the average weekly number of hours you are
14 working, coaching?

15 A Three, six -- probably -- I don't know, I guess seven.

16 Q What do you charge per hour?

17 A I charge \$45 per half hour.

18 Q So my math, that's 90 an hour; would you agree?

19 A Yeah. Yes.

20 Q And 90 times 7 is \$630 a week, on average?

21 A Less legitimate business expenses.

22 Q I appreciate -- we'll go through expenses later. I'm
23 trying to get the gross right now.

24 Our deposition will go much quicker if you simply focus
25 on the question I ask you and answer the question I ask you rather

1 than provide other information that you might think helpful to
2 you.

3 Do you understand that?

4 A I do.

5 MR. MEADOR: And, Connie, you know me. When I get going
6 too fast, just waive a hand. We've been here before.

7 BY MR. MEADOR:

8 Q Is the reason your salary changed between your October
9 financial declaration and your December financial declaration the
10 fact that you went from part time to full time?

11 A I don't understand. Can you rephrase that.

12 Q Sure.

13 I need to close the blind first or I'm going to be
14 blinded here.

15 A Okay.

16 Q You filed a financial clarification in July. You
17 weren't employed by Credova at that time; correct?

18 A In July, I was not.

19 Q Then you filed one in October and you were employed by
20 Credova?

21 A Yes.

22 Q And then you filed one in December and you continue to
23 be employed by Credova?

24 A Yes.

25 Q But your salary went up somewhat noticeably between

1 October and December. And my question was whether that was as a
2 result of going from part time to full time?

3 A I was going from hourly to salary.

4 Q Okay. So now you have a \$45,000 annual salary rather
5 than an hourly contract?

6 A Yes.

7 Q And are you entitled to any bonuses?

8 A I don't know that.

9 Q Do you have a written employment agreement?

10 A Yes.

11 MR. MEADOR: Counsel, may I get a copy of the employment
12 agreement?

13 MR. RYAN: You may.

14 THE WITNESS: Kevin, didn't we give him one?

15 MR. RYAN: I'm sorry?

16 THE WITNESS: Kevin, didn't we already -- I already gave
17 you that; correct?

18 MR. RYAN: I don't recall, but if you did, and Shawn
19 doesn't have it, I'll get it to him. If you didn't, I'll get it
20 and I'll give it to Shawn.

21 MR. MEADOR: Thank you.

22 BY MR. MEADOR:

23 Q And does Credova have an employee handbook?

24 A I believe so, yes.

25 Q May I get a copy of that?

1 A I don't even have a copy of that.

2 Q Who's your PR or human resources person?

3 A I don't know.

4 Q Will you agree to find out if there's one and provide it
5 to your counsel, if there is?

6 A Yes.

7 Q Thank you.

8 What benefits or perks do you receive through your
9 employment?

10 A What benefits, like health insurance?

11 Q Health insurance is a benefit. Do you receive health
12 insurance?

13 A I do.

14 Q Do you have paid vacation time?

15 A With flex hours. I haven't taken a vacation yet. I
16 don't know that.

17 Q Do you have paid sick leave?

18 A I can't answer that because I honestly don't know.

19 Q Does your employer match any contributions to retirement
20 accounts?

21 A They do, yes. I just started that, uh-huh.

22 Q Is it a 401(k) or what is it?

23 A Yes, a 401(k).

24 Q And what does your employer contribute, do they match?

25 A I do not know the exact number off the top of my head.

1 They don't match yet. I think you have to be there for so long
2 before that goes up.

3 Q Now going back to your December financial disclosure
4 form --

5 A Uh-huh.

6 Q -- on the second page, under Section C, other sources of
7 income.

8 A Oh, mine's -- wait. I have an A and I have a B.

9 Q I'm on page 2.

10 A Uh-huh. C.

11 Q Section C, other sources of income. Do you see that?

12 A Uh-huh, yes.

13 Q It reflects net rental income, a loss of \$80 per month.
14 Do you see that?

15 A Yes.

16 Q Now I'll admit I'm confused by your financial disclosure
17 form because you seem to report information about the rental of
18 your house on this section and then also on a later section.

19 So we'll come up to that so you can unconfuse me.

20 A Okay.

21 Q What I'm also confused about is the claimed loss. How
22 much is the mortgage payment on the home that you own?

23 A It just went up. I think it's 1296, but I can look
24 exactly and give you an answer.

25 Q Well, in October you represented under oath that it was

1 1269.

2 A Yes, now it's 1296.

3 Q And why did it change?

4 A I don't know. That's my bill from Mr. --

5 THE REPORTER: I didn't hear the end.

6 THE WITNESS: I'm sorry. That is my bill from -- that
7 was my mortgage bill from Mr. Cooper.

8 BY MR. MEADOR:

9 Q And how much do you charge in rent per month?

10 A 1950.

11 Q So if you charge 1950 and pay a mortgage of 12 -- now
12 you say 96 -- how do you report an \$80 loss?

13 A Less depreciation on the home.

14 Q Why did the amount of claimed loss change between
15 October and December?

16 A Where is that at?

17 Q Well, on your October disclosure form you claim one
18 amount of loss and on your December form you claimed a different
19 amount of loss. What's the --

20 A Oh, are you still looking in that rental income?

21 Q Can you explain to me why your loss on your home is
22 different now than it was two months ago.

23 A What are you referring to?

24 Q The question I asked you.

25 A I don't -- I don't recall the question, no.

1 Q So you don't know why your loss changed in the last two
2 months?

3 A I don't -- if we're talking net rental income, I can't
4 answer that.

5 Q So you, your financial disclosure form reflects that
6 you're paying rent in the sum of 1,950 a month to live in a house
7 that you do not own; correct?

8 A Yes.

9 Q So why would you pay rent for a home you do not own if
10 the rent -- if renting the home you do own causes to you lose
11 money every month?

12 A One, I have tenants in my house; two, I don't want to
13 raise my child on Keystone Avenue. I want to be closer to his
14 father, my family, a better neighborhood. Ultimately, a bigger,
15 better house would be most beneficial.

16 Q So is that why you want so much more support from my
17 client, so you can buy yourself a bigger, better house?

18 A No, so I can move my child into a nicer home closer to
19 his dad's house; not comparable, but fair.

20 Q Do you claim it's my client's obligation to pay support
21 to allow to you buy a bigger home than you own?

22 A No.

23 Q Please turn to page 3 of your December financial
24 disclosure.

25 I'd like to look at section D, the monthly deductions.

1 Do you see that section?

2 A Yes.

3 Q And if you look down to line seven.

4 A Uh-huh.

5 Q It reflects retirement pension IRA or 401(k), a
6 deduction from your paycheck of \$563 per month. Do you see that?

7 A I do.

8 Q So I thought a moment ago you told me that you hadn't
9 been making any retirement contributions this year. Did I
10 misunderstand you?

11 A No. We were talking --

12 Q Is \$563 deducted from your paycheck each month?

13 A Honestly, I don't know the exact number coming out of my
14 paycheck, but if it's on there --

15 Q Is some amount of money coming out of your paycheck for
16 retirement?

17 A Yes.

18 Q And where is that money held?

19 A I don't know.

20 Q Is it in an IRA, is it in a 401(k)?

21 A 401(k).

22 Q Okay. And is this a new 401(k)?

23 A Yes.

24 Q And where is this new 401(k) listed as an asset on your
25 financial disclosure form?

1 A I don't know.

2 Q So according --

3 A It happened the same week that I did it, so I don't
4 know.

5 Q Well, it happened prior to December 11th, 2020. Where
6 you refer to it in your --

7 A Yes, that week, so it probably hadn't even been
8 deposited, just trying to be honest with my income and what's
9 going on, financially.

10 Q Let's stick with that honesty then. Down to line 11,
11 Other, type of deduction, Club K taxes.

12 Now, that's not true, is it?

13 A I don't understand the question.

14 Q Well, your Club K, your estimated taxes for Club K are
15 not withheld from your Credova pay stub, paycheck?

16 A It's business monthly deductions, yes.

17 Q That's not the question I asked you, Ma'am. The
18 question I asked you is whether your Club K estimated taxes are
19 withheld from your Credova paycheck?

20 A No.

21 Q They couldn't be, could they?

22 A No, they could not be.

23 Q And your claim is you're deducting 563 per month for
24 retirement and you don't know what contribution your employer
25 makes to that?

1 A It's a 401(k), and that's all that I know.

2 Q And when was the first contribution to the 401(k)?

3 A Probably beginning of December, 2020.

4 Q Going back to the Club K estimated taxes, how did you
5 come up with that estimated number?

6 A TurboTax.

7 Q What did you do with TurboTax to get that number?

8 A I don't recall. I just followed through TurboTax and
9 did all the questions it asked, and it prints that out at the end,
10 this is what your estimated tax will be for the next year. And I
11 pay every three months.

12 Q What income did you report to TurboTax for them to come
13 up with that estimated tax?

14 A I do not know that answer.

15 Q What quarterly returns have you filed to pay the taxes
16 owed on Club K income?

17 A Can you repeat the question.

18 Q Right. When you are self-employed, rather -- you don't
19 have a paycheck for taxes to be withheld from. Right?

20 A Right.

21 Q And so you file quarterly returns and make quarterly
22 payments?

23 A I just make quarterly payments.

24 Q Okay. What -- how much -- how much in 2020, how much
25 quarterly payments have you made to the IRS for Club K?

1 A Three, I believe. I don't know exactly.

2 Q Your father does your taxes, doesn't he?

3 A No, he doesn't touch them.

4 Q Never has?

5 A No.

6 Q So who prepared the quarterlies for Club K?

7 A I do.

8 Q Pardon me?

9 A I do.

10 Q So you can provide those quarterlies to your counsel so
11 that I could see them?

12 A I have checks of what I wrote every quarter, yes.

13 Q Okay. I would like to see the quarterlies that you sent
14 with those checks.

15 A Okay. \$1,004, to be exact, every check.

16 Q \$1,004?

17 A I think so, yes.

18 Q Three times for three-quarters?

19 A So far. I believe the last one is due January 15th.

20 Q Okay. Just trying to understand.

21 A That's okay.

22 Q Now if you look down at the bottom of page 3 of your
23 December financial disclosure, and over to page 4, these are your
24 business expenses, correct?

25 A Yes.

1 Q Now unlike your two prior financial disclosures, on this
2 one you combined Club K and your house rental.

3 A Yes.

4 Q Correct? Why did you make that change?

5 A Because it made more sense to me that way.

6 Q I thought it was more confusing that way. So it took me
7 a long time to try and figure out why there were such huge
8 changes.

9 So there's a line that says gross from Club K and rental
10 property, 3660. Do you see that?

11 A Yes.

12 Q So how much is from each?

13 A I don't know.

14 Q Well, do you have income from your house other than
15 1950?

16 A Income from my Keystone house?

17 Q Right.

18 A No.

19 Q So if the income from your Keystone house is 1950, I
20 deduct 1950 from 3660, and that gives me gross income from Club K
21 at 1710; correct?

22 A I don't have the math in front of me, nor a calculator.

23 Q Okay. Do you have any reason to disbelieve me?

24 A No.

25 Q I'm not doing it in my head. I wouldn't pretend to.

1 A No, I know. I just don't know.

2 Q So if 1710 is your gross income per month from Club K --

3 A Uh-huh.

4 Q -- and we established earlier that it's \$90 per hour,
5 that means you're working 19 hours a month at Club K, right?

6 A I don't know the exact hours I work. It varies.

7 Q Well, earlier you told me, on average, seven a week;
8 right? Are you changing your testimony now?

9 A No, I'm not changing it.

10 Q So at seven hours a week on average, you would be over
11 \$4,500 a month gross. Wouldn't it?

12 A Gross maybe. I don't know, I haven't done the math.

13 Q Well, this is a gross number here we're talking about
14 too. I'm comparing apples with apples here. Okay?

15 So you don't really know, is what you are telling me?

16 A No. My softball can go up and down. If I don't work on
17 a weekend, I don't work on a weekday, then it varies.

18 Q Ms. Davis, that's why I asked you for an average and why
19 you answered as an average, because it's not exactly the same
20 every week; right?

21 A Yes, it's not the same.

22 Q That's what "average" means; correct?

23 A Yes.

24 Q All right. Now if you turn to page 4 of your business
25 expenses and look down about five lines, you see Club K taxes.

1 A I'm sorry, what page are you on?

2 Q I'm on page 4 of your December financial disclosure.
3 Top of the page, about 2 inches down, there's an entry for
4 business expenses, Club K taxes, \$334. Do you see that?

5 A Maybe I grabbed -- no.

6 I have the one I wrote on, probably not the one that
7 they filled out and directly gave to you.

8 You said page 3?

9 Q I'm looking at page 4. Your business expenses start on
10 bottom of page 3 and carry over to the top of page 4.

11 A Okay.

12 Q So we were looking at what you claimed your gross income
13 was on page 3. Now I'm looking at your business expenses.

14 A Okay.

15 Q And I've turned to page 4 in business expenses, and it
16 lists Club K taxes, \$334. Do you see that?

17 A I don't. I'm sorry.

18 MR. MEADOR: Counsel, do you have a copy of it in front
19 of you?

20 MR. RYAN: I do, Shawn. Can I walk downstairs real
21 fast?

22 MR. MEADOR: Sure, thank you.

23 (A discussion was held off the record.)

24 MR. RYAN: All right. I'm back.

25 BY MR. MEADOR:

1 Q Thank you.

2 So, Ms. Davis, do you now have the final copy of the
3 December financial disclosure in front of you?

4 A I do.

5 Q And on page 4 do you see the Club K taxes entry that I
6 was talking about?

7 A Yes.

8 Q And this is the exact same 334 in taxes that you listed
9 as being withheld from your paycheck on page 3?

10 A Okay.

11 Q Well, look at page 3.

12 A I see 3.

13 Q And line 11, you claim 334 was deducted from your
14 paycheck?

15 A It doesn't say paycheck, it just said --

16 Q Well, actually, that's what the form says, but we'll
17 move on.

18 A Where?

19 Q This is the same \$334, right?

20 A Yes.

21 Q You are paying 334 a month, not 668 a month?

22 A I don't know.

23 Q Okay. So you would agree that those taxes only get
24 counted once, not twice?

25 A I would agree with that.

1 Q Now, by my math -- well, back up.

2 On page 4, you have gross monthly income, 3750. Do you
3 see that?

4 A Yes.

5 Q That's your salary from Credova; correct?

6 A Yes.

7 Q And then monthly, monthly -- business monthly income,
8 you list 940, but that's the net number, not the gross number;
9 correct?

10 A I believe, yes.

11 Q So we're kind of combining gross and net in these two
12 numbers. One is gross and one is net?

13 A Yep. Yes.

14 Q Okay. All right.

15 But if your business income, your net business income is
16 940 and you claim you are paying 334 a month in taxes, that would
17 make your effective tax rate 35 and a half percent.

18 Is it your belief that you are really paying 35 and a
19 half percent on \$940?

20 A I have no idea.

21 Q Okay. So all you know is you pound some unknown numbers
22 into TurboTax and that's the number it spit out?

23 A They are not unknown numbers. They are correct.

24 Q What did you claim your income was on the TurboTax
25 program to get the 334?

1 A I do not recall.

2 Q That's what I meant by the unknown number.

3 We don't know it today, do we?

4 A I do not know it today.

5 Q Okay. How is your cage rent calculated?

6 A Hourly, I think, or half hour, to hourly.

7 Q How much per half hour or hour?

8 A I pay 20 an hour.

9 Q What specific records do you keep of the number of hours
10 you use the cage for, which you then pay rent?

11 A On my profit and loss sheet.

12 Q Well, what -- let me come at it from a different way.
13 How does your landlord know how much to charge you in a given
14 month?

15 A I pay him the amount of hours that I work.

16 Q Well, how does he know how many hours you work?

17 A Because he trusts me.

18 Q So you simply tell him how many you -- how many hours
19 you work and write him a check for that work?

20 A Yes.

21 Q And neither of you are keeping records?

22 A I don't know what he does.

23 Q Well, are you?

24 A I am.

25 Q What specific records do you keep of the hours you work?

1 A My profit and loss sheet has the exact hours I work.

2 Q Okay. So it just has a total number?

3 A It has per day, yes.

4 Q Okay. Do you write that down somewhere every day?

5 A In my profit and loss, yes, on the computer.

6 Q I've never seen a profit and loss that has a calendar
7 like that, that shows how many hours you worked on a given day.

8 A I just --

9 Q So how would that be reflected on a profit and loss?

10 A That's how I put it. That's all in an Excel
11 spreadsheet. That's how I keep my records.

12 Q You go into the Excel spreadsheet every day to report
13 how many hours you worked that day?

14 A Yes.

15 Q And where are these Excel spreadsheets?

16 A You have the -- I believe you were given a copy the
17 first time. I have them.

18 Q So if I don't have them, your lawyer can get them to me?

19 A Yes.

20 Q Why -- how does the number of hours you're working now
21 compare with the number of hours you were working, say, in June,
22 at Club K?

23 A June? I was probably still like doing not very many,
24 maybe not working because of COVID. I did some via Zoom, lessons.

25 Q So your best estimate of the number of hours per week

1 you were working in June?

2 A I have no idea. I can't even take a guesstimate there
3 because it could be wrong, with COVID.

4 Q What records would reflect that?

5 A I'm sorry, what?

6 Q What records could I look at that would reflect how many
7 hours you were working back in June?

8 A My profit and loss statement, everything is on there.

9 Q And that's this Excel document or is it a different
10 document than this Excel document?

11 A Excel.

12 Q Okay. And your best estimate of comparative hours now
13 compared with then, more now, less now, about the same as now?

14 A Than June? More now.

15 Q More now than in June?

16 A Yeah, nobody was working in June, but yeah,
17 definitely --

18 Q Well --

19 A -- I would say.

20 Q Okay. What records do you keep of appointments?

21 A Just on my profit and loss statement. That's where I
22 have it.

23 Q So if I had an appointment with you on November 7th at
24 10 o'clock, that seven -- December 7 at 10 o'clock appointment is
25 on your Excel?

1 A Yes, they are on my Excel. If I had stick --

2 Q Well, how -- you just told me you did the Excel every
3 day. How could you --

4 A Every day I work.

5 Q Okay. So how, if you do it, if you are reporting the
6 number of hours you worked on your Excel, how did you know who was
7 going to come in that day, when you're doing that after the fact?

8 A In my phone.

9 Q Okay. What do you keep in your phone?

10 A The kids' names and the time of their lesson.

11 Q So there's, in effect, a calendar in your phone?

12 A Yes.

13 Q That reflects --

14 A Forward, yes.

15 Q Well, I mean, you have to look at something to see
16 who -- when you have clients, correct?

17 A Yes.

18 Q I mean, you don't keep that all in your head.

19 A No, I look at my phone.

20 Q Okay. And is it possible to print out those calendars
21 so we can see how many appointments you had?

22 A I don't keep previous ones but I have the ones moving
23 forward.

24 Q What -- well, my phone, the calendar for past months
25 doesn't disappear. Does your calendar on your phone disappear for

1 past months?

2 A No.

3 Q And I can go back years and see what was on my calendar
4 on a given day; can't you?

5 A Yes, I just, know moving forward, they're exact. I
6 don't know why they wouldn't leave my phone.

7 Q Okay. And the records you keep of income are the Excel,
8 from these appointments, are the Excel spreadsheets?

9 A Yes.

10 Q Just when you do the entries, you report how much cash
11 you made from those entries, from those appointments?

12 A I put in how long it was worked, if it was a half an
13 hour or an hour, and the money in there, yes.

14 Q So still on page 3 of your December financial
15 disclosure, you claim \$734 per month in depreciation as a business
16 expense. Do you see that?

17 A Yes.

18 Q What asset are you depreciating?

19 A Keystone.

20 Q Okay. That's your house?

21 A Yes.

22 Q You would agree, wouldn't you, that while depreciation
23 may be an appropriate tax write-off, you are not writing somebody
24 a check for that expense?

25 A I don't know.

1 Q Well, who do you write a check to for depreciation?

2 A I personally do not write a check for the depreciation.

3 Q Right. It's a tax write-off, not a bill that you pay;
4 correct? You know that?

5 A Yes, I know.

6 Q Right?

7 A Yes.

8 Q I mean, that \$734 that you write off on your taxes is
9 still \$730 in your pocket that you can spend?

10 A Well, I --

11 Q Right?

12 A I don't know, I'm not --

13 Q Well, why wouldn't it be?

14 A Sorry?

15 Q Well, you know you don't write a check to anyone for
16 that bill, right?

17 A I do not write a check to anyone for that bill.

18 Q And you know that over time your home has gone up in
19 value, not down in value?

20 A I hope.

21 Q Okay. On page 4 of your December financial disclosure,
22 you reflect that your total average monthly income is 60 -- is
23 4690?

24 A Yes.

25 Q And that's a combination of your gross salary and your

1 net business?

2 A The numbers that I calculated, that I added, correct.

3 Q Well, walk me through how you calculated that.

4 A Well, where do you want to start, cage rental?

5 Q Just how you got to 4690 so I understand where that
6 number came from.

7 A Well, the 1710 plus 1950 was 3660. Correct?

8 Less expenses. So do you have a question on cage
9 rental?

10 Q I'm just asking you to tell me how you came up with the
11 4690 number, so that I understand how you got there.

12 Whether I agree or disagree is irrelevant right now. I
13 just want to know how you got there.

14 A Well, I took the 12-month average of my cage rental, the
15 12-month average of my repairs on my house, the depreciation, the
16 mortgage payment. I took the 12-month average of that, utilities,
17 business supplies and expenses, my business licenses, my banking
18 fees, and got 2720 with that.

19 Q And deducted the taxes twice?

20 A It's not in this expense. It's only in there once.

21 Q Well, I don't believe that's true but I'll let you work
22 with your counsel on that.

23 A Yeah, in business expense.

24 Q I think that to get in the nine hundred -- to get to the
25 4690 number, you deducted the Club K taxes twice; when, in my

1 opinion -- and your lawyer can correct me if he disagrees -- the
2 taxes should not be taken out yet. We need to have apples versus
3 apples, but I'll move on.

4 Now on the financial disclosure form you signed under
5 oath in July, you claimed that your expenses related to Bennett
6 were 110 per month; do you recall that?

7 A In July, yes, I do.

8 Q In October you claimed under oath that your expenses for
9 Bennett were \$691, more than six times as much as in July.

10 A Yes.

11 Q Do you recall that?

12 A Yes.

13 Q Okay. How did his expenses go up so dramatically in
14 such a short amount of time?

15 A He started day-care and I'm paying 400 and some dollars,
16 I don't know the exact amount, for the expense.

17 Q Okay. December 10th, just a week ago, you claimed that
18 your expenses for Bennett come to 787 per month, an increase of
19 about a hundred bucks since October. How did that come about?

20 A Christmas. I'm working, I'm making more. I'm able to
21 spend more. COVID is less amount -- now I haven't really done
22 stuff but I can spend more on Christmas gifts. And, yeah, I'm
23 able to spend more. I'm working more.

24 Q The two biggest changes between July and December for
25 Bennett, one is child care that you list at 468, and the other is

1 entertainment, gift, toys and extracurricular.

2 A Uh-huh.

3 Q Those are the two items that went up dramatically,
4 correct?

5 A Bennett's.

6 Q Pardon me?

7 A I just said Bennett. I was just looking at Bennett
8 expenses.

9 Q They are on page 5.

10 A I see them.

11 Q Do you remember how much you claimed in July for
12 entertainment, gifts, toys and extra curricular?

13 A I do not recall what I put down.

14 Q Can you look?

15 A Huh?

16 Q Do you have your July financial declaration?

17 A Probably.

18 Lord knows which one that is.

19 I've been looking at the correct one because I have
20 three of them in front of me. I believe you're looking at
21 entertainment. Are you looking --

22 Q Find entertainment, gifts, toys and extracurricular in
23 July.

24 A It was 80, I believe.

25 Q I think in July it was 40, wasn't it?

1 A Yep. Yes.

2 Q And then 80 in October?

3 A Yes.

4 Q And now over 180?

5 A Yes.

6 Q And how much did you say you were spending on clothing
7 for Bennett in July?

8 A It's hard to keep it open.

9 We said for clothing, 20.

10 Q And how much do you claim for clothing now?

11 A 85.

12 Q And what happened in Bennett's life that caused him to
13 have a need to go from \$20 a month in clothes to \$85 a month in
14 clothes?

15 A One, he grew. He started school. It's wintertime. He
16 needs boots and hats and gloves. Plus, I get a lot of
17 hand-me-downs from my girlfriend who is growing out of clothes and
18 needs clothes.

19 Q So a difference in age, a five months' difference in age
20 created a need for him -- for you to spend more than four times as
21 much on clothing?

22 A I believe COVID played a big part of it, yes, in the
23 beginning. I mean, I wasn't doing anything, spending anything,
24 going anywhere. We were fine at that point.

25 But yes, I have. School lunch boxes, I've spent that

1 much more.

2 Q I assume you only buy the lunch box once?

3 A Boxes.

4 Q How many -- how old is Bennett?

5 A He's two and a half.

6 Q How many lunch boxes does a two-and-a-half-year-old
7 need?

8 A I know he goes between two homes and when they stay
9 there and they don't come back, it makes it an issue.

10 Q Did I ask you that? I just asked you how many needs.
11 Looking for a number.

12 A I don't know how many. He has two.

13 Q Now which number -- you've three financial disclosure
14 forms under oath where you addressed Bennett's expenses?

15 A Yes.

16 Q In one you said 110, in the second you said 691, in the
17 third you said 787. Which of those numbers may the Court rely on
18 as accurate?

19 A I would rely on the most recent one because that's true
20 and accurate.

21 Q So 787?

22 A Yes, if that's what I have on there.

23 Q So to the best of your knowledge that 787 is a fair and
24 accurate number on which the Court may rely?

25 A To the best of my knowledge, it is.

1 Q Okay. How much child support are you currently
2 receiving?

3 A 1849.

4 Q So can you please explain to me how you are unable to
5 pay \$787 of expenses with child support of 1849?

6 A What am I explaining here?

7 Q Well, you just testified under oath that your
8 representation that your expenses for Bennett are 787 a month,
9 right?

10 A Yes.

11 Q And that the Court may rely on that number as accurate.

12 A Yes.

13 Q You're receiving 849 in child support.

14 A Yes.

15 Q I want to know how you are unable to pay \$787 of
16 expenses with \$1,849 of support.

17 A Nobody said I was unable to pay that.

18 Q So you would admit that the support you've received is
19 about two and a half times your claimed monthly expenses for
20 Bennett?

21 A Yes.

22 Q In your December financial disclosure, you claim that
23 your expenses, your monthly expenses add up to 3648 per month. Do
24 you see that?

25 A Monthly expenses, yes.

1 Q Is that a number the Court may rely on?

2 A Yes.

3 Q In the monthly expenses that you list as part of the
4 3648, you included 500 per month for contribution to an IRA. Do
5 you see that?

6 A Yes.

7 Q So is it your testimony that you have the ability to pay
8 all of your bills and put aside 500 per month in retirement
9 savings?

10 A So far that's what I've been able to do. I know I put
11 it away every year and there's been --

12 Q So you're putting away 500 a month in your IRA and then
13 also 463 a month in your 401(k)?

14 A There's been some years I've been gifted the amount.

15 Q I'm only talking about your current financial
16 declaration form.

17 A Okay. Yes.

18 Q You report on page 5 --

19 A Yes.

20 Q -- that you put aside 500 per month for retirement
21 savings, correct?

22 A Yes. Yes.

23 Q That's part of your 3600 of expenses?

24 A Yes.

25 Q Otherwise it would be 3,100 of expenses, right?

1 A Right.

2 Q And in calculating your net income, the 3750 -- excuse
3 me.

4 The 3750, less the deductions. You deduct from your pay
5 563 for retirement savings. That's on page 3.

6 A That is? Yes.

7 Q Right?

8 A I'll say yes. Page 3. Yes. On page 3, under what
9 section?

10 Q D-7.

11 A Can you repeat the question?

12 Q Your representation to the Court under oath is that \$563
13 per month is deducted from your paycheck to be invested in your
14 401(k)?

15 A Yes.

16 Q And then your representation to the Court on page 5 is
17 that you make another \$500 per month contribution to your IRA?

18 A My Roth IRA, yes.

19 Q So that's over a thousand dollars a month in retirement
20 savings?

21 A That has just begun this month.

22 Q Okay. I'm just -- I was just trying to figure out if
23 it's 563 a month or 1063 a month that you're able to put away in
24 retirement savings.

25 MR. MEADOR: And, Counsel, I've been going for a little

1 over an hour. Do you want to break or do you want to keep going?

2 MR. RYAN: Kourtney, how do you feel?

3 THE WITNESS: I guess we can take a break.

4 MR. RYAN: Okay.

5 MR. MEADOR: Five minutes?

6 MR. RYAN: I'm sorry?

7 MR. MEADOR: Five minutes?

8 MR. RYAN: How about 10?

9 MR. MEADOR: It doesn't take you that long, Kevin.
10 If you need 10, we'll take 10.

11 MR. RYAN: Thank you.

12 (A recess was taken.)

13 MR. RYAN: Shawn, my client wishes to clarify her prior
14 testimony, if you'll allow her to do that.

15 MR. MEADOR: Yes, of course. I'm just trying to get the
16 answers here, not trick anybody.

17 THE WITNESS: Yeah, the Roth IRA was on there. Now that
18 I've just started my 401(k) contribution this December I will not
19 be contributing to the Roth IRA anymore because I won't need that,
20 so that's part of the expense.

21 BY MR. MEADOR:

22 Q Fair enough. That reduces your monthly expenses by that
23 \$500?

24 A Yes.

25 Q Okay. Are you aware that Nevada law has a statutory

1 formula for calculating child support?

2 A Yes.

3 Q And that the amount under that formula is presumed to be
4 the correct amount of child support?

5 MR. RYAN: I'll object as to legal speculation.

6 MR. MEADOR: I asked her if she's aware of that fact.
7 It's a yes or no question.

8 MR. RYAN: Same objection.

9 BY MR. MEADOR:

10 Q You can go ahead and answer, Ms. Davis.

11 A Can you repeat that, what you said?

12 Q Yes. The specific statutory language is that the amount
13 of support calculated under the formula is presumed to be the
14 correct amount.

15 MR. RYAN: I'll object again because that misstates the
16 law. It's presumed to meet the basic needs of the child.

17 MR. MEADOR: Okay.

18 BY MR. MEADOR:

19 Q Do you understand that, Ms. Davis?

20 A Yes.

21 Q All right. And it's your position in this litigation
22 that you should receive more than that amount; correct?

23 A Yes.

24 Q But you don't know how much more?

25 A What is fair to my kid.

1 Q Well, at one time you claimed over \$5,000 a month was
2 fair to your kid; correct?

3 A No, I did not claim that.

4 Q Do you remember the various numbers that you've claimed
5 was fair to your child in this litigation in the months we've been
6 doing this?

7 A That came out of my mouth, no.

8 Q Well, or the mouth of your lawyer who speaks for you.

9 A I know Kevin's number, yes.

10 Q What was Kevin's number?

11 A I believe he made an offer, what was --

12 MR. RYAN: I'm going to object to that. Number one --
13 hold on. Stop.

14 I think that's privileged. And number two, I think the
15 settlement offers are irrelevant, so I'll object to that on that
16 basis.

17 Go ahead, answer, unless it's something you and I talked
18 about, Kourtney.

19 THE WITNESS: He'll have to ask it again because I
20 forgot.

21 BY MR. MEADOR:

22 Q Let's come at it from a different way.

23 Mr. Ryan's number is included in a document filed with
24 the court; is it not?

25 A I don't know.

1 Q Okay. Who was your lawyer before Mr. Ryan?

2 MR. RYAN: Object to relevance. Go ahead.

3 BY MR. MEADOR:

4 Q Go ahead and answer.

5 A Rayna Brachmann.

6 Q And do you recall any of the numbers that Ms. Brachmann
7 demanded of my client?

8 A We didn't even speak, me and her.

9 Q So the answer is no, you don't know what numbers she
10 demanded on behalf of you?

11 A No.

12 Q And who was your lawyer before Ms. Brachmann?

13 A Kelly.

14 Q Ms. Viloría?

15 A Spacing her name. Yeah. Yes. Viloría.

16 Q What demands did Ms. Viloría make on your behalf?

17 A I do not recall.

18 Q Who was your lawyer before Ms. Viloría?

19 A I never had one.

20 Q And what are your total fees to date for this
21 litigation?

22 A I do not know.

23 Q What's your best estimate of your fees to date for this
24 litigation?

25 A I don't have one. It would be inaccurate if I did.

1 Q So you don't know whether you've spent \$5, 5,000 or
2 50,000?

3 A Honestly, I don't know.

4 Q You don't know within a magnitude of \$50,000 how much
5 you've spent on legal fees?

6 A It's under 50, I'm sure. I don't know.

7 Q Okay.

8 A I don't know.

9 Q So you do know that the litigation arises out of your
10 demand for child support in excess of the amount calculated under
11 the statutory formula?

12 A Can you repeat that.

13 Q You do know that all of this litigation and the fees
14 that both you and Mr. Matkulak are incurring --

15 A Uh-huh.

16 Q -- arise out of your demands for child support in an
17 amount that is higher than the amount calculated under the
18 statutory formula?

19 A Due to deviation factors, yes.

20 Q I didn't ask anything about deviation factors.
21 You seek more than the statutory amount, correct?

22 A Yes.

23 Q And you don't know how much more, just some amount more?

24 A That is fair for my child, yes.

25 Q Well, fair to whom?

1 A Fair to Bennett.

2 Q So fairness is in the eye of the beholder, isn't it?

3 A I don't know.

4 Q Well, do you and Bennett's father agree on what amount
5 of child support is fair to Bennett?

6 A Obviously, we don't.

7 Q And Bennett doesn't have a capacity to express an
8 opinion about what he thinks is fair, does he?

9 A No, not yet.

10 Q So your position is that Court, Judge Unsworth, is the
11 person who decides what's fair?

12 A Yeah.

13 Q And you have no information to share with her to help
14 her form that opinion; it's whatever she thinks?

15 A No, I would -- there are reasons why I believe that it
16 should be more.

17 Q So the reality, Ms. Davis, is that you want Mr. Matkulak
18 to pay you child support in an amount greater than the statutory
19 formula, so that you can improve the quality of your life and your
20 standard of living; correct?

21 A That is not --

22 MR. RYAN: Objection, compound. Objection,
23 argumentative.

24 BY MR. MEADOR:

25 Q You can answer the question, Ma'am.

1 A That is incorrect.

2 Q So the only additional money you seek is for Bennett's
3 benefit, not your own?

4 A It is for Bennett. Does it benefit everybody in the
5 household? It does, but it's for my child.

6 Q So you want more money to increase your standard of
7 living?

8 A No.

9 Q What's the difference between what I said and what you
10 said?

11 A It's for my child, not for me. No. It's for my child.

12 Q It's for your child but you get the benefit of it so you
13 put it on Bennett's shoulders rather than owning it yourself?

14 MR. RYAN: Objection, argumentative.

15 BY MR. MEADOR:

16 Q You can go ahead and answer.

17 A I have answered that question.

18 Q Well, tell me what -- well, I'll move on.

19 My impression is that you are a pretty good student; is
20 that accurate?

21 A Yes.

22 Q Okay. And how would you describe for me the difference
23 between the phrase "A and B" and the phrase "A or B"?

24 MR. RYAN: Objection, vague and ambiguous. Relevance.

25 Go ahead.

1 THE WITNESS: Will you repeat it?

2 BY MR. MEADOR:

3 Q Yeah, two phrases. The first phrase, "A and B." The
4 second phrase, "A or B." What's the difference between those
5 phrases?

6 A A and B, A or B. I don't know what you want me to
7 explain here.

8 Q Well, would you agree that the phrase "A and B" means
9 that both A and B have to exist?

10 A Yes, I think.

11 Q And the phrase "A or B" means that only one or the other
12 has to exist?

13 A Yeah, I would agree.

14 Q You would agree. Okay. Good.

15 What specific needs of Bennett are not being met at your
16 home?

17 A His specific needs?

18 Q Yes.

19 A What do you mean by "specific needs"?

20 Q Exactly that. What specific needs of Bennett's are not
21 being met at your home?

22 A Can you explain "specific needs."

23 Q What don't you understand about specific needs?

24 A Well, what are the specific needs?

25 Q Well, you need to tell me that.

1 A I feel like his basic needs are being met at my house.

2 He has food, he has clothing, he has shelter.

3 His specific needs are not being met.

4 Q Right. What specific need of Bennett is not being met?

5 A I think there's a lot. I think there's -- due to the
6 difference in lifestyles, and he has a wealthy father, I feel like
7 he is entitled to live a lifestyle somewhat equivalent.

8 There's stability, I feel, financial stability that I'm
9 not able to give my child that his father is able to give him.
10 You know, the stability that, you know --

11 Q Those are nice words. I want to know what specific need
12 isn't being met.

13 MR. RYAN: Well, objection. Objection. She's answering
14 the question. She needs to be allowed to answer, Shawn.

15 MR. MEADOR: Well, she was ignoring the question, but if
16 she wants to continue, I'll let her continue, and then I'll come
17 back to the question.

18 MR. RYAN: Thank you.

19 THE WITNESS: I'll shorten them up for you, if you would
20 like.

21 BY MR. MEADOR:

22 Q I need to know the specific needs of Bennett that are
23 not being met.

24 A Stability, the security, our house.

25 There's a time need, a specific need of time that I feel

1 like is not being met at my house, the time that I could spend
2 with my son, the amount of time I have to put in to work.

3 I mean, there's educational needs. I feel that he
4 deserves the best. He should have the best of everything, I feel
5 like.

6 Q So is it your position that my client should have to pay
7 you more child support so you don't have to work full time?

8 A No, that is not what I'm saying.

9 Q And is it your position that you work more hours per
10 week than my client works?

11 A Say that again?

12 Q Is it your position that you work more hours per week
13 than my client works?

14 A Is it my position? I don't --

15 Q Right. Do you claim that you work harder than
16 Mr. Matkulak?

17 A Yes, I work more hours than Mr. Matkulak.

18 Q How many hours do you claim he works per week?

19 A I don't know what he does. I don't know.

20 Q Well, then how did you just tell me you work more hours
21 than him if you don't know what he's working? Did you just make
22 up --

23 A I don't know what he is, but I know what he used to. I
24 know -- I know, but I can't say exactly, so I don't want to say,
25 but I do know I work more hours than Mr. Matkulak does.

1 Q Okay. Then tell me exactly how many hours you're
2 working a week and how many he's working a week so that you can
3 justify that answer.

4 A Well, you can take my average and add that to the 40.

5 Q Well, am I going to base that on the amount you claim
6 you earned or the amount you claim you work, because they're two
7 different numbers?

8 A I'm talking about hours.

9 Q Pardon me?

10 A We're talking about hours that I work per week. Tony
11 does not --

12 Q Right, but they don't match. The numbers don't add up,
13 Ma'am.

14 A Okay. Well, they do.

15 Q Well, at trial we'll go through why they don't.
16 How many hours per week do you claim you're working now?

17 A At Credova I'm working 40 hours per week. That, I know,
18 is more than Mr. Matkulak works. And I don't want to talk -- I
19 don't know exactly but I can tell you that -- I don't know what he
20 works.

21 Q So 40 hours a week at Credova and how many hours per
22 week in coaching at Club K?

23 A It varies.

24 Q What's the average per week?

25 A I think we set an average, between six, seven, right in

1 there. Depends if I work or if I don't.

2 Q Well, that's why it's an average, right?

3 A Yes.

4 Q Is the six to seven your best testimony regarding the
5 average number of hours you work coaching?

6 A Yeah, I know on a month -- it's 19, 20 hours, right. 19
7 would be a good average per month, and that's why I go by month.

8 Q Well, then that's significantly less than seven a week.
9 That comes back to why I said --

10 A Well, now this isn't correct, because there is weeks I'm
11 not working on Sundays, and I apologize for adding that, you're
12 correct. I get -- I'm on the spot -- and I'm not working every
13 Sunday so I was just thinking of a week I did and then didn't, so
14 that's incorrect. There's weeks I only work three hours.

15 Q That's why we're using an average. I'm still trying to
16 get to that average. Is it four hours a week, average? Seven
17 hours a week, average?

18 A Can I go by month, because I know that best?

19 Q Sure, if that's helpful, tell me how many per month.

20 A I think it's like 18 or 19 per month. And I apologize
21 because I did my Sundays times four.

22 Q So about four hours a week?

23 A On average? I don't know. I don't know on average. I
24 just know -- I know per month, yes. 19 --

25 Q What, when did -- what personal knowledge do you have of

1 when, how many hours per week Mr. Matkulak works?

2 A Only before, when I lived with him, or even -- all I'm
3 aware of now is the drop off times and pick up times.

4 Q So what personal knowledge do you have of the actual
5 number of hours he works per week?

6 A I don't have -- I don't know. I just --

7 Q So you said a minute ago that Bennett deserves the best
8 of everything. Do you recall saying that?

9 A When I was talking about education, I think he does.

10 Q Okay. Beyond education, what does he need the best of
11 that he doesn't have?

12 A The best stable households, between the two households,
13 the stability, the uncertainty of a child going between the two
14 homes that are different. I feel like that there can be one
15 parent buying the love of a child and, you know, that impacts the
16 relationship I have with my child and it affects Bennett. And I
17 don't want that, you know, why can Daddy freely spend and Mommy
18 can't freely spend.

19 Q Well, give me an example of Mr. Matkulak using his
20 wealth to buy Bennett's affection that you could not, and how that
21 impacted your relationship.

22 A I do not know what Mr. Matkulak does, no.

23 Q Okay. So you're just speculating about what might
24 happen, not testifying about what has happened?

25 A Right. Yes, I guess so.

1 Q Do you have a good relationship with your son?

2 A A fantastic relationship with my son, yes.

3 Q So -- all right. Do you have the ability to use the
4 facilities at Hidden Valley Country Club?

5 A I have used them, yes.

6 Q Are you a member?

7 A I'm not.

8 Q How do you manage to use the facilities at Hidden Valley
9 Country Club if you are not a member?

10 A Because it's like a husband/wife, and my mom doesn't --
11 has not gone, so family can use it.

12 Q I don't understand what that means. You're not married
13 to your mom.

14 A No, but I have gone as my mother, if that makes sense.

15 Q Oh, so you pretend to be your mother to go use the club
16 facilities?

17 A Well, no, I don't have to have say I'm Debbie, they have
18 a law, a rule at the country club, that's all I know, that I can
19 go, so it's okay.

20 Q So in some way you are able to use your parents'
21 membership at Hidden Valley Country Club to use the facilities
22 there?

23 A The pool -- yeah.

24 Q And they know that you are not your mother, you're not
25 just defrauding them?

1 A Well, they don't ask for names, no.

2 Q So you just go in and say you are under your dad's and
3 they let it go at that?

4 A Yes.

5 Q And is Mr. Matkulak a member of Hidden Valley?

6 A I do not know.

7 Q And what facilities of Hidden Valley do you and Bennett
8 enjoy?

9 A The pool.

10 Q Okay. Anything else?

11 A At Hidden Valley, no.

12 Q And you have no personal knowledge that my client has a
13 membership there?

14 A No, I don't know what he's doing now.

15 Q Do you have any personal knowledge that my client has a
16 membership at any country club?

17 A I don't know what he's doing.

18 Q So the answer is "no?"

19 A I don't know what he's doing.

20 Q Okay. So the answer is no, you have no personal
21 knowledge that he has a country club membership?

22 A No.

23 Q Thank you. How many times have you and Bennett spent
24 time at Lake Almanor, weekends, getaways, vacations, holidays?

25 A In what amount of time?

1 Q His life.

2 A I don't know in his life. We've probably gone three
3 times this year.

4 Q What about last year?

5 A I don't know.

6 Q What's your best estimate?

7 A I don't have an estimate. I don't know. I --

8 Q You don't know if it's one time or a hundred?

9 A One. I don't know.

10 Q The "one" was just sarcasm, because you don't have an
11 answer; is that right?

12 A I don't. I don't know how many times we went last year.

13 Q When do you typically go to Lake Almanor?

14 A We went Thanksgiving, we went 4th of July, and a week
15 during COVID, to be safe. And that was all I can remember this
16 year.

17 Q That's this year.

18 So if you have no memory of last year, if my client has
19 records or memory, his memory and records would be better than
20 yours?

21 A Well, I probably -- I doubt -- I might have records, I
22 probably do. I don't know.

23 Q Well, what records would you have?

24 A Well, at one point I was keeping a log of our exchanging
25 time and where we were and what was going on.

1 Q So we could figure out how many times you go up, you've
2 been up to Lake Almanor, in the prior year; correct?

3 A I guess. I don't --

4 Q Would there be, for example, communications between you
5 and Mr. Matkulak --

6 A Yeah, there would probably be.

7 Q -- about those arrangements?

8 A Yeah, he would have probably have it in his phone.

9 Q Where do you stay when you're in Lake Almanor?

10 A At my parents' house.

11 Q To your knowledge does my client own a vacation home?

12 A Not that I'm aware of.

13 Q To your knowledge does my client have access to a
14 vacation home?

15 A Not that I'm aware of. I don't know.

16 Q And have my client and Bennett taken vacations or
17 getaways to somewhere that you believe is equivalent to the times
18 you are able to get away and enjoy your parents' vacation home at
19 Lake Almanor?

20 A I don't know.

21 Q I can't hear you.

22 A I don't know what trips. All I know is maybe a
23 San Francisco trip he's taken.

24 Q Well, we talked about the three vacations that you
25 remember from this year that you and Bennett took to Lake Almanor;

1 correct?

2 A Yes.

3 Q That adds up to how many days this year?

4 A I believe -- how many days?

5 Q The week of COVID.

6 A Maybe 13 days total this year.

7 Q And have my client and Bennett taken 13 days of vacation
8 time, somewhere roughly equivalent to Lake Almanor, you know, a
9 vacation, enjoyable time?

10 A Not to my knowledge.

11 Q Okay. Now, do you think that your two-year-old Bennett
12 cares that you drive a Lexus and his father drives a BMW?

13 A He talks about his daddy's convertible Porsche, how fast
14 he goes, and he doesn't understand, but --

15 Q Do you think he cares what car you drive versus the car
16 his father drives?

17 MR. RYAN: Object as speculation of Bennett's.

18 Go ahead.

19 THE WITNESS: At his age right now, no.

20 BY MR. MEADOR:

21 Q And do you claim that Mr. Matkulak should be required to
22 pay you child support in an amount that would allow you to own a
23 car exactly equivalent or identical to his?

24 A Repeat that.

25 Q Do you claim that my client should pay you child support

1 in an amount to allow you to purchase and own a car equivalent to
2 his?

3 A If we were just talking about a car -- I'm sorry, can
4 you say it one more time.

5 Q No, I can't. Can you answer the question?

6 A I don't remember.

7 MR. MEADOR: Ms. Court reporter, will you read the
8 question for the third time.

9 (The question was read by the reporter.)

10 THE WITNESS: Yes, I think that's appropriate for the
11 kid.

12 BY MR. MEADOR:

13 Q Why?

14 A Well, I'm basing that off of -- if it was just a car,
15 no; when it comes to a home, yes.

16 Q We're only talking about a car right now. So will you
17 answer the question about the car, please.

18 A I have a fine car so I don't need help with the car.
19 Bennett doesn't need help with a car.

20 MR. MEADOR: Ms. Reporter, could you hear that?

21 THE REPORTER: Not all of it. "I have a fine" --

22 MR. MEADOR: Would you repeat that, please.

23 THE REPORTER: Me?

24 MR. MEADOR: No, the witness. I couldn't hear her
25 answer. I thought she said that, no, that she had a perfectly

1 fine car for Bennett, but I may have misunderstood.

2 MR. RYAN: Kourtney, what did you say?

3 THE WITNESS: That I -- I guess I mean that I think he
4 should be helping out with the car, and maintenance.

5 BY MR. MEADOR:

6 Q Ma'am, didn't you just say your car was fine for right
7 now?

8 A For Bennett. I think we were on what Bennett sees as --
9 he doesn't know the difference.

10 Q So let's go back to the question for the fourth time and
11 try and get an answer.

12 Do you claim that my client should pay you child support
13 so that you can buy a new car that's equivalent to or identical to
14 his?

15 A No.

16 Q Thank you.

17 Do you claim that Bennett is harmed or suffers in some
18 way because you drive a Lexus and his father drives a BMW and,
19 apparently, you say, a Porsche?

20 A Is he harmed, is that what you said?

21 Q Yes.

22 A No, he's not.

23 Q Does he suffer in some way because you only have a
24 Lexus, not a Porsche or BMW?

25 A I do not believe he does.

1 Q Do you claim that my client spends lavishly on Bennett
2 in some way that you are unable to compete with?

3 A I don't know what Tony does.

4 Q So you have no evidence that Mr. Matkulak spends
5 lavishly on Bennett in a way that you don't have the ability to
6 spend?

7 A I only see his financial declaration to know what he
8 spends there.

9 Q So you have no knowledge that he's pending lavishly on
10 Bennett in a way that you are unable to do?

11 A Not that I know of. I do not know what he's spending
12 on.

13 Q In what ways do you claim it is necessary for you to
14 spend money on Bennett that you are unable to afford?

15 A A nicer home. You know, a nicer home, a bigger backyard
16 for my child. Those things I would not be able to afford right
17 now. I can't even qualify for a loan.

18 Q So the home you are living in now is where?

19 A Is what?

20 Q Where is the home in which you are living now?

21 A Damonte Ranch -- or Double Diamond.

22 Q How many bedrooms?

23 A Three.

24 Q How many bathrooms?

25 A Two.

1 Q In what way is that home insufficient to meet Bennett's
2 needs?

3 A It's a roof over his head.

4 Q Well, it's a lovely home, isn't it? What's wrong with
5 it?

6 A It's a fine home for me.

7 Q Does it have -- what's -- what kind of appliances does
8 it have?

9 A Regular.

10 Q Does it have stainless steel appliances?

11 A It does.

12 Q Does it have -- what kind of countertops does it have?

13 A They look like rock. I don't know.

14 Q So granite or marble or quartz, something like that?

15 A I guess. I don't know.

16 Q Some kind of rock countertops.

17 A Yes.

18 Q They are not formica, like I grew up with; right?

19 A I don't know. If they are the real ones, fake ones, I
20 don't know.

21 MR. MEADOR: I'm guessing Kevin might have grown up with
22 formica too.

23 THE WITNESS: Whatever. The granite ones.

24 BY MR. MEADOR:

25 Q Fenced-in backyard?

1 A Yeah. If you want to call it a backyard, yes. It's
2 five feet across.

3 Q And did you -- how big a yard is there on Keystone?

4 A I don't know, not big enough for a play structure.

5 That's what I -- I want him to run in the backyard and
6 play.

7 Q How -- how many -- how much bigger of a home do you
8 think it's appropriate for you to own?

9 A I don't know, I haven't -- I don't know.

10 Q And what would this bigger home that you would like to
11 own cost you?

12 A Gosh, I don't know.

13 Q And how much more would your mortgage payment per month
14 be to allow you to own this bigger home?

15 A I don't know.

16 Q And who would benefit from the increased equity of a
17 bigger home that my client finances, under your theory?

18 A Who would benefit?

19 Q Yeah. Who would own that equity?

20 A We would both benefit from that.

21 Q I said who would own the equity?

22 A I would own the equity.

23 Q So you want my client to pay you more child support so
24 that you personally would have more equity in a home?

25 A No.

1 Q Well, what's wrong, why "no"? What part of that is
2 inaccurate?

3 A That's not why he's doing it. He's helping out his
4 child. It's not for me.

5 Q Well, it's not for you except for you're the sole owner
6 of the equity that home he's going to finance for you; right?

7 A Which goes to Bennett, yes.

8 Q Well, there's no legal obligation for you to leave
9 anything to Bennett, is there?

10 MR. RYAN: Objection. Argumentative, legal speculation.

11 MR. MEADOR: Well, I'll move on from that bizarre
12 answer.

13 BY MR. MEADOR:

14 Q Do you claim that Bennett has some special need that
15 would require him to have a larger home?

16 A I definitely do.

17 Q What special need does he have that would require him to
18 have a bigger home?

19 A His emotional well-being, the difference between two
20 households, the neighborhood kids, what you're brought up around.
21 The security of the neighborhood is important.

22 Q When did you move to the home you live in currently?

23 A When? Maybe May of 2019.

24 Q So Bennett was alive at that point in time?

25 A He was.

1 Q And you made the choice that that was an appropriate
2 home for Bennett to live in at that time, or you wouldn't have
3 rented it, correct?

4 A Yes.

5 Q And it's close to your parents, that you like?

6 A Right, it is close to my parents.

7 Q Is it close to parks?

8 A There's parks.

9 Q Now, my client tells me that during his relationship
10 with you, that both you and your father complained about his
11 cheapness. Is that a fair characterization?

12 A Yeah, you could say that, I guess. That's how he -- if
13 that's how he interpreted it, yeah.

14 Q Well, another word could be "frugal," right?

15 A Yeah, Tony was -- yeah, I guess we would.

16 Q Did you use the word "frugal" or "cheap"?

17 A To whom?

18 Q When you referred to Tony's -- or to Mr. Matkulak's
19 spending habits?

20 A I don't recall.

21 Q When you spoke to him, how did you characterize the
22 concept of frugality or cheapness?

23 A I don't recall what I said to him.

24 Q You do recall the concept of commenting on his
25 frugality?

1 A I guess, yeah.

2 Q Well, "I guess, yeah" --

3 A He was --

4 Q -- is that a "yes"?

5 A Well, I'm just saying, because he would say it, so it
6 was kind of a -- everybody --

7 Q Everybody acknowledged that he was frugal?

8 A He would say it and -- I don't remember what I said to
9 him.

10 Q Other than having a bigger home than you, and perhaps
11 nicer vehicle than you, in what way does Mr. Matkulak spend money
12 more lavishly than you?

13 A I do not know what he does. I don't know.

14 Q So you are not claiming that he lives a more lavish
15 lifestyle other than he has a bigger house and a nicer car?

16 A You asked me what he spends on Bennett; I don't know
17 what he spends on Bennett.

18 Q I asked you if he spends lavishly. I didn't qualify it
19 any way other than that.

20 A I have no idea what he does.

21 Q So you have -- it's not your testimony that you have any
22 personal knowledge that he spends money more lavishly than you,
23 other than he has a bigger house and a nicer car?

24 A And a Rolex watch and two cars, a brand new convertible
25 Porsche and a nice house. I got -- and that's -- I know the

1 things he wants to do. No.

2 Q So do you contend that Bennett has a special need for
3 his mother to own a Rolex watch?

4 A I do not need to own a Rolex watch.

5 Q Okay. Now maybe I misheard something. Other than a
6 bigger house, a nicer car and a Rolex watch, in what way does my
7 client live a more lavish lifestyle than you?

8 A I don't know what Tony does. I know that -- I don't
9 know.

10 Q Well, Ma'am --

11 A What's on his financial disclosure.

12 Q -- you have repeatedly suggested to me that one of the
13 reasons you need more child support is so that Bennett can have
14 the same lifestyle in your home as his father's home, correct?
15 That's your position?

16 A No.

17 Q It's not?

18 A That is not my --

19 Q What is your position?

20 A They do not need to be equal. That's not what I'm
21 looking for here.

22 Q What specific thing -- what specific thing does Bennett
23 need that you can't afford?

24 A Stability, I feel like.

25 Q What's that mean?

1 A Like financial stability, I can't provide that for my
2 child.

3 Q Well, you just increased your income from almost nothing
4 to about \$60,000 a year. Right?

5 A Right.

6 Q So when you had to, you had the ability to provide
7 financial stability for your son, correct?

8 A Retirement and savings. There's things that I can't
9 even compete with his father on. If something happened and I
10 can't work, what do I do?

11 Q You go back to the Court and explain to the court what
12 you --

13 A I don't have the fees to keep doing this and that's what
14 I mean by stability. I need to protect my kid -- my kid's right.
15 And this is not something that can continue on. And it's not --
16 it's to protect him.

17 Q Well, it's to protect you.

18 A I disagree with you there.

19 Q All right. What specific things do you claim Bennett
20 deserves that you claim you cannot afford?

21 A I think that was a big one, was time, I think.

22 Q Well, what does that mean?

23 A I would love to spend more time with my son. The amount
24 of hours that I'm working -- and, again, when I don't have him,
25 I'm working, and I need a minute to myself to be my healthy best

1 version of myself with my son. And he deserves a mom that's like
2 not like stressed out. And I just -- I don't want to work the
3 extra hours, I want to be --

4 Q So his father should work and support you so that you
5 don't have the burden that every other parent in America has?

6 A No.

7 MR. RYAN: Objection --

8 THE WITNESS: That's not what I meant.

9 MR. RYAN: -- argumentative.

10 Kourtney, when I object, stop talking, please.

11 THE WITNESS: (Nodding head affirmatively).

12 MR. RYAN: Thank you.

13 Go ahead.

14 BY MR. MEADOR:

15 Q Now you can answer.

16 A Oh. I said the financial --

17 Q You want additional child support so that you don't have
18 the stress of supporting your child, like every other parent?

19 A That is incorrect.

20 Q Okay. Then tell me what I misunderstood.

21 A I'm not comparing myself to every other parent.

22 Q So on this time issue, you have custody of Bennett
23 50 percent of the time, correct?

24 A Yes.

25 Q And we've established, I think, that you're working, on

1 average, about four hours a week for Club K?

2 A I don't remember the number that we said today, I don't
3 know.

4 Q And you could easily schedule four hours -- well, go
5 back to your 18, 19 hours a month. You could schedule 18 or
6 19 hours a month on those days when you don't have Bennett in your
7 care?

8 A And I want to spend -- yes, and more time with my son.

9 Q Well, when he's in his dad's care, he's not with you;
10 right?

11 A Yeah, he is not with me.

12 Q So you could put those 18 or 19 hours a month, on days
13 when Bennett is with his father?

14 A Oh, when I'm thinking of work, you know, cleaning house,
15 doing stuff I need to do, like it's -- I don't know, maybe I'm
16 just not filling the time to me, but --

17 Q Well, that goes back then to my question earlier, that
18 what this is really about is that you want Mr. Matkulak to pay you
19 child support so that you don't have to work as hard to improve
20 your standard of living.

21 A Absolutely incorrect.

22 Q Okay. So then what am I missing?

23 A This is not to do with me, it has to do with the
24 well-being of my son, and the fact --

25 Q How does you cleaning your house, like every mother,

1 every other mother I've ever met, have anything to do with it?

2 A I don't --

3 Q Is it your position that Mr. Matkulak should pay you
4 child support so that you can afford to hire a housekeeper or a
5 maid?

6 A Bennett watches his dad have a maid and do yard work at
7 that house, and that's --

8 Q I didn't ask you that question. Would you please answer
9 the question I asked you, Ma'am?

10 A Can you repeat it?

11 Q Yes. Do you claim that Mr. Matkulak should pay you
12 child support so you can hire a maid?

13 A No.

14 Q Okay. Do you claim that Mr. Matkulak should pay you
15 child support in an amount sufficient that you don't have to work
16 full time?

17 A Absolutely not.

18 Q Okay. Is there any specific need that Bennett has that
19 you are unable to meet financially?

20 A Yes, I think there are specific needs that are not met
21 financially.

22 Q Then identify those specific needs for me.

23 A I think that a lot is where he's living. Where he's
24 living, like I said --

25 Q I couldn't -- you garbled. Tell me. Say that again.

1 A Better neighborhood, better home, better lifestyle for
2 my son. He's a Matkulak. I feel like he deserves to live like
3 one. I don't think we should have the uncertainty between the two
4 homes.

5 Q **What uncertainty is there between the two homes?**

6 A He is not old enough yet, but he's going to be. You run
7 around with different neighborhood kids. You drive different
8 cars. Your dad talks -- I don't -- they talk to --

9 Q **So what possibly is wrong with that? I grew up in a**
10 **town where there was one school. Everybody of all income brackets**
11 **went to that same school. How is that possibly harmful?**

12 A His dad is not in all income brackets.

13 Q **Pardon me?**

14 A His father is not in all the income brackets. It's
15 different.

16 Q **Well, you've reached an agreement where he's going to**
17 **school; correct?**

18 A He's going to day care.

19 Q **Okay. And you guys made a mutual choice about where to**
20 **send him to day care?**

21 A We did.

22 Q **And you also agreed, you also know that you'll have to**
23 **make decisions about where he goes to school?**

24 A We will have to make those decisions, yes.

25 Q **And that he'll have friends at your house and friends at**

1 dad's house; right?

2 A I hope he does.

3 Q And are you claiming that the regular folks who live in
4 your neighborhood, that Bennett is too good for them to be his
5 friends?

6 A No, I didn't say that. No.

7 Q Then what did you mean, when he's going to have
8 different friends at dad's house?

9 A Just the neighborhoods you live in.

10 Q So what? Tell me what.

11 A How people perceive them. They're just -- they're
12 different.

13 Q So you want your son to have the image of being a rich
14 kid, and that's why dad needs to pay you more support?

15 A No, I would disagree with that.

16 Q Well, tell me what was wrong about what I just said.

17 A It's not -- I don't need my kid to be looked on as a
18 rich kid.

19 Q Okay. So I'm completely confused by your testimony, so
20 we're going to back up and start over again a little bit.

21 Tell me what specific need Bennett has that you're not
22 able to meet.

23 A What do you mean by "not able to meet"?

24 Q That you can't forward, that you want more money from
25 dad so you can afford it.

1 A Monetary things. I think I --

2 Q That's what child support is, money things.

3 A Yes, I know.

4 The security part of it.

5 Q Well, tell me what that means, "the security part of
6 it."

7 MR. RYAN: I'm going to object now. She's explained
8 this two or three times already.

9 MR. MEADOR: And it never made any sense.

10 MR. RYAN: It made sense to everybody else.

11 MR. MEADOR: Well, I don't think so.

12 MR. RYAN: Okay. Well --

13 BY MR. MEADOR:

14 Q So tell me what you mean, the security part already --

15 MR. RYAN: This is about --

16 THE REPORTER: Wait. I couldn't hear. You're both
17 speaking at the same time.

18 MR. RYAN: This is -- object as asked and answered.

19 MR. MEADOR: I'll start over.

20 MR. RYAN: I'm going to object as to asked and answered.

21 Go ahead, Shawn.

22 BY MR. MEADOR:

23 Q Ms. Davis, what do you mean by the security thing?

24 A Financial security for my son, and stability, that I can
25 be able to keep doing what we're doing right this second to

1 protect my kid; because I feel like, if this is -- we're going to
2 be going until he's 18, I have to keep -- defend things in Court,
3 I can't do that, if he puts me up against the wall, it already is
4 making me go backwards.

5 Q So what I'm hearing, and correct me if I'm wrong, is
6 that you're fearful that at some point in the future Bennett will
7 have additional needs that you can't meet, or that you will be
8 able -- unable -- something will happen that you'll be unable to
9 make as much money as you make now. Did I hear that right?

10 A No, you did not.

11 Q Okay. So then let's go back and tell me what you mean
12 by you need additional support now for the security thing.

13 A Yes, financial security, there's things -- retirement,
14 like savings for my kid. If something happened, I have no backup.

15 Security, the fact that, you know, what do --

16 Q Let me interrupt you.

17 A I can't even protect my kid legally right this -- I mean
18 that's what this is going with, security and stability.

19 Q Well, how is your child not protected?

20 A He has legal rights, obviously, with the statute that's
21 there. Who knows what's going to come about? I have no idea.

22 Q Well, that's what I tried to say a minute ago and you
23 told me I was wrong. So let me come back at it again.

24 A You said -- you had two parts.

25 Q Let me come back at it again.

1 A You had two parts.

2 Q Let me try it again. Is it your claim that you're
3 unable to meet Bennett's needs now, or that you're fearful you'll
4 be unable to make them in the future?

5 A I hate to be a pain. Can you separate that into two?

6 Q Do you claim you're unable to pay what you need to pay
7 for Bennett today?

8 A Yes, I'm claiming that I am unable to.

9 Q Okay. What are you unable to pay?

10 A I think you've already asked me that.

11 Q And I didn't ever get an answer. So what are you unable
12 to pay.

13 A Monetary-wise?

14 Q Yes.

15 A I -- right now his basic needs are met. I'm able to
16 take care of him in that fashion.

17 Q So what need of his are you unable to afford today?

18 A Oh, like I just said, I talked about this ability --
19 security and things I can't -- the housing is the biggest one, the
20 lifestyle and the housing is the biggest, and those are my
21 answers.

22 Q Okay. And on the lifestyle you told me you have no
23 knowledge that he lives a bigger -- a better, more lavish
24 lifestyle at dad's house than yours?

25 A I only know what is on his financial disclosure, and

1 when we were together, how he lived.

2 Q How did he live more lavishly than you back then?

3 A I don't really remember. I chose -- not a good time,
4 let's just put it that way. I don't know.

5 Q For either of you, but I'm talking about money, not
6 emotions, because child support isn't based on feelings of either
7 one of you.

8 A No.

9 Q It's based on whether Bennett's needs are being met.
10 And I'm still at the point that I don't understand your position
11 at all, other than you would like a bigger, more expensive house
12 and a nicer car. So what am I missing?

13 A I'm drawing a blank for this and I'm sorry. Can I take
14 a break?

15 MR. MEADOR: Yes.

16 Counsel, how long of a break would you like to take?

17 MR. RYAN: Ms. Davis, how long of a break would you like
18 to take?

19 THE WITNESS: 10 is fine.

20 MR. MEADOR: 10 minutes?

21 And I will just caution you that under the Coyote
22 Springs case I'm allowed to ask you about any discussion you have
23 with your lawyer on this break.

24 So anticipate that, to the extent that during the break
25 you talk with your counsel, that will be the first question you're

1 asked --

2 THE WITNESS: Okay.

3 MR. MEADOR: -- about what you talked about.

4 I'll see you all in 10 minutes. Thank you.

5 (A recess was taken.)

6 BY MR. MEADOR:

7 Q Ms. Davis, was there anything you want to change, amend,
8 supplement, edit to your prior testimony?

9 A No.

10 Q And is the home, where you're currently residing, in a
11 gated neighborhood?

12 A It is.

13 Q Is the home, where Mr. Matkulak resides, a gated
14 neighborhood?

15 A No.

16 Q Now, in my experience, and it is what it is, more middle
17 class neighborhoods, similar to where you live, tend to be full of
18 young families and lots of children; is that true of your
19 neighborhood?

20 A There is some kids in my neighborhood and old people in
21 my neighborhood. They refer to it as a retirement community.

22 Q Pardon me?

23 A They refer to it as the retirement community.

24 Q So there's not a lot of kids for Bennett to play with as
25 he gets older?

1 A There are some kids.

2 Q What about in the neighborhood where Mr. Matkulak lives,
3 is that more empty-nesters and wealthy families, as opposed to
4 young families with kids?

5 A There's quite a few kids on the street, from what I
6 remember.

7 MR. MEADOR: I don't have anything further.

8 MR. RYAN: Shawn, I'm just going to ask about two hours
9 worth; is that good?

10 MR. MEADOR: Perfect. I've got a client who will pay
11 the bill, right?

12 MR. RYAN: No, no questions. Thank you.

13 MR. MEADOR: Thank you all. When do we have court?
14 I've forgotten.

15 MR. RYAN: Sometime in March, isn't it?

16 THE WITNESS: March 11th.

17 MR. MEADOR: All right.

18 MR. RYAN: Bye, have a good day.

19 (The proceedings concluded at 11:25 a.m.)

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REPORTER'S CERTIFICATION

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I, CONSTANCE S. EISENBERG, a Certified Court Reporter in
and for the State of Nevada, do hereby certify;

That on Thursday, December 17, 2020, at the hour of 8:53
a.m. of said day, in Reno, Nevada, personally appeared KOURTNEY
DAVIS, via Zoom videoconference, who was remotely duly sworn by me
to testify in the within-entitled proceedings;

That said deposition was taken in verbatim stenotype
notes by me and thereafter transcribed into typewriting as herein
appears;

That I am not a relative nor an employee of any of the
parties, nor am I financially or otherwise interested in this
action;

That the foregoing transcript, consisting of pages 1
through 93, is a full, true and correct transcription of my
stenotype notes of said deposition.

DATED: At Reno, Nevada, this 29th day of
December, 2020.



CONSTANCE S. EISENBERG, CCR #142, RMR, CRR

ERRATA SHEET

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I declare under penalty of perjury that I have read the
foregoing _____ pages of my testimony, taken
on _____ (date) at
_____(city), _____(state),
and that the same is a true record of the testimony given
by me at the time and place herein
above set forth, with the following exceptions:

Page	Line	Should read:	Reason for Change:
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ERRATA SHEET				
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18				
19	Date:	—	—	
20			Signature of Witness	
21			—	
22			Name Typed or Printed	
23				
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25				

1 HEALTH INFORMATION PRIVACY & SECURITY: CAUTIONARY NOTICE

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3 and state laws and regulations ("Privacy Laws") governing the
4 protection and security of patient health information. Notice is
5 hereby given to all parties that transcripts of depositions and legal
6 proceedings, and transcript exhibits, may contain patient health
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12 patient information be performed in compliance with Privacy Laws.
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14 information may be further disclosed except as permitted by Privacy
15 Laws. Litigation Services expects that all parties, parties'
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17 make every reasonable effort to protect and secure patient health
18 information, and to comply with applicable Privacy Law mandates,
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20 disclosure (sharing) of transcripts and transcript exhibits, and
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Code: 1740
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Attorneys for Kourtney L. Davis

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Jacqueline Bryant
Clerk of the Court
Transaction # 8234290

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

KOURTNEY L. DAVIS,
Petitioner,

Case No. FV20-00559

vs.

Dept. No. 12

TONY MATKULAK,
Respondent.

THIRD AMENDED GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) Kourtney Lynn Davis
2. How old are you? 40
3. What is your date of birth? December 3, 1980
4. What is your highest level of education? Bachelor's Degree

B. Employment Information:

1. Are you currently employed/self-employed? (☒ *check one*)

☐

No

☒

Yes If yes, complete the table below. Attach an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
June, 2006	Self Employed - Club K, LLC	Owner (Sports Instructor)	Alternate Tuesdays, Wednesday & Thursdays	Evenings
August, 2020	Credova Financial, LLC	Operations		Monday-Friday

2. Are you disabled? (☒ check one)

☒

No

☐

Yes If yes, what is your level of disability? _____

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending **December 22, 2020**, my gross year to date pay is **\$12,656.25**.

B. Determine your Gross Monthly Income.

Hourly Wage

Hourly Wage	X	Number of hours worked per week	=	Weekly Income	X	52 Weeks		Annual Income	+	12 Months	=	Gross Monthly Income

Annual Salary

\$45,000.	+	12 Months	=	\$3,750.
Annual Income				Gross Monthly Income

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income		\$0.	
Bonuses		\$0.	
Car, Housing, or Other allowance		\$0.	
Commissions or Tips		\$0.	
Net Rental Income*		\$0.	
Overtime Pay		\$0.	
Pension/Retirement:		\$0.	
Social Security Income (SSI)		\$0.	
Social Disability (SSD)		\$0.	
Spousal Support		\$0.	
Workman's Compensation		\$0. .	
Other: Child Support (Minus Swim Lessons)	Monthly	\$1,849.	
Total Other Income Received		\$1,849.	

*All other income and expenses are reported in the Business Expense Schedule. (Page 3)

D. Monthly Deductions

	Type of Deduction	Amount
1	Court Ordered Child Support (automatically deducted from paycheck)	\$0.
2	Federal Health Savings Plan	\$0.
3	Federal Income Tax	\$286.
4	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	\$0.
5	Life, Disability, or Other Insurance Premiums	\$0.
6	Medicare	\$54.
7	Retirement, Pension, IRA, or 401(k)	\$563.
8	Savings	\$0.
9	Social Security	\$233.
10	Union Dues	\$0.
	Total Monthly Deductions (Lines 1-11)	\$1,136.

Business/Self-Employment Income & Expense Schedule**A. Business Income:**

What is your average gross monthly income/revenue from self-employment or businesses?

- **Gross Income from Club K, LLC =** **\$1,780.**
- **Gross Income from Rental Property =** **\$1,950.**
- **Gross Business Income Total =** **\$3,730.**

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising		\$0.	
Car and truck used for business		\$0.	
Commissions, wages or fees		\$0.	
Business Entertainment/Travel		\$0.	
Insurance		\$0.	
Legal and professional		\$0.	
Rent (Cage Rental)	Monthly	\$396.	
Pension and profit-sharing plans		\$0.	

Repairs and maintenance	Monthly	\$119.	
Depreciation		\$0.	
Mortgage	Monthly	\$1,296.	
Rental Sewer	Monthly	\$48.	
Supplies (Equipment)	Monthly	\$89.	
Licenses	Monthly	\$40.	
Club K, LLC Income Taxes	Monthly	\$334.	
Other: Business Banking Fees	Monthly	\$14.	
Total Average Business Expenses		\$2,336.	

Gross Monthly Income (Credova)	\$3,750.
Business Monthly Net Income	\$1,394.
Total Average Monthly Income	\$5,144.

Personal Expense Schedule (Monthly)

- A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me ✓	Other Party ✓	For Both ✓
Alimony/Spousal Support				
Auto Insurance	\$124.	✓		
Car Loan/Lease Payment/Registration (\$528. Yearly)	\$44.	✓		
Car Maintenance	\$20.	✓		
Cell Phone	\$0.			
Child Support	\$0.			
Clothing, Shoes, Gifts, Etc.	\$265.	✓		
Credit Card Payments (minimum due)	\$0.			
Dry Cleaning	\$0.			
Electric	\$111.	✓		
Food (groceries & restaurants)	\$550.	✓		
Fuel/Gasoline	\$135.	✓		
Health Insurance (not deducted from pay)	\$0.			
Home Phone	\$0.			
Membership Fees (Gym)	\$49.	✓		
Rent	\$1950.	✓		

Pets	\$30.	✓		
Security	\$0.			
Sewer	\$48.	✓		
Student Loans	\$0.			
Unreimbursed Medical Expenses	\$0.			
Water	\$47.	✓		
Other: Self Care	\$95.	✓		
Total Monthly Expenses	\$3,468.			

Personal Expense Schedule
Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attach a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 st	Bennett Davis Matkulak	5/03/2018	Both	Yes	No

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone	\$0.			
Child Care	\$468.			
Clothing	\$85.			
Education	\$0.			
Entertainment, Gifts & Toys	\$131.			
Extracurricular & Sports(Swimming – Tony takes \$53 out of Child Support Check)	\$53.			
Health Insurance (if not deducted from pay)	\$0.			
Summer Camp/Programs	\$0.			
Transportation Costs for Visitation	\$0.			
Unreimbursed Medical Expenses	\$0.			
Vehicle	\$0.			
Other: Diapers/Wipes	\$50.			
Total Monthly Expenses	\$787.			

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attach a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc.)	Monthly Contribution
N/A			

Personal Asset and Debt Chart

- A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line #	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1	2235 Keystone Ave, Reno NV 89503 (Rental Home)	\$430,000.	\$143,132.	\$286,868.	Self
2	2017 Lexus RX250	\$26,500.		\$26,500.	Self
3	Bank of America Checking Acct. 8489	\$4,964.		\$4,964.	Self
4	Bank of America Business Advantage Acct. 7095	\$109.		\$109.	Self
5	Cash	\$11,000.		\$11,000.	Self
6	Roth IRA	\$78,237.		\$78,237.	Self
7	TD Ameritrade	\$25,635.		\$25,635.	Self
8	Credova IRA	\$713.		\$.	Self
9	Debco Investments	\$35,000.		\$35,000.	Self
Total Value of Assets (add lines 1-9)		\$612,158.	- \$142,132.	= \$470,026.	Self

- B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount Owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1	Loan – Legal Fees	\$26,000.	Self

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (have/have not) _____ retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$_____ on my behalf.
3. I have a credit with my attorney in the amount of \$_____.
4. I currently owe my attorney a total of \$_____.
5. I owe my prior attorney a total of \$_____.

IMPORTANT: Read the following paragraphs carefully and initial each one.

SD This document does not contain the personal information of any person as defined by NRS 603A.040.

SD I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

SD I have attached a copy of my 3 most recent pay stubs to this form.

SD I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

_____ I have not attached a copy of my pay stubs to this form because I am currently unemployed.

Signature

Date

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, FINANCIAL
DISCLOSURE FORM

filed in case number: FV20-00559

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

-or-

☐ For the administration of a public program

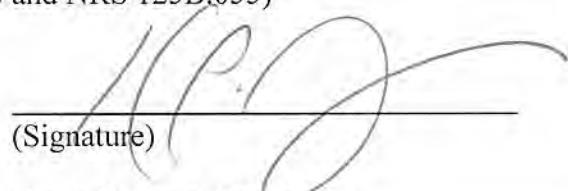
-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 1/6/21


(Signature)

Kevin P. Ryan, Esq.

(Print Name)

Koutney L. Davis

(Attorney for)

CERTIFICATE OF SERVICE

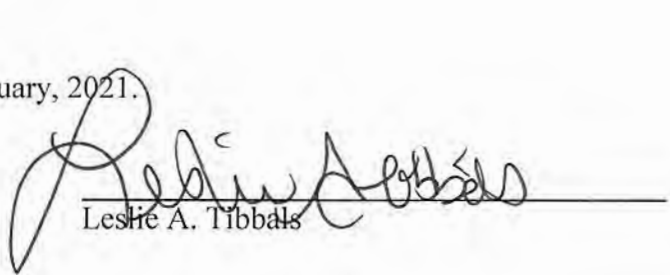
Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

- _____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada/
_____ Personal delivery.
_____ Facsimile to the following number: () _____.
_____ Federal Express or other overnight delivery.
_____ Reno Carson Messenger Service.
_____ Certified Mail Return Receipt Requested.
XXX _____ Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 6th day of January, 2021.



Leslie A. Tibbals

Credova Financial, LLC
 20130 Lakeview Center Plaza
 Suite 400
 Ashburn, VA 20147

Kourtney Davis
 1601 Rocky Cove Lane
 Reno, NV 89521

Direct Deposit

Employee Pay Stub

Check number: DD2509

Pay Period: 11/01/2020 - 11/15/2020

Pay Date: 11/20/2020

Employee

Kourtney Davis, 1601 Rocky Cove Lane, Reno, NV 89521

Earnings and Hours	Qty	Rate	Current	YTD Amount
Operations			1,875.00	8,841.36
Flex time Hourly				64.89
	0.00		1,875.00	8,906.25
Taxes			Current	YTD Amount
Medicare Employee Addl Tax			0.00	0.00
Federal Withholding			-176.00	-776.00
Social Security Employee			-116.25	-552.19
Medicare Employee			-27.19	-129.14
			-319.44	-1,457.33
Net Pay			1,555.56	7,448.92

Direct Deposit

Checking - *****8489 1,555.56

Flex Time	Accrued	Used	Available
Current	0.00		-3.00
YTD		3.00	

Memo

Direct Deposit

Credova Financial, LLC
 20130 Lakeview Center Plaza
 Suite 400
 Ashburn, VA 20147

Kourtney Davis
 1601 Rocky Cove Lane
 Reno, NV 89521

Direct Deposit

Employee Pay Stub		Check number: DD2524		Pay Period: 11/16/2020 - 11/30/2020		Pay Date: 12/07/2020	
Employee							
Kourtney Davis, 1601 Rocky Cove Lane, Reno, NV 89521							
Earnings and Hours		Qty	Rate	Current	YTD Amount		
Operations				1,875.00	10,716.38		
Flex time Hourly					64.89		
		0.00		1,875.00	10,781.25		
Deductions From Gross				Current	YTD Amount		
401k Emp.				-281.25	-281.25		
Taxes				Current	YTD Amount		
Medicare Employee Addl Tax				0.00	0.00		
Federal Withholding				-143.00	-919.00		
Social Security Employee				-116.25	-688.44		
Medicare Employee				-27.19	-156.33		
				-286.44	-1,743.77		
Net Pay				1,307.31	8,756.23		
Direct Deposit		Amount					
Checking - *****8489		1,307.31					
Flex Time		Accrued		Used		Available	
Current		5.00		3.00		2.00	
YTD							
Taxable Company Items		Current		YTD Amount			
401k Co. Match		75.00		75.00			
Memo							
Direct Deposit							

Credova Financial, LLC
 20130 Lakeview Center Plaza
 Suite 400
 Ashburn, VA 20147

Kourtney Davis
 1601 Rocky Cove Lane
 Reno, NV 89521

Direct Deposit

Employee Pay Stub Check number: DD2539 Pay Period: 12/01/2020 - 12/15/2020 Pay Date: 12/22/2020

Employee

Kourtney Davis, 1601 Rocky Cove Lane, Reno, NV 89521

Earnings and Hours	Qty	Rate	Current	YTD Amount
Operations			1,875.00	12,591.36
Flex time Hourly				64.89
	0.00		1,875.00	12,656.25
Deductions From Gross			Current	YTD Amount
401k Emp			-281.25	-562.50
Taxes			Current	YTD Amount
Medicare Employee Addl Tax			0.00	0.00
Federal Withholding			-143.00	-1,062.00
Social Security Employee			-116.25	-784.89
Medicare Employee			-27.19	-163.52
			-286.44	-2,030.21
Net Pay			1,307.31	10,663.54

Direct Deposit	Amount		
Checking - *****8489	1,307.31		
Flex Time	Accrued	Used	Available
Current	5.00		7.00
YTD		3.00	
Taxable Company Items		Current	YTD Amount
401k Co. Match		75.00	150.00
Memo			
Direct Deposit			

34

34

1 **Code: 1610**
Kevin P. Ryan, ESQ., NSB 4371
2 BADER & RYAN, LTD.
232 Court Street
3 Reno, Nevada 89501
(775) 322-5000
4 Attorneys for Kourtney L. Davis

5
6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 ***

10 KOURTNEY L. DAVIS;

11 Petitioner,

12 vs.

13 TONY MATKULAK;

14 Respondent.

Case No.: FV20-00559

Dept. No.: 12

15
16 **PETITIONER'S DISCLOSURE OF EXPERT WITNESS**

17 Petitioner, KOURTNEY L. DAVIS, by and through her undersigned counsel, and pursuant to
18 **NRCP 16.205 and NRCP 26**, provides the following information with regard to her current expert
19 witness:

20 **A. Retained Experts**

- 21 1. Michelle L. Salazar, CPA/ABV, CVA, CFE
22 President, Litigation and Valuation Consultants, Inc.
23 5488 Reno Corporate Drive, Suite 200
Reno, Nevada 89511
(775) 825-7982

24 Ms. Salazar is a retained expert and was hired to perform a valuation regarding Respondent's assets
25 / liabilities, to prepare income calculations of the parties, to perform net disposable income analysis, to
26 provide analysis regarding Respondent's income tax information, income and benefits from Respondent's
27 employment, total income including rental income of Respondent, Respondent's total household income,
28 to address and calculate Respondent's gross and actual net income, to analyze bank statements and other

1 related documents including employment agreements for purposes of determining the parties' financial
2 means, and to calculate and address any other financial issues associated with this case, including but not
3 limited to reasonable child support, attorney's fees, and Respondent's overall wealth including the value
4 of his book of clients. Please see Ms. Salazar's Curriculum Vitae attached hereto as Exhibit "1".

5 2. Petitioner reserves the right to call any and all expert witnesses designated by the
6 Respondent who are otherwise not listed above.

7 Petitioner hereby reserves the right to amend this disclosure as discovery in this case continues and
8 as additional documents and witnesses are identified.

9 **AFFIRMATION PURSUANT TO NRS 239B.030**

10 The undersigned does hereby affirm that the preceding document does not contain the social
11 security number of any person.

12 **DATED** this 5th day of January, 2021.

13 **BADER & RYAN, LTD.**

14
15
16 By: 

17 Kevin P. Ryan, Esq.
18 232 Court Street
19 Reno, Nevada 89501
20 (775) 322-5000
21 Attorneys for Petitioner
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

_____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada.

_____ Personal delivery.

_____ Facsimile to the following number: () _____.

_____ Federal Express or other overnight delivery.

_____ Reno Carson Messenger Service.

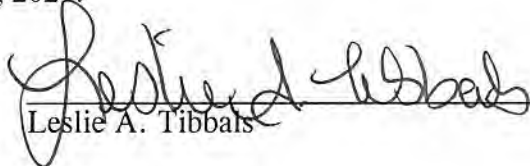
_____ Certified Mail Return Receipt Requested.

XXX Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 10th day of January, 2021.



Leslie A. Tibbals

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INDEX OF EXHIBITS

EXHIBIT NO.	EXHIBIT DESCRIPTION	NO. OF PAGES
1	Michelle L. Salazar's Curriculum Vitae	2

EXHIBIT “1”

1
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EXHIBIT “1”

MICHELLE L. SALAZAR, CPA/ABV, CVA, CFE, CDFA
PRESIDENT
LITIGATION AND VALUATION CONSULTANTS, INC.

EDUCATION & CERTIFICATIONS

BS, Bachelor of Science in Business Administration, University of Nevada, Reno
CPA, Certified Public Accountant, Nevada
ABV, Accredited in Business Valuation, AICPA
CVA, Certified Valuation Analyst, National Association of Certified Valuation Analysts
CFE, Certified Fraud Examiner, Association of Certified Fraud Examiners
CDFA, Certified Divorce Financial Analyst, The Institute for Divorce Financial Analysts

EXPERIENCE

Ms. Salazar's experience includes over twenty years in the accounting profession, including business valuation, forensic (investigative) accounting and litigation related experience. Ms. Salazar works exclusively on business valuation, forensic accounting and litigation support assignments. Her experience includes valuations for the purpose of divorce, financial reporting, estate and gift planning and business disputes. Ms. Salazar's forensic accounting experience includes work on fraud, embezzlement and divorce cases. For several years she worked as a CPA in a large Reno, Nevada based Certified Public Accounting firm. Her familiarity with many different accounting systems provides a unique ability to understand and work through forensic and business valuation issues. Ms. Salazar has testified and has been qualified as an expert. She is a Certified Public Accountant (**CPA**), a Certified Fraud Examiner (**CFE**), and is currently certified in business valuation by the American Institute of CPAs (**ABV**) and the National Association of Certified Valuation Analysts (**CVA**), which is a national certification in the field of business valuation. Recently, Ms. Salazar earned a divorce related credential and is a Certified Divorce Financial Analyst (**CDFA**).

PROFESSIONAL/COMMUNITY AFFILIATIONS

Member, The Prospectors' Club
Past Member, Planned Giving Roundtable of Northern Nevada
Member, Estate Planning Council of Northern Nevada
Past Member, Reno Tahoe Young Professionals Network (YPN)
Member, American Institute of Certified Public Accountants (AICPA)
Member, Nevada Society of Certified Public Accountants (NSCPA)
Member, National Association of Certified Valuation Analysts (NACVA)
Member, Association of Certified Fraud Examiners (ACFE)
Member, Reno Chapter of ACFE
Member, Nevada Society of Certified Public Accountants Business Valuation Committee
Member, Institute of Business Appraisers (IBA)
Member, Institute for Divorce Financial Analysts
Member, 2007-2012, 2014 Go Red for Women Committee
Alumni Member of 2005 Leadership Reno Sparks program
Honoree, 2007 Nevada Women's Fund Salute to Women of Achievement
Commissioner, 2009-2011 and 2013-2019 Washoe County Debt Management Commission
Vice-Chairperson, 2011-2012 Washoe County Debt Management Commission
Chairperson, 2012-2013 Washoe County Debt Management Commission

Advisor, Nevada Youth Empowerment Project
2015 Winner, Top Twenty Under Forty, YPN

PUBLICATIONS

“Small Business Self Defense,” *Northern Nevada Business Weekly*, March 12, 2007.

“Small Businesses are the Prime Target for Internal Theft and Fraud,”
The Writ, Official Publication of the Washoe County Bar Association, June 2008.

“Five Estate-Planning Steps for Business Owners,” *Northern Nevada Business Weekly*, July 14, 2014.

SELECTED SPEAKING ENGAGEMENTS AND PRESENTATIONS

Washoe County Bar Association, “Working With Expert Witnesses”

Western Nevada Society of Certified Public Accountants, “Business Valuation”

Western Nevada Society of Certified Public Accountants, “Forensic Accounting”

Reno South Rotary Club, “Business Valuation/Divorce Planning”

Institute of Management Accountants, “Business Valuation”

Institute of Management Accountants, “Forensic Accounting: Why You Need to Know”

Nevada Society of Certified Public Accountants, “Forensic Accounting: Why You Need to Know”

The Golden West & Pacific Northwest Counsels of the IMA 2019 Reno Education Seminar & Training (REST), “Forensic Accounting: Why You Need to Know”

35

35

1 **Code: 2610**
Kevin P. Ryan, ESQ., NSB 4371
2 BADER & RYAN, LTD.
232 Court Street
3 Reno, Nevada 89501
(775) 322-5000
4 Attorneys for Kourtney L. Davis

5
6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 ***

10 KOURTNEY L. DAVIS;

11 Petitioner,

12 vs.

13 TONY MATKULAK;

14 Respondent.
15

Case No.: FV20-00559

Dept. No.: 12

16 **FIRST SUPPLEMENT TO PETITIONER'S INITIAL NRCP 16.2 DISCLOSURES**

17 TO: Respondent, TONY MATKULAK, and his attorney of record, Shawn B. Meador, Esq.
18 Petitioner, KOURTNEY L. DAVIS, by and through her undersigned counsel, and pursuant to
19 NRCP 16.205 provides her first supplement to her initial designation of documents and witness list as
20 follows:

21 **A. DOCUMENTS:**

22 Documents bearing Bates stamp numbers DAV000174 through DAV000200 attached hereto.
23 Please see the attached Document Production Index.

24 Petitioner reserves the right to supplement these disclosures and continue to produce documents
25 (including rebuttal and impeachment documents, documents on which damage computations are based,
26 and insurance agreements, if any) as they become available. Petitioner reserves the right to identify any and
27 all documents produced by the parties during the course of this action, including rebuttal and impeachment
28 documents.

1 **B. WITNESSES:**

2 1. Kourtney L. Davis
3 c/o Bader & Ryan, Ltd.
4 232 Court Street
5 Reno, Nevada 89501
6 (775) 322-5000

7 Ms. Davis is expected to testify regarding the allegations set forth in the pleadings on file herein.

8 2. Tony Matkulak
9 c/o Shawn B. Meador, Esq.
10 Woodburn & Wedge
11 6100 Neil Road, Ste. 500
12 Reno, NV 89505
13 (775) 688-3000

14 Mr. Matkulak is expected to testify regarding the allegations set forth in the pleadings on file
15 herein.

16 3. Brian Davis
17 605 Meadow Rock Lane
18 Reno, NV 89511
19 (775) 771-7998
20 urbdavis@gmail.com

21 Mr. Davis is expected to testify regarding the allegations set forth in the pleadings on file herein.

22 Mr. Davis is also expected to testify regarding the amount money spent for attorney's fees and costs.

23 4. Rebuttal and Impeachment Witnesses.

24 5. All witnesses identified by all other parties in this case.

25 Petitioner hereby reserves the right to amend this disclosure of discovery as this case continues and
26 as additional documents and witnesses are identified.

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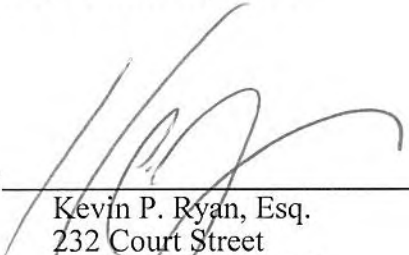
AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 6th day of January, 2021.

BADER & RYAN, LTD.

By: _____


Kevin P. Ryan, Esq.
232 Court Street
Reno, Nevada 89501
(775) 322-5000
Attorneys for Kourtney L. Davis

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

XXX Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada.

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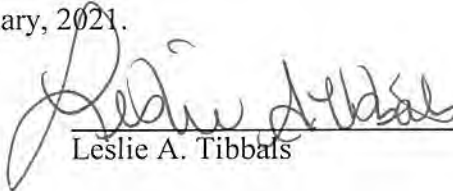
 Certified Mail Return Receipt Requested

 Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 16 day of January, 2021.



Leslie A. Tibbals

36

36

1 **Code: 2010**
Kevin P. Ryan, Esq., NSB 4371
2 BADER & RYAN, LTD.
232 Court Street
3 Reno, Nevada 89501
(775) 322-5000
4 Attorneys for Kourtney L. Davis

5
6 IN THE FAMILY DIVISION OF
7 THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 ***

10 KOURTNEY L. DAVIS;

11 Petitioner,

12 vs.

13 TONY MATKULAK;

14 Respondent.

Case No.: FV20-00559

Dept. No.: 12

15
16 **MOTION FOR AWARD OF INTERIM ATTORNEY'S FEES / COSTS**

17 Petitioner, KOURTNEY L. DAVIS, by and through her undersigned legal counsel, Kevin P. Ryan,
18 of the law firm of Bader & Ryan, Ltd., hereby files her Motion for Award of Interim Attorney's Fees /
19 Costs.

20 This Motion is made and based upon the attached Memorandum of Points and Authorities,
21 Exhibits, Affidavit and all pleadings and papers on file herein.

22 **DATED** this 6th day of January, 2021.

23 **BADER & RYAN, LTD.**

24
25
26 By: 

Kevin P. Ryan, Esq.
232 Court Street
Reno, NV 89501
(775) 322-5000
Attorneys for Petitioner

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 **A. Issue / Requested Relief:**

3 1. An award of interim attorney's fees / expert costs.

4 **B. Procedural History:**

5 Petitioner and Respondent are the natural parents of one minor child, namely, BENNETT DAVIS
6 MATKULAK, whose date of birth is May 3, 2018 ("Bennett").

7 Following failed attempts to resolve custody, visitation and child support issues outside of court,
8 Petitioner filed her Verified Petition to Establish Custody, Visitation and Child Support on April 29, 2020,
9 seeking an Order establishing physical and legal custody of Bennett.

10 On May 3rd, 2020, Respondent's counsel of record accepted service of the Verified Petition to
11 Establish Custody, Visitation and Child Support.

12 A Notice of Case Management Conference was filed on May 27, 2020, setting case management
13 for September 10, 2020 at 3:30 p.m.

14 On May 28, 2020, Respondent filed his Answer to Verified Petition to Establish Custody,
15 Visitation and Child Support.

16 The parties attended Case Management on September 10, 2020 via audio / visual means and the
17 Temporary Order After Case Management Conference was filed on October 2, 2020.

18 The parties attended Settlement Conference on November 13, 2020. Settlement was not reached.

19 On December 17, 2020, Respondent took Petitioner's deposition.

20 The one day hearing in this matter is currently set for **March 11, 2021**.

21 **C. Legal Discussion:**

22 Consistent with Nevada law, Petitioner should be awarded interim attorney's fees and costs,
23 paid by Respondent.

24 NRS 125C.250 provides,

25 Except as otherwise provided in NRS 125C.0689, in an action to determine legal custody, physical
26 custody, or visitation with respect to a child, the court may order reasonable fees of counsel and
27 experts and other costs of the proceeding to be paid in proportions and at times determined by the
28 court.

Since the inception of this case, Respondent has acted unreasonably and has intentionally driven
up the cost of the litigation. Respondent's participation in the settlement conference and negotiations

1 thereafter was non-existent and lacked good faith. Following the failed settlement attempts with this
2 Court, Respondent demanded to take the deposition of Petitioner, further increasing the cost of the
3 litigation and forcing Petitioner to spend money she has worked hard to earn and save. In Respondent's
4 words, this level of spending is "chump change." However, to Petitioner the cost of this litigation is
5 significant and unaffordable.

6 At the time the case was filed, Petitioner earned her living as a private softball coach. This was her
7 occupation before and during her relationship with Respondent. Traditionally, Petitioner has earned in the
8 neighborhood of \$35,000. annually. At her new full-time job, and with her ongoing earnings from part-
9 time coaching, Petitioner earns approximately \$5,000. per month or \$60,000. annually. Petitioner is
10 required to work 2 jobs to achieve this financial mark.

11 Respondent is wealthy. He earns significant income and has significant assets. He works for
12 Morgan Stanley as a wealth manager earning more than \$450,000. per year, with a GMI in the
13 neighborhood of **\$40,000.; 8 times the monthly amount Petitioner earns.** According to Respondent's
14 Amended FDF, filed on June 26, 2020, his total net worth is almost \$6,000,000. (See Exhibit "1"
15 attached hereto) Included in his substantial assets are 8 rental properties and a resident worth more than
16 \$1,000,000.00. However, Respondent fails to include the substantial monthly rental income he earns from
17 these properties. Instead, at page 2 of his FDF he claims an annual loss of \$12,500.¹ (See Exhibit "1"
18 attached hereto) Additionally, as indicated at page 3 of Respondent's FDF, he also deducts \$26,000. per
19 year from his gross pay to fund one of his IRAs. Respondent has significant income and significant cash
20 flow. Petitioner cannot compete with Respondent financially and is therefore unable to litigate fairly.

21 If this were a divorce case, the Court would be required to level the "playing field" so that each
22 party could afford to litigate on even ground. (See also NRS 125.040) Here, in this action to determine
23 custody, visitation and child support, NRS 125C.250 allows the Court discretion to award fees and costs
24 for the same purpose. Petitioner has acted reasonably throughout this litigation and has made reasonable
25 requests and reasonable offers of resolution. Respondent has acted in an opposite manner and has decided
26 to make Petitioner pay for pursuing reasonable relief by making the litigation as expensive as possible.

27
28 ¹This is one of the reasons Petitioner was forced to hire a forensic CPA to analyze Respondent's
questionable assertions regarding rental income, and depreciation.

1 Respondent can afford to pay the chump change, Petitioner cannot. Therefore, as a result of Respondent's
2 unreasonable and litigious actions and the huge disparity in incomes, Petitioner was forced to retain an
3 expert CPA to perform a financial analysis for the Court, and she will also be conducting additional
4 discovery. To date, Petitioner has incurred attorney's fees and costs totaling in excess of \$26,000.; almost
5 ½ of her annual salary. It is anticipated that through the hearing, she will be forced to spend an additional
6 \$20,000. - \$30,000. Respondent should share in this financial burden.

7 **D. Conclusion:**

8 Based upon the foregoing, Petitioner's Motion for Award of Interim Attorney's Fees and Costs
9 should be granted. Petitioner should be awarded **\$20,000.00** in attorney's fees to continue the litigation
10 in this case and **\$5,000.00** in costs / expert fees to pay her expert witness.

11 **AFFIRMATION PURSUANT TO NRS 239B.030**

12 The undersigned does hereby affirm that the preceding document does not contain the social
13 security number of any person.

14 **DATED** this 6th day of January, 2021.

15 **BADER & RYAN, LTD.**

16
17 By: _____

18 Kevin P. Ryan, Esq.
19 232 Court Street
20 Reno, NV 89501
21 (775) 322-5000
22 Attorneys for Petitioner
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

_____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, place for collection and mailing in the US Mail at Reno, Nevada.

_____ Personal delivery.

_____ Facsimile to the following number: () _____.

_____ Federal Express or other overnight delivery.

_____ Reno Carson Messenger Service.

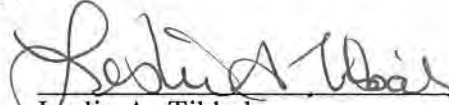
_____ Certified Mail Return Receipt Requested.

XXX Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 6 day of January, 2021.



Leslie A. Tibbals

INDEX OF EXHIBITS

EXHIBIT NO.	EXHIBIT DESCRIPTION	NO. OF PAGES
1	Amended General Financial Disclosure Form	22

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

KOURTNEY L. DAVIS;

Petitioner,

VS,

TONY MATKULAK;

Respondent.

FAMILY COURT
MOTION/OPPOSITION NOTICE
(REQUIRED)

CASE NO: FV20-00559

DEPT. NO: 12

NOTICE: THIS MOTION/OPPOSITION NOTICE **MUST BE ATTACHED AS THE LAST PAGE** of every motion or other paper filed pursuant to chapter 125, 125b or 125c of NRS and to the filing of any answer or response to such a motion or other paper.

		EXEMPTION FROM \$25.00 FEE?	
		YES	NO
A.	Mark the CORRECT ANSWER with an X.		
	1. Has a Final Decree/Custody Order been entered in this case? If <u>yes</u> , then continue to question 2. If <u>no</u> , you do not need to answer any other questions.		X
	2. Is this motion or an opposition to a motion filed to change a final order? If <u>yes</u> , then continue to Question 3. If <u>no</u> , you do not need to answer any other questions?		
	3. Is this a motion or an opposition to motion filed only to change the amount of the child support?		
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?	Date: ____/____/200__	
IF the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.			
B.	If you answered NO to either 1 or 2 or yes to question 3 or 4, you are <u>exempt</u> from the \$25.00 filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the \$25.00 fee is paid.		

I affirm that the answers provided on this Family Court Motion Cover Sheet are true.

Date: January 6, 2021

Signature: [Signature]
Print Name: Kevin P. Ryan, Esq.
Print Address: 232 Court Street
Telephone Number: 322-5000

EXHIBIT “1”

EXHIBIT “1”

MISC

Name: Shawn B Meador, Esq.
Address: 6100 Neil Road, Ste 500
Reno, NV 89511
Phone: 775-688-3000
Email: smeador@woodburnandwedge.com
Attorney for Anthon Matkulak
Nevada State Bar No. 338

Second Judicial District Court
Washoe County, Nevada

<u>Kourtney L. Davis</u> Plaintiff / Petitioner, vs. <u>Tony Matkulak</u> Defendant / Respondent.	Case No. <u>FV20-00559</u> Dept. <u>12</u>
---	---

AMENDED GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (first, middle, last) Anthon Matkulak
2. How old are you? 50
3. What is your date of birth? 11/24/69
4. What is your highest level of education? B.A. Business Marketing

B. Employment Information:

1. Are you currently employed/ self-employed? (☒ check one)
☐ No
☒ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
4/25/2008	Morgan Stanley	CFP	M-F	7am-4pm

2. Are you disabled? (☒ check one)

☒ No
☐ Yes

If yes, what is your level of disability? _____
What agency certified you disabled? _____
What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: _____ Date of Hire: _____
Date of Termination: _____ Reason for Leaving: _____

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending May 8th my gross year to date pay is 172,660.47

*A bonus paycheck dated March 31, 2020 is attached hereto. This represents an upfront bonus received many years ago as a loan. Mr. Matkulak was required to send a check to Morgan Stanley, after which taxes were taken and the money returned via a paystub

B. Determine your Gross Monthly Income.

Hourly Wage

	×		=		×	52	=		÷	12	=	
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

440,000	÷	12	=	36,666.67*
Annual Income		Months		Gross Monthly Income

*Mr. Matkulak is a commissioned employee. The annual salary is an average of the prior four years of income.

C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:		-\$15,000	-\$1,250
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other: Investment	Yearly	\$30,000	\$2,500
Total Average Other Income Received			\$1,250

Total Average Gross Monthly Income (add totals from B and C above)	37,916.67
--	-----------

D. Monthly Deductions *Mr. Matkulak consistently under-withholds on his monthly taxes, resulting in a large tax payment to be made each year after taxes are filed. For tax year 2019, Mr. Matkaluk owed additional taxes of \$31,334. A copy of the check is attached hereto

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	5,410*
4.	Health Insurance Amount for you: 258.50 For Opposing Party: For your Child(ren): 258.5	517
5.	Life, Disability, or Other Insurance Premiums	131.70
6.	Medicare	539.48
7.	Retirement, Pension, IRA, or 401(k)	2,166.67
8.	Savings	5,886
9.	Social Security	711
10.	Union Dues	
11.	Other: (Type of Deduction)	
Total Monthly Deductions (Lines 1-11)		15,361.85*

Business/Self-Employment Income & Expense Schedule

A. Business Income:

What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?
\$ 15,850

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent Tax & Insurance			9,465.42
Pension and profit-sharing plans			
Repairs and maintenance Avg. 2018 & 2019	20,290		1,690
Depreciation*	69,624		5,805
Taxes and licenses (include est. tax payments)			
Utilities	5,282.96		440
Other: HOA Dues	25,144		2,095.33
Total Average Business Expenses			

*Depreciation includes \$11,000 in improvements including new carpets and cabinets.

Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money you spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me <input type="checkbox"/>	Other Party <input type="checkbox"/>	For Both <input type="checkbox"/>
Alimony/Spousal Support				
Auto Insurance	183	x		
Car Loan/Lease Payment				
Cell Phone	76	x		
Child Support (not deducted from pay)	1,900	x		
Clothing, Shoes, Etc...	500	x		
Credit Card Payments (minimum due)				
Dry Cleaning	30	x		
Electric	207	x		
Food (groceries & restaurants)	1,800	x		
Fuel	150	x		
Gas (for home)				
Health Insurance (not deducted from pay)				
HOA	40	x		
Home Insurance (if not included in mortgage)	110	x		
Home Phone				
Internet/Cable	238	x		
Lawn Care	600	x		
Membership Fees	113	x		
Mortgage/Rent/Lease				
Pest Control	75	x		
Pets				
Pool Service				
Property Taxes (if not included in mortgage)	641	x		
Security				
Sewer	40	x		
Student Loans				
Unreimbursed Medical Expense				
Water	150	x		
Other:				
Total Monthly Expenses	6853			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship	Has this child been certified as special needs/disabled?
1 st	Bennett Matkaluk	5/3/18	Both	Yes	No
2 nd					
3 rd					
4 th					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone				
Child Care				
Clothing	200			
Education				
Entertainment				
Extracurricular & Sports	354			
Health Insurance (if not deducted from pay)	250			
Summer Camp/Programs				
Transportation Costs for Visitation	30			
Unreimbursed Medical Expenses				
Vehicle				
Other:	50			
Total Monthly Expenses	884			

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution

Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value	Total Amount Owed	Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.	Rental Property University Ridge	\$440,000	- \$70,000	= \$ 370,000	Anthon
2.	Rental Property 2601 Fleur De Lis	\$400,000	- \$22,000	= \$ 378,000	Anthon
3.	Rental Property 3504 FleurDeLis	\$330,000	- \$76,000	= \$ 254,000	Anthon
4.	Rental Property 1206 FluerDeLis	\$380,000	- \$117,000	= \$ 263,000	Anthon
5.	Renal Property- Broadstone	\$530,000	- \$140,000	= \$ 390,000	Anthon
6.	Rental Property - Cavalry	\$470,000	- \$150,000	= \$ 320,000	Anthon
7.	Rental- Misty Meadows	\$420,000	- \$168,000	= \$ 252,000	Anthon
8.	Rental - Alamo	\$430,000	- \$171,000	= \$ 259,000	Anthon
9.	401K	\$460,000	- \$	= \$ 460,000	Anthon
10.	IRA	\$310,000	- \$	= \$ 310,000	Anthon
11.	Deferred Comp	\$280,000	- \$	= \$ 280,000	Anthon
12.	Personal Accounts	\$870,000	- \$	= \$ 870,000	Anthon
13.	Roth IRA	\$32,000	- \$	= \$ 32,000	Anthon
14.	Personal Home	\$1,200,000	- \$	= \$ 1,200,000	Anthon
15.	BMW 750 (2016)	\$40,000	- \$	= \$ 40,000	Anthon
Total Value of Assets (add lines 1-15)		\$	- \$	= \$ 5,678,000	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	
2.		\$	
3.		\$	
4.		\$	
5.		\$	
6.		\$	
Total Unsecured Debt (add lines 1-6)		\$	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (have/have not) have retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$ 2,507⁵⁰ on my behalf.
3. I have a credit with my attorney in the amount of \$ 411⁵³
4. I currently owe my attorney at total of \$ 0
5. I owe my prior attorney at total of \$ 0

IMPORTANT: Read the following paragraphs carefully and initial each one if applicable.

_____ This document does not contain the personal information of any person as defined by NRS 603A.040.

_____ I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

☒ I have attached a copy of my 3 most recent pay stubs to this form.

_____ I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

_____ I have not attached a copy of my pay stubs to this form because I am currently unemployed.

Signature _____

Date _____

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document,

General Financial Disclosure Form

filed in case number:

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

-or-

☐ For the administration of a public program

-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: June 25th, 2020



(Signature)

Kelly Albright
Paralegal

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the law offices of Woodburn and Wedge, 6100 Neil Rd., Suite 500, Reno, Nevada 89511, that I am over the age of 18 years, and that I served the foregoing document(s) described as:

Amended Respondent's General Financial Disclosure

on the party set forth below by:

- ☐ Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices.
- ☐ Personal delivery.
- ☒ Second Judicial Court E-Filing
- ☐ Federal Express or other overnight delivery.

addressed as follows:

X Kevin P. Ryan, Esq.
232 Court St.
Reno, NV 89501

The undersigned affirms that this document contains no social security numbers

Dated this 26 day of June, 2020.



Kelly Albright, Paralegal

Morgan Stanley

Arthor D Matkulak
15100 Napoleon Drive
Reno, NV 89511-4582

Morgan Stanley Smith Barney LLC
Human Resources
1 New York Plaza, 5th Floor
New York, NY 10004
212-276-5300

Check Date: May 08, 2020
Check Number: [REDACTED]
Period Beginning Date: May 01, 2020
Period Ending Date: May 10, 2020

Net Pay
BANK OF AMERICA, N.A. account ending in [REDACTED]

18,679.11	Taxes	Current	Year-To-Date
18,679.11	Federal Withholding Tax	-5,410.20	-42,267.26
	Social Security Tax	0.00	-8,537.40
	Medicare Tax	-502.53	-3,048.32

Earnings	Rate	Hours	Current	YTD Hours	YTD Amount
Incentive Compensation			10,739.80		147,212.94
GA15BNS			0.00		9,451.22
Residual Shares			0.00		88.67
MSCIP Distribution			0.00		4,051.64
Regular Pay			0.00	696.00	11,856.00
Exp. Reimbursement			0.00		836.22
**Gross Pay			30,739.80		172,660.47

Other Non-Cash Earnings	Current	Year-To-Date
Restricted Stk Unit Conversion	0.00	47,128.00
Rest Stk Unit Conv FICA Subj	0.00	35,719.04

Employee Data

Employee ID

Cost Center

Social Security Number

Federal Marital Status

Federal Allowances

Federal Additional Amount

Single or Head of Household

1

0.00

Important Notes

You can run a balance report reflecting your Sick time entitlement, days used and remaining balance on your MyTime homepage.

Deductions	Current	Year-To-Date
*MSWM Cap Ded 2020 Commission	-6,147.96	23,544.05
*Medical Deduction	0.00	-1,944.00
*Dental Deduction	0.00	124.00
Long Term Disability	0.00	526.80
*401(k) Deduction Commission	0.00	-16,911.27
*401(k) Deduction - Bonus	0.00	-810.33
*MSWM Cap Ded 2019 Commission	0.00	-5,893.54
*401(k) Deduction - Regular Pay	0.00	-1,778.40
*401(k) Catch Up Deduction	0.00	6,500.00
* Excluded from federal taxable wages	0.00	

**Reimbursements excluded from gross pay totals

For all salaried employees, the total regular hours displayed on your paycheck (86.67 for Full-Time) is 1/24th of your annualized standard work hours.

Morgan Stanley

Anthony D Matkulak
15100 Napoleon Drive
Reno, NV 89511-4582

Morgan Stanley Smith Barney LLC
Human Resources
1 New York Plaza, 5th Floor
New York, NY 10004
212-276-9300

Check Date: Apr 15, 2020
Check Number: [REDACTED]
Period Beginning Date: Apr 01, 2020
Period Ending Date: Apr 15, 2020

Net Pay	1,041.82	Taxes	Current	Year-To-Date
BANK OF AMERICA, N.A. account ending in [REDACTED]	1,041.82	Federal Withholding Tax	-98.09	-36,758.97
		Social Security Tax	0.00	-8,537.40
		Medicare Tax	-17.74	-2,528.05

Earnings	Rate	Hours	Current	YTD Hours	YTD Amount	Other Non-Cash Earnings	Current	Year-To-Date
Regular Pay	17.100	86.67	1,482.00	608.00	10,374.00	Restricted Stk Unit Conversion	0.00	47,328.00
GAISBNS			0.00		4,451.22	Rest Stk Unit Conv FICA Subj	0.00	15,719.04
Incentive Compensation			0.00		100,423.14			
Residual Shares			0.00		98.97			
MSCIP Distribution			0.00		4,051.64			
Exp. Reimbursement			0.00		836.22			
**Gross Pay			1,482.00		140,438.67			

Deductions	Current	Year-To-Date
*Medical Deduction	243.00	1,701.00
*Dental Deduction	-15.50	108.50
Long Term Disability	-65.85	-460.95
*401(k) Deduction Commission	0.00	-16,911.27
*401(k) Deduction - Bonus	0.00	-810.33
*MSWM Cap Ded 2019 Commission	0.00	-5,898.54
*MSWM Cap Ded 2020 Commission	0.00	-17,396.09
*401(k) Deduction - Regular Pay	0.00	-1,773.40
*401(k) Catch Up Deduction	0.00	5,500.00
* Excluded from federal taxable wages	0.00	

**Reimbursements excluded from gross pay totals

For all salaried employees, the total regular hours displayed on your paycheck (86.67 for Full-Time) is 1/24th of your annualized standard work hours

Employee Data

Employee ID: [REDACTED]
Cost Center: [REDACTED]
Social Security Number: [REDACTED]
Federal Marital Status: Single or Head of Household
Federal Allowances: 1
Federal Additional Amount: 0.00

Important Notes

You can run a balance report reflecting your Sick time entitlement, days used and remaining balance on your MyTime homepage.

Morgan Stanley

Anthony D Matkula
15100 Napoleon Drive
Reno, NV 89511-4582

Morgan Stanley Smith Barney
Human Resources
1 New York Plaza, 5th Floor
New York, NY 10004
212-276-5300

Check Date: Apr 09, 2020
Check Number: [REDACTED]
Period Beginning Date: Apr 01, 2020
Period Ending Date: Apr 10, 2020

Net Pay	13,433.66	Taxes	Current	Year-To-Date
BANK OF AMERICA, N.A. account ending in [REDACTED]	13,433.66	Federal Withholding Tax	-3,890.98	-36,660.88
		Social Security Tax	0.00	-8,537.40
		Medicare Tax	-361.63	-2,510.31

Earnings	Rate	Hours	Current	YTD Hours	YTD Amount	Other Non-Cash Earnings	Current	Year-To-Date
Incentive Compensation			24,940.39		116,473.14			
GA15BNS			0.00		9,451.22	Restricted Stk Unit Conversion	0.00	47,328.00
Residual Shares			0.00		88.67			
MSCIP Distribution			0.00		4,051.64	Rest Stk Unit Conv FICA Subj	0.00	35,719.04
Regular Pay			0.00	528.00	8,892.00			
Exp. Reimbursement			0.00		830.22			
**Gross Pay			24,940.39		138,956.67			

Deductions	Current	Year-To-Date
*MSWM Cap Ded 2020 Commission	-4,988.08	17,396.09
*401(k) Deduction Commission	-2,266.04	-10,911.27
*Medical Deduction	0.00	1,458.00
*Dental Deduction	0.00	-93.00
Long Term Disability	0.00	-395.10
*401(k) Deduction - Bonus	0.00	810.33
*MSWM Cap Ded 2019 Commission	0.00	-5,998.54
*401(k) Deduction - Regular Pay	0.00	1,728.40
*401(k) Catch Up Deduction	0.00	-0,500.00
* Excluded from federal taxable wages	0.00	

**Reimbursements excluded from gross pay totals

For all salaried employees, the total regular hours displayed on your paycheck (86.67 for Full-Time) is 1/24th of your annualized standard work hours

Employee Data

Employee ID	[REDACTED]
Cost Center	[REDACTED]
Social Security Number	[REDACTED]
Federal Marital Status	Single or Head of Household
Federal Allowances	1
Federal Additional Amount	0.00

Important Notes

You can run a balance report reflecting your Sick time entitlement, days used and remaining balance on your MyTime homepage.

Morgan Stanley

Anthony D Matkulak
15100 Napoleon Drive
Reno, NV 89511-4582

Morgan Stanley Smith Barney
Human Resources
1 New York Plaza, 5th Floor
New York, NY 10004
212-276-5307

Check Date: Mar 31, 2020
Check Number: [REDACTED]
Period Beginning Date: Mar 16, 2020
Period Ending Date: Mar 31, 2020

Net Pay	6,715.05	Taxes	Current	Year-To-Date
BANK OF AMERICA, N.A. account ending in [REDACTED]	6,715.05	Federal Withholding Tax	-2,079.27	-20,428.47
		Social Security Tax	-519.86	-8,537.40
		Medicare Tax	-137.04	-2,012.11

Earnings	Rate	Hours	Current	YTD Hours	YTD Amount	Other Non-Cash Earnings	Current	Year-To-Date
GA15BNS			9,451.22		9,451.22	Rest Stk Unit Conv FICA Subj	0.00	26,301.04
Incentive Compensation			0.00		91,532.75			
Residual Shares			0.00		88.67			
MSCIP Distribution			0.00		4,051.64			
Regular Pay			0.00	520.00	8,892.00			
Exp. Reimbursement			0.00		816.22			
**Gross Pay			9,451.22		114,016.28			

Deductions	Current	Year-To-Date	Employee Data
*Medical Deduction	0.00	1,458.00	Employee ID: [REDACTED]
*Dental Deduction	0.00	93.00	Cost Center: [REDACTED]
Long Term Disability	0.00	395.16	Social Security Number: [REDACTED]
*401(k) Deduction - Commission	0.00	14,645.21	Federal Marital Status: [REDACTED]
*401(k) Deduction - Bonus	0.00	-810.33	Federal Allowances: 1
*MSWM Cap Ded 2019 Commission	0.00	-5,898.54	Federal Additional Amount: 0.00
*MSWM Cap Ded 2020 Commission	0.00	-12,408.01	
*401(k) Deduction - Regular Pay	0.00	-1,778.40	
*401(k) Catch Up Deduction	0.00	-6,500.00	
* Excluded from federal taxable wages	0.00		

**Reimbursements excluded from gross pay totals

For all salaried employees, the total regular hours displayed on your paycheck (86.67 for Full-Time) is 1/24th of your annualized standard work hours

Important Notes

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Morgan Stanley

Anthony D Metkulak
15100 Napoleon Drive
Reno, NV 89511-4582

Morgan Stanley Smith Barney LLC
Human Resources
1 New York Plaza, 5th Floor
New York, NY 10004
212 276 5300

Check Date: Mar 31, 2020
Check Number: [REDACTED]
Period Beginning Date: Mar 16, 2020
Period Ending Date: Mar 31, 2020

Net Pay	705.13	Taxes	Current	Year-To-Date
BANK OF AMERICA, N.A. account ending in [REDACTED]	705.13	Federal Withholding Tax	-62.52	-20,428.47
		Social Security Tax	-75.86	-8,537.40
		Medicare Tax	-17.74	2,012.11

Earnings	Rate	Hours	Current	YTD Hours	YTD Amount		Current	Year-To-Date
Regular Pay	17.100	86.67	1,482.00	520.00	8,892.00	Other Non-Cash Earnings		
GA15BNS			0.00		9,451.22	Rest Stk Unit Conv FICA Subj	0.00	26,301.04
Incentive Compensation			0.00		91,532.75			
Residual Shares			0.00		88.67			
MSCIP Distribution			0.00		4,051.64			
Exp. Reimbursement			0.00		836.22			
**Gross Pay			1,482.00		114,016.28			

Employee Data

Employee ID	[REDACTED]
Cost Center	[REDACTED]
Social Security Number	[REDACTED]
Federal Marital Status	Single or Head of Household
Federal Allowances	1
Federal Additional Amount	0.00

Deductions	Current	Year-To-Date
*Medical Deduction	-243.00	-1,458.00
*Dental Deduction	-15.50	-93.00
*401(k) Deduction - Regular Pay	-206.40	-1,778.40
Long Term Disability	-65.85	-395.10
*401(k) Deduction - Commission	0.00	14,645.23
*401(k) Deduction - Bonus	0.00	-810.33
*MSWM Cap Ded 2019 Commission	0.00	5,898.54
*MSWM Cap Ded 2020 Commission	0.00	12,400.01
*401(k) Catch Up Deduction	0.00	-6,500.00
* Excluded from federal taxable wages	0.00	

**Reimbursements excluded from gross pay totals

For all salaried employees, the total regular hours displayed on your paycheck (86.67 for Full-Time) is 1/24th of your annualized standard work hours.

Important Notes

You can run a balance report reflecting your Sick time entitlement, days used and remaining balance on your MyTime homepage.

Morgan Stanley

Anthony D Matkulak
15100 Napoleon Drive
Reno, NV 89511-4582

Morgan Stanley Smith Barney LLC
Human Resources
1 New York Plaza, 5th Floor
New York, NY 10004
212-276-5300

Check Date: Mar 13, 2020
Check Number: [REDACTED]
Period Beginning Date: Mar 01, 2020
Period Ending Date: Mar 15, 2020

Net Pay	1,541.35	Taxes	Current	Year-To-Date
BANK OF AMERICA, N.A. account ending in [REDACTED]	1,541.35	Federal Withholding Tax	-62.52	-18,286.68
		Social Security Tax	-75.86	-7,941.68
		Medicare Tax	-17.74	-1,857.33

Earnings	Rate	Hours	Current	YTD Hours	YTD Amount	Other Non-Cash Earnings	Current	Year-To-Date
Regular Pay	17.100	86.67	1,482.00	424.00	7,110.00	Rest Stk Unit Conv FICA Subj	0.00	26,301.04
Incentive Compensation			0.00		91,532.75			
Residual Shares			0.00		88.87			
MSCIP Distribution			0.00		4,051.64			
Exp. Reimbursement			836.22		836.22			
**Gross Pay			1,482.00		103,083.06			

Deductions	Current	Year-To-Date
*Medical Deduction	243.00	1,215.00
*Dental Deduction	15.50	77.50
*401(k) Deduction - Regular Pay	296.40	1,482.00
Long Term Disability	65.85	329.25
*401(k) Deduction Commission	0.00	14,645.23
*401(k) Deduction - Bonus	0.00	810.33
*MSWM Cap Ded 2019 Commission	0.00	5,858.54
*MSWM Cap Ded 2020 Commission	0.00	12,408.01
*401(k) Catch Up Deduction	0.00	6,500.00
* Excluded from federal taxable wages	0.00	

**Reimbursements excluded from gross pay totals

For all salaried employees, the total regular hours displayed on your paycheck (86.67 for Full-Time) is 1/24th of your annualized standard work hours

Employee Data

Employee ID [REDACTED]

Cost Center [REDACTED]

Social Security Number [REDACTED]

Federal Marital Status [REDACTED]

Federal Allowances 1

Federal Additional Amount 0.00

Important Notes

You can run a balance report reflecting your Sick time entitlement, days used and remaining balance on your MyTime homepage.

Morgan Stanley

Anthon D Matkulak
15100 Napoleon Drive
Reno, NV 89511-4582

Morgan Stanley Smith Barney LLC
Human Resources
1 New York Plaza, 5th Floor
New York, NY 10004
212-279-1300

Check Date: Mar 10, 2020
Check Number [REDACTED]
Period Beginning Date: Mar 01, 2020
Period Ending Date: Mar 10, 2020

Net Pay	10,329.74	Taxes	Current	Year-To-Date
BANK OF AMERICA, N.A. account ending in [REDACTED]	10,329.74	Federal Withholding Tax	-3,440.80	-18,224.16
		Social Security Tax	-1,515.12	-7,865.82
		Medicare Tax	-354.35	-1,839.59

Earnings	Rate	Hours	Current	YTD Hours	YTD Amount	Other Non-Cash Earnings	Current	Year-To-Date
Incentive Compensation			24,437.51		91,532.75	Rest Stk Unit Conv FICA Subj	0.00	26,301.04
Residual Shares			0.00		88.57			
MSCIP Distribution			0.00		4,051.64			
Regular Pay			0.00	56.67	5,926.00			
**Gross Pay			24,437.51		101,601.06			

Deductions	Current	Year-To-Date
*MSWM Cap Ded 2020 Commission	-4,887.50	12,408.01
*401(k) Deduction Commission	-3,910.00	11,645.21
*Medical Deduction	0.00	972.00
*Dental Deduction	0.00	-62.00
Long Term Disability	0.00	263.40
*401(k) Deduction - Bonus	0.00	-810.33
*MSWM Cap Ded 2019 Commission	0.00	-5,898.54
*401(k) Deduction - Regular Pay	0.00	-1,185.60
*401(k) Catch Up Deduction	0.00	6,500.00
* Excluded from federal taxable wages	0.00	

**Reimbursements excluded from gross pay totals

For all salaried employees, the total regular hours displayed on your paycheck (56.67 for Full-Time) is 1/24th of your annualized standard work hours

Employee Data

Employee ID [REDACTED]

Cost Center [REDACTED]

Social Security Number [REDACTED]

Federal Marital Status

Single or Head of Household

Federal Allowances

1

Federal Additional Amount

0.00

Important Notes

You can run a balance report reflecting your Sick time entitlement, days used and remaining balance on your MyTime homepage.

Morgan Stanley

Anthony D Matkula
15100 Napolcon Drive
Reno, NV 89511-4582

Morgan Stanley Smith Barney LLC
Human Resources
1 New York Plaza, 5th Floor
New York, NY 10004
212-276-5300

Check Date: Feb 28, 2020
Check Number: [REDACTED]
Period Beginning Date: Feb 16, 2020
Period Ending Date: Feb 29, 2020

Net Pay	705.13	Taxes	Current	Year-To-Date
BANK OF AMERICA, N.A. account ending [REDACTED]	705.13	Federal Withholding Tax	-62.52	-14,783.36
		Social Security Tax	-75.66	-6,350.70
		Medicare Tax	-17.74	-1,465.24

Earnings	Rate	Hours	Current	YTD Hours	YTD Amount	Other Non-Cash Earnings	Current	Year-To-Date
Regular Pay	17.100	86.67	1,482.00	344.00	5,928.00	Rest Stk Unit Conv FICA Subj	0.00	26,301.04
Incentive Compensation			0.00		67,095.24			
Residual Shares			0.00		88.67			
MSCIP Distribution			0.00		4,051.64			
**Gross Pay			1,482.00		77,163.55			

Deductions	Current	Year-To-Date
*Medical Deduction	243.00	-972.00
*Dental Deduction	15.50	-62.00
*401(k) Deduction - Regular Pay	-286.40	1,189.60
Long Term Disability	-65.85	-263.40
*401(k) Deduction Commission	0.00	-10,735.23
*401(k) Deduction - Bonus	0.00	-810.33
*MSWM Cap Ded 2019 Commission	0.00	-5,898.54
*MSWM Cap Ded 2020 Commission	0.00	-7,520.51
*401(k) Catch Up Deduction	0.00	6,500.00
* Excluded from federal taxable wages	0.00	

**Reimbursements excluded from gross pay totals

For all salaried employees, the total regular hours displayed on your paycheck (86.67 for Full-Time) is 1/24th of your annualized standard work hours

Employee Data

Employee ID	[REDACTED]
Cost Center	[REDACTED]
Social Security Number	[REDACTED]
Federal Marital Status	Single or Head of Household
Federal Allowances	1
Federal Additional Amount	0.00

Important Notes

You can run a balance report reflecting your Sick time entitlement, days used and remaining balance on your MyTime homepage.

Morgan Stanley

Anthony D Matkulak
15100 Napoleon Drive
Reno, NV 89511-4582

Morgan Stanley Smith Barney LLC
Human Resources
1 New York Plaza, 5th Floor
New York, NY 10004
212.276-5300

Check Date: Feb 14, 2020
Check Number: [REDACTED]
Period Beginning Date: Feb 01, 2020
Period Ending Date: Feb 15, 2020

Net Pay 2,218.27 Taxes Current Year-To-Date
BANK OF AMERICA, N.A. account ending in [REDACTED] 2,218.27 Federal Withholding Tax -713.09 -14,720.84

Social Security Tax -251.20 -6,274.84
Medicare Tax -58.75 1,467.50

Earnings	Rate	Hours	Current	YTD Hours	YTD Amount
MSCIP Distribution			4,051.64		4,051.64
Incentive Compensation			0.00		67,095.24
Residual Shares			0.00		88.67
Regular Pay			0.00	264.00	4,446.00
**Gross Pay			4,051.64		75,681.55

Other Non-Cash Earnings Current Year-To-Date
Rest Stk Unit Conv FICA Subj 0.00 26,301.04

Deductions	Current	Year-To-Date
*401(k) Deduction - Bonus	-810.33	-810.33
*Medical Deduction	0.00	-729.00
*Dental Deduction	0.00	-46.50
Long Term Disability	0.00	197.55
*401(k) Deduction Commission	0.00	10,715.24
*MSWM Cap Ded 2019 Commission	0.00	5,898.54
*MSWM Cap Ded 2020 Commission	0.00	7,520.51
*401(k) Deduction - Regular Pay	0.00	-889.20
*401(k) Catch Up Deduction	0.00	-6,500.00
* Excluded from federal taxable wages	0.00	

**Reimbursements excluded from gross pay totals

For all salaried employees, the total regular hours displayed on your paycheck (88.67 for Full-Time) is 1/24th of your annualized standard work hours

Employee Data

Employee ID

Cost Center

Social Security Number

Federal Marital Status

Federal Allowances

Federal Additional Amount

Single or Head of Household

1

0.00

Important Notes

You can run a balance report reflecting your Sick time entitlement, days used and remaining balance on your MyTime homepage.

45 45 45

Morgan Stanley Smith Barney

Loan ID number [REDACTED]

PLEASE NOTE THE FOLLOWING CHANGES TO THE COLLECTION PROCESS FOR PROMISSORY NOTE INSTALLMENT PAYMENTS:

- Please be aware that MSSB FA Notes Holdings LLC has assigned and transferred to Morgan Stanley Smith Barney LLC ("MSSB") the promissory note with the above referenced loan ID number.
- The address to send checks to has changed.
- If sending a check via First Class Mail (US Postal Service), please send the check to:
MORGAN STANLEY SMITH BARNEY LLC
Dept 1215
PO Box 121215
Dallas TX 75312-1215
- If sending the check via Courier (UPS, FedEx, etc.), please send the check to:
MORGAN STANLEY SMITH BARNEY LLC
PO Box 891215
1501 North Plano Rd.
Suite 100
Richardson, TX 75081
- Please include the Loan ID number on the memo line of your check. Checks cut from the Branch MUST include the Loan ID number on the memo line. Please attach a copy of this email to your check before mailing out. **TO ENSURE TIMELY PROCESSING, PLEASE DO NOT POST DATE YOUR CHECK.**
- Checks that do not contain the Loan ID are not guaranteed to be processed on time which could result in withholding of bonus payments and future commissions. Exceptions cannot be made. Please do not send notes or special requests with your check repayment.

Please be advised that pursuant to a promissory note agreement between yourself and the Firm dated 03/15/2016, you have an installment payment which will become due on 03/15/2020. The amount of your payment due is \$9,451.22 inclusive of interest of \$271.71 calculated through the due date.

Your installment payment must be received no later than the installment due date of 03/15/2020. You may remit a cashier's, personal or certified check payable to Morgan Stanley Smith Barney.

If your payment is not received by the above noted date of 03/15/2020, the Payroll Department will rely on the note agreement and initiate the Firm's right of recovery. In addition, interest will continue to accrue on any unpaid balance, at the rate stated on your note, until such balance is fully satisfied. Payroll will begin deductions from available compensation paid to you until the installment amount and additional interest, if any, are recovered in full. Such deductions will be made in the maximum amount available from any payment and within the shortest time possible.

Please be advised that employees of MSSB may not directly or indirectly use any loans or extensions of credit from Morgan Stanley Bank, N.A. or Morgan Stanley Private Bank, National Association, to repay an outstanding loan obligation with MSSB or any affiliated entity of MSSB including but not limited to, employee loans (in whole or in part). In addition, you may not, directly or indirectly, use any other non-purpose loans or extensions of credit from MSSB to repay any employee loans (in whole or in part) with MSSB or any affiliated entity of MSSB. Appropriate alternative arrangements should be made to repay any loan obligations to MSSB prior to their due date.

If you would like up-to-date balance information on your outstanding promissory notes with the Firm, you may visit the Firm's Payroll Americas website.

Please be aware that if you leave the firm for any reason, the full outstanding balance on any promissory notes will immediately become due and payable to the firm.

If you have any questions, please do not hesitate to call the Field Service Group at 888-FSG-9999 and ask for the FA Compensation Desk.

U.S. TREASURY
MONEY ORDER

✓ Track Your Expense

<input type="checkbox"/> Auto/Travel	<input type="checkbox"/> Education	<input type="checkbox"/> Medical/Dental
<input type="checkbox"/> Business	<input type="checkbox"/> Entertainment	<input type="checkbox"/> Savings
<input type="checkbox"/> Charities	<input type="checkbox"/> Food	<input type="checkbox"/> Taxes
<input type="checkbox"/> Clothing	<input type="checkbox"/> Home	<input type="checkbox"/> Utilities
<input type="checkbox"/> Dependent Care	<input type="checkbox"/> Insurance	<input type="checkbox"/> Other

6/18/20

925

BAL FORD	
ITEM AMOUNT	31,334
BALANCE	
DEPOSIT	ATM
FORD	

Duplicate is produced using soy-based materials.
Images may appear light.

☐ TAX DEDUCTIBLE ITEM

Memo _____

For enhanced security your account number will not be printed on this copy

NOT NEGOTIABLE

37

37

1 **Code: 1030**

Kevin P. Ryan, Esq., NSB 4371

2 BADER & RYAN, LTD.

232 Court Street

3 Reno, Nevada 89501

(775) 322-5000

4 Attorneys for Kourtney L. Davis

5
6 IN THE FAMILY DIVISION

7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF WASHOE

9 ***

10 KOURTNEY L. DAVIS;

11 Petitioner,

12 vs.

13 TONY MATKULAK;

14 Respondent.

Case No.: FV20-00559

Dept. No.: 12

15
16 **AFFIDAVIT OF KOURTNEY L. DAVIS**

17 STATE OF NEVADA)

18 COUNTY WASHOE)

) ss.

19 I, Kourtney L. Davis, do hereby swear, under penalty of perjury, that the assertions of this
20 Affidavit are true as follows:

21 1. I am a resident of Washoe County, State of Nevada, and am over the age of eighteen (18)
22 years.

23 2. I have personal knowledge of the matters set forth in this Affidavit, and if called as a
24 witness, I could competently testify to the matters set forth herein.

25 3. That I have reviewed the *Motion for Award of Interim Attorney's Fees / Costs* and the
26 factual assertions and allegations set forth therein are true and correct to the best of my knowledge and
27 belief.

28 4. Additionally, the exhibits attached to said Motion are true and correct copies

1 of the original documents.

2 FURTHER YOUR AFFIANT SAYETH NAUGHT.

3 **AFFIRMATION PURSUANT TO NRS 239B.030**

4 The undersigned does hereby affirm that the preceding document does not contain the social
5 security number of any person.

6 DATED: 1/7/2021

7 
8 KOURTNEY L. DAVIS

9
10
11 SUBSCRIBED AND SWORN before

12 me this 7th day of January, 2021.

13 
14 NOTARY PUBLIC



CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Bader & Ryan, Ltd., and that on the date set forth below, I served a true copy of the foregoing document on the party(ies) identified below by:

_____ Placing an original or true copy thereof in a sealed envelope, postage prepaid, placed for collection and mailing in the US Mail at Reno, Nevada.
_____ Personal delivery
_____ Federal Express or other overnight delivery
_____ Certified Mail Return Receipt Requested
XXX Electronic Service via ECF System.

addressed to:

Shawn B. Meador, Esq.
Woodburn & Wedge
6100 Neil Road, Ste. 500
PO Box 2311
Reno, NV 89505

DATED this 7th day of January, 2021.



Leslie A. Tibbals