

1 get the blow off. And so he -- he does have some legitimate
2 concerns here. He needs to find a different way to articulate
3 them, and I will make sure he does.

4 MS. PRIMAS: Respectfully, Your Honor, if I could be
5 heard for a moment, you -- you are correct that my client has
6 been getting these messages, these attacks, this harassment
7 from Mr. Reed this entire time. This issue with Jeff
8 Eatherly, that man is going to prison for 20 years because my
9 client was highly involved in his criminal trial.

10 He was not her boyfriend. He was a mutual friend of
11 the parties who my client had help her do things around the
12 house. He then violated the trust and hurt the child. It was
13 terrible. My client then took all of the necessary actions to
14 protect the child while Mr. Reed stood by and did not attend a
15 single hearing, or do anything.

16 My client now has a neighbor who happens to have a
17 criminal past. He is not her boyfriend. Ms. Cramer did reach
18 out to me. I explained explicitly to Ms. Cramer my client's
19 relationship with this individual, specifically that she
20 didn't even realize his full name until mister -- until the
21 email came from Ms. Cramer, and Mr. Reed began harassing my
22 client about it in Our Family Wizard.

23 Your Honor, this, respectfully, is why we've asked
24 for an evidentiary hearing in this case, because these types

1 of attacks, this harassing behavior by Dad just continues on
2 and on and on. This isn't a, oh, he was scared for his
3 children (indiscernible) acted. It is the same thing over and
4 over and over, Your Honor.

5 MS. CRAMER: And to that, Your Honor, I would say
6 that we have videos of her with Jeff Eatherly in the house
7 together. We have screenshots where she took pictures --

8 THE COURT: Okay. So -- okay. So it sounds like
9 you want an evidentiary hearing. That's what I'm hearing,
10 correct, Ms. Cramer? You want an evidentiary --

11 MS. CRAMER: No, Your Honor.

12 THE COURT: Well, then why are you bringing it up?
13 If I'm not going to see it, don't bring it up.

14 MS. CRAMER: All right, Your Honor.

15 THE COURT: I don't like the schedule, I don't like
16 the fact that there's too many exchanges between these
17 parties. I want to minimize the amount of exchanges between
18 these two parties, but yet this is the schedule that they
19 agreed to. I think it's ridiculous, but it is what they
20 agreed to just a year ago.

21 I think that it -- I think that it increases the
22 conflict with one of the -- with one another. I think that it
23 puts both of them in each other's business way too much. So I
24 -- I think it's a terrible schedule. This is what I'm going

1 to do. Here's what we're doing.

2 I am going to modify the custody. I'm not -- I mean
3 not modify the custody, I'm modifying the schedule. The
4 custody is staying the same. We're still going to have joint
5 legal custody, still going to have joint physical custody.

6 Dad's time is going to be from week two at pick up,
7 Dad to pick up on Fridays at the time that is in the decree.
8 At school drop off at 8:00 a.m., at the babysitter if there's
9 no school. And Dad is going to have the time until --

10 THE DEFENDANT: Your Honor, can I say something?

11 THE COURT: No. Hold on. Okay. And I'm happy --
12 if -- I know you're not going to like it, because you all
13 didn't choose it. But I -- I really hate the schedule, I
14 really hate all these exchanges. And it's not just that I
15 hate them. I guess I shouldn't say that. I don't believe
16 they're in the best interest of the children -- of the child,
17 because there's too much conflict with one another.

18 There's too much -- excuse me. The children.
19 Excuse me. Goodness. Too much interaction between -- between
20 the two parties, and too much involvement in each other's
21 business. And so I'm trying to minimize the conflict by
22 minimizing the interaction with the children, so -- not with
23 the children, with one another.

24 So here's the new schedule. Fridays, Dad -- this is

1 week two. Dad will have the children from Friday at school
2 drop off or 8:00 a.m. at the babysitter if there is no school,
3 until Wednesday after school, or 3:00 p.m. at the babysitter
4 if there's no school. And then Mom, on week -- so now we're
5 on week one. So Mom will have Wednesday after school or 3:00
6 p.m. at the babysitter if there's no school, until the
7 following Friday -- I'm sorry. I'm sorry. Good grief.

8 All right. Here we go. All right. Here we go.
9 Starting over. Week two, Dad has the minor children on Friday
10 at 8:00 a.m. at school -- Friday at school drop off, or 8:00
11 a.m. at the babysitter if there's no school, until Thursday of
12 week one at 8:00 a.m. -- at school drop off, or 8:00 a.m. at
13 the babysitter if there's no school. And then Mom will have
14 Thursdays at -- on -- in week one at 8:00 a.m. or school drop
15 off -- or -- at school drop off or 8:00 a.m. at the babysitter
16 if there's no school.

17 THE DEFENDANT: That's not -- that's not the same
18 time share as we have right -- right now.

19 THE COURT: Hold on. So let me go over this again.

20 THE DEFENDANT: I think it was correct when you said
21 Wednesday.

22 THE COURT: Hold on.

23 THE DEFENDANT: Thank you, Your Honor.

24 THE COURT: Okay. All right. So what I just said

1 is correct. So another way to look at it is week one, Mom has
2 Thursday at school drop off or 8:00 a.m. at the babysitter if
3 there's no school. That's week one, all the way until week
4 two, Friday morning at school drop off, or 8:00 a.m. at the
5 babysitter if there's no school. Then Dad shall have Friday
6 at 8:00 a.m. -- at school drop off or 8:00 a.m. at the
7 babysitter if there is no school, until week one, which is
8 Thursday, at school drop off or 8:00 a.m. at the babysitter if
9 there is no school.

10 MS. PRIMAS: Your Honor, can I just clarify
11 something?

12 THE COURT: Yes.

13 MS. PRIMAS: So I understand. Okay. So the time
14 share from the decree of divorce awarded Dad four custodial
15 days over the course of two weeks. You have just entered a
16 schedule that awards him six custodial days over the course of
17 two weeks. I just want to clarify that's what Your Honor is
18 intending on doing --

19 THE COURT: That's correct.

20 MS. PRIMAS: -- so I understand the Court's
21 (indiscernible). Thank you, Your Honor.

22 THE COURT: And Mom has eight, and he has six.

23 MS. PRIMAS: Thank you, Your Honor.

24 THE COURT: I believe -- let's see. So the school

1 zone is -- countermotion -- the countermotion for the school
2 zone issue is denied. I'm not -- I'm denying Dad's request to
3 prohibit Mom's father from attending the children's activities
4 during Dad's time share. But the part -- Dad and the maternal
5 grandpa are ordered to keep away from one another. If Dad
6 sees grandpa, Dad, you are ordered to move farther away, or
7 make sure you maintain I have no idea -- 20 feet distance, I
8 don't know. It's going to vary from -- from situation to
9 situation, the circumstances will vary. But stay away from
10 him, Dad.

11 MS. PRIMAS: Your Honor, can I be -- can I be heard
12 on this?

13 THE COURT: And, Mom, it is your job to make sure
14 that he stays away from Dad.

15 MS. CRAMER: Your Honor? Your Honor, the problem
16 with this is that now she is enabled to bring him anywhere,
17 and she can actually use him to drive Devin out of activities
18 and out of school functions, and he has been the primary
19 source of the aggression and violent behavior at exchanges.
20 And so if he is allowed to be there, then -- and we're telling
21 Devin that he has to go away, then you can -- you're
22 effectively enabling Amanda to use her dad to make Devin
23 leave.

24 THE PLAINTIFF: (Indiscernible) --

1 MS. CRAMER: Because you --

2 THE COURT: No, I --

3 MS. CRAMER: If they show up to a parent teacher
4 conference --

5 THE COURT: Oh --

6 MS. CRAMER: -- then she can just bring her dad and
7 once Dad shows up, Devin has to leave.

8 THE COURT: Oh, no, no, no. He's not to come to
9 parent teacher conferences. What I'm envisioning is I'm
10 envisioning performances of the kids. If they're in a school
11 play, or a Christmas play, or if they're doing a little
12 performance here or there, or if they're involved in sports,
13 if there's a recital, if, you know, if they're involved in
14 sports, they -- you know, they can go to -- grandpa can go and
15 watch. Ms. Cramer, what I'm -- what I'm hearing from you is
16 you want me to order an evidentiary hearing.

17 MS. CRAMER: No, Your Honor. What I'm -- I want the
18 Court to be aware of the history here, that she doesn't just
19 bring him to like, the family functions where you would expect
20 to see grandparents. She brings him to -- before Judge
21 Gentile told her to stop, he was coming to every single
22 exchange.

23 THE COURT: No, he's not to --

24 MS. CRAMER: He's retired.

1 THE COURT: -- come to exchanges. He's not to come
2 to exchanges.

3 MS. CRAMER: And that -- that's my concern is that
4 we need to be real clear here because --

5 THE COURT: Okay.

6 MS. CRAMER: -- that's what he was doing in the
7 past.

8 THE COURT: All right. Then I'm going --

9 MS. CRAMER: That's all, Judge.

10 THE COURT: Then I'm being very clear. I thought
11 that I just got done saying he can come to the children's
12 activities. I'm talking about performance -- school
13 performances, sporting events, sport -- but not child
14 exchanges -- exchanges -- not child exchanges, and not parent
15 teacher conferences. And if you -- if you need me to have an
16 evidentiary hearing on this, that's what I'm hearing you say.
17 If you're not willing to accept my order without an
18 evidentiary hearing -- I'm trying to get you guys some
19 resolution without having an evidentiary hearing. But every
20 time I make a decision, I'm getting arguments from everybody.

21 MS. CRAMER: I'm sorry, Your Honor. I apologize. I
22 -- I appreciate you clarifying this, and if -- and I -- I'm
23 not trying to drag it out any longer, but can we just add in
24 he's not permitted to come to doctor's appointments, either.

1 THE COURT: No, he's not permitted to come to
2 doctor's appointments.

3 MS. CRAMER: Okay.

4 THE COURT: Okay?

5 MS. CRAMER: That's all then. Thank you, Your
6 Honor.

7 THE COURT: All right. Vacation time. I don't know
8 is that really something that I need to address? I think that
9 both parties should be allowed to have vacation time. Why --
10 why are we asking about this?

11 MS. PRIMAS: (Indiscernible) --

12 MS. CRAMER: (Indiscernible) and now my client can't
13 take the kids anywhere.

14 THE COURT: What did you say? Why can't --

15 MS. PRIMAS: Your Honor, again --

16 THE COURT: -- why can't your client take the kids
17 anywhere, Ms. Cramer?

18 MS. CRAMER: It got left out, and --

19 THE COURT: Oh --

20 MS. CRAMER: -- I guess previous counsel had said,
21 oh --

22 MS. PRIMAS: No --

23 MS. CRAMER: -- it'll be handled after the fact.

24 THE COURT: Okay.

1 MS. PRIMAS: No.

2 MS. CRAMER: We've -- given --

3 THE COURT: Stand by, Ms. Primas. I'll let you be
4 heard. Okay? Go ahead, Ms. Cramer.

5 MS. CRAMER: I'm sorry. Given the way that the
6 schedule was in the decree, there was no time for my client to
7 take the kids anywhere, and he wanted to take them to a family
8 reunion, and Mom wouldn't allow it, and he just has no
9 vacation time.

10 THE COURT: Okay. Ms. Primas, what's the problem?

11 MS. PRIMAS: Your Honor, the parties stipulated to a
12 time share. Ms. Cramer does not want Your Honor to consider
13 the custodial evaluation that occurred prior to the decree of
14 divorce, because the decree of divorce is the operative moment
15 in time. At that moment in time, the parties agreed upon a
16 time share that does not include vacation. Nothing has
17 changed since then. Dad agreed to a time share that does not
18 include vacation. If Ms. Cramer -- I apologize, Your Honor.
19 I'm very frustrated. If Ms. Cramer wants to relitigate the
20 entirety of custody, which was the basis of our initial
21 motion, we're happy to do that with an evidentiary hearing.
22 But there is no basis to change the parties' agreement.

23 There are specific reasons that my client, which
24 I've already argued, and I'm happy to argue again, that my

1 client did not want a vacation provision in the agreement.
2 There were things that both parties gave up when negotiating
3 the current time share. One of those things was related to.
4 The parties agreed that there would be no vacation provision.
5 There's no basis now to add a vacation provision, to change
6 the agreement of the parties, Your Honor.

7 THE COURT: Well, with the current schedule, both
8 parties have the ability to take the kids on a vacation.

9 MS. CRAMER: I -- I believe that was the original
10 issue, is that my client's time share didn't, and hers did.
11 And it wasn't a mutual agreement, Your Honor. It was left
12 out.

13 THE COURT: It was a mistake --

14 MS. CRAMER: My client never -- yes. It was a
15 mistake. I would only ask that we be allowed to have a seven
16 day vacation time, Your Honor, because he only gets six days.
17 She gets eight, so she has plenty of time to travel, and she
18 could do a full week of vacation. My client can't do that.
19 So I would ask that he be allowed to at least have an extra
20 day if he wants to go on vacation.

21 THE COURT: Ms. Reed, why shouldn't he have a
22 vacation with the kids?

23 THE DEFENDANT: Devin doesn't allow contact with me
24 to have contact with the kids during the time that he has

1 them. He doesn't brush their teeth. When I -- when I get --

2 THE COURT: Okay. That's enough. Dad, I'm going to
3 grant the request for vacation time. All right? Each party
4 may have one additional week added to their time share in the
5 summer. All right?

6 THE PLAINTIFF: Thank you very much.

7 THE COURT: You have to -- you have to give each
8 other 30 days notice, and provide an itinerary, and you have
9 to allow the children to communicate with the other parent --
10 they can text -- they don't have a phone?

11 THE DEFENDANT: No. Your Honor, if --

12 THE PLAINTIFF: I -- I -- I let her -- I let her
13 talk to them on Facetime anytime she wants. It's -- it's a
14 non-issue.

15 THE COURT: Well, neither party can deny reasonable
16 access to the children during the other's time share. That
17 doesn't mean that -- that -- I'm not going to order that you
18 have -- that the kids have to speak to the other parent every
19 single minute. Remember, this is about the kids best
20 interests, not the parents. Make sure -- you have to question
21 and ask yourself, why am I insisting on talking to the kids
22 every single day.

23 You just -- it's not about you, parents. It's about
24 the children. And so I will allow reasonable access. I don't

1 want to have to put which days and which times they're allowed
2 to but just once a day, right? They can communicate by text
3 if they have a phone, or maybe once every other day for video
4 chat. A few minutes, nothing very -- you know --

5 MS. PRIMAS: Your Honor? Can I -- can I make a
6 suggestion on it? Can we say 15 minutes every other day?

7 THE COURT: Fifteen minutes every other day. I love
8 it. Perfect. Fifteen minutes every other day, they can have
9 a video chat with the other parent. And since you're saying
10 every other day, we don't have -- let's be very, very, very
11 clear on this. Okay? Because I think that's what we have to
12 do here. Video chat for 15 minutes every other day. So we're
13 going to say Sundays, Tuesdays, Thursdays, and that's it.
14 Sundays, Tuesdays, and Thursdays. All right?

15 So -- and we'll -- I'm not going to limit you to a
16 time. But be reasonable. Communicate with one another. No
17 name calling. No accusations. You're escalating the
18 conflict, not defusing it. Okay? And -- all right. So I
19 need an order. Ms. Cramer, I'm denying attorney's fees. I
20 want a final order, please --

21 MS. PRIMAS: (Indiscernible) --

22 MS. CRAMER: So I'll do it. I'll do both of them.
23 I'm behind, but I'll get it done.

24 THE COURT: All right.

1 MS. CRAMER: Okay.
2 THE COURT: Thank you. All right. And I'll set a
3 30 day status check on the chamber calendar. So that'll be
4 July 16th at 3:00 a.m. (sic) to make sure that I have all
5 outstanding orders, and this will close the case. Entry of
6 the order will close the case.
7 MS. CRAMER: Okay. Thank you, Your Honor.
8 THE COURT: Thank you, everybody.
9 MS. PRIMAS: Thank you, Your Honor.
10 THE DEFENDANT: Thank you.

11
12 (PROCEEDINGS CONCLUDED AT 2:52:09)
13
14

15 * * * * *

16 ATTEST: I do hereby certify that I have truly and
17 correctly transcribed the digital proceedings in the
18 above-entitled case to the best of my ability.
19

20 /s/ Nita Painter
21 Nita Painter
22
23
24