1 2 3 4 5 6 7 8	Amens Law, Ltd., Nevada Bar No. 12681 P.O. Box 488, Battle Mountain, NV 89820 T: 775-235-2222 F: 775-635-9146 Email: debra@amenslawfirm.com The undersigned affirms that this document contains no Social Security Numbers pursuant to NRS 239B.030 El IN THE SUPREME COURT OF THE STATE OF NH OFFICE OF THE CLERK	ectronically Filed ct 29 2021 01:47 lizabeth A. Browr lerk of Supreme EVADA	′ p.m. า
9 10 11 12 13 14	GUARDIANSHIP OF THE PERSON AND ESTATES OF C.T.F. AND P.G.S., MINOR PROTECTED PERSONS.	8-GU-18-67 E NDIX	
15 16 17 18 19	Pursuant to NRAP 3E(d)(1), 3E(d)(4) and this Court's ord 2021, following is Appellant's Appendix in support of their Fast	Track Statement.	
20 21 22 23	DATED this <u>1710</u> day of October, 2021.	V, Ltd.	
24 25 26 27 28	Debra M. Amo Debra M. Amo Nevada Bar N <i>Attorney for A</i>	lo. 12681	
~	JOINT APPENDIX - 1 Docket 83443 Do	ocument 2021-31241	

CERTIFICATE OF SERVICE

2	Pursuant to NRCP 5(b), I hereby certify that I work for AMENS LAW, LTD,
4	and that on the 27 day of October, 2021, I served a copy of the Joint Appendix
5	by delivering a true and correct copy of same in a sealed envelope with a C.D.,
7	properly addressed via first class mail, with postage thereon fully prepaid to the
8	following:
9	GERGER LAW OFFICE TRAVIS GERBER, ESQ.
11	491 4 th Street Elko, Nevada 89801
12	Attorney for Respondents
13 14	HILLEWAERTLAW OFFICE
15	DIANA HILLEWAERT, ESQ. 575 5 th Street
16	Elko, Nevada 89801 Attorney for Children
17 18	
19	I trath or Andre Orio
20	HEATHER ANDERSEN, Paralegal
21 22	
23	
24	
25 26	
27	
28	
	JOINT APPENDIX - 2

1	INDEX TO APPELLANT'S APPENDIX
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3	VOLUME I BATES PAGES
5	Transcript August 5, 2020 A-A0001-0072
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	JOINT APPENDIX - 3

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· 1	CASE NO. PR-GU-18-49, PR-GU-18-5鸽?/台京子GU-48; 6737
2	DEPT. NO. 1 46 JUDICIAL DISTRICT COURT
3	CLECKDEPUTY_
4	THE FOURTH JUDICIAL DISTRICT COURT THE STATE OF NEVADA
5	IN AND FOR THE COUNTY OF ELKO
6	BEFORE THE HONORABLE NANCY PORTER
7	DISTRICT JUDGE, PRESIDING
8	
9	IN THE MATTER OF THE GUARDIANSHIP OF THE PERSON AND
10	ESTATE OF
11	CARTER THOMAS FERGUSON (PR-GU-18-49); PAISLEY GRACE STONE (PR-GU-18-56);
12	CARTER THOMAS FERGUSON and PAISLEY GRACE STONE (PR-GU-18-67),
13	MINOR PROTECTED PERSONS. / ORIGINAL
14	_ <u></u> /
15	TRANSCRIPT OF RECORDED PROCEEDING
16	PETITION FOR GUARDIANSHIP
17	AUGUST 5, 2020
18	ELKO, NEVADA
19	· · ·
20	
21	· ·
22	
23	
24	
25	
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1	APPEARANCES :			1	PETITIONERS F SON AND MCGREW EXHIBITS: MARKED:	ADMITTED:
2	FOR THE PETITIONER LUCES	RO :		2	3. 106	115
3	DEBRA M. AMENS Amens Law		•	3	3. 106	•
4	432 S. Broad Street P.O. Box 488				.4. 116	140
5	Battle Mountain, NV	89820		1	S. 116	140
6				5	6. 224	224
7	FOR THE PETITIONER MGCR	EW AND PERGUSON:		6	0. 421	227
8	TRAVIS W. GERBER Gerber Law			7	7. 225	225
9	491 4th Street Elko, NV 89801	:		1	-	
10		·		8	PETITIONER LUCERO EXHIBITS: MARKED:	ADMITTED:
1.	FOR THE CHILDREN:			9	EXHIBITS: MARKED:	RUNITATION
11	MICHELLE L. RODRIGUE	2		10	с.	191
12	420 Sixth Street P.O. Box 704				D.	191
13	Wells, NV 89835			11	_	191
14				12	Ε.	. 191
15	PRO PER				н.	45
16	KRISTEN STONE (Mother) KEVIN FERGUSON (Father	of Carter Ferguson)		13		
17	·			14		
18	:			15		
	1 1			16		
19	• •	• • •		17		
20				19		
21				20		
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24 25	•			25		
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1	INI	DEX PAGE			۲	
2	PETITIONER MCGREW AND F WITNESSES:	ERGUSON	PAGE:	. 1	. TRANSCRIPT OF RECORDED PROCES	DINGS
3	DRAKE, Mariah	Direct	13	2		
4	•••••••	Cross (Amens) Cross (Stone)	18	3	THE COURT: We have three cases	
5		Cross (Rodriguez)		4	PR-GU-18-49. In the matter of the guas	
6	KELLEY-BRACE, Brenda	Direct	25	5	persons and estates, or estate, of Car	-
7		Cross (Amens) Cross (Rodriguez)		6	Case No. PR-GU-18-67, which is in the r	
8		Redirect Recross (Amens)	69 73	7	guardianship of the persons and estates	
9		. Cross (Stone) Recross (Rodrigue	80 z)82	8	Thomas Ferguson and Paisley Grace Ston	
10	MOOREHEAD, Lori	Direct	86	9	PR-GU-18-56, in the matter of the guar	lianship of
11		Voir Dire (Amens) Direct (Cont'd)	90 94	10	Paisley Grace Stone.	
12		Cross (Amens) Cross (Rodriguez)	96	11	This is the time set for a hear	ring on competing
13		Recross (Amens)	101	12	petitions for guardianship.	
14	FERGUSON, Vicky	Direct Cross (Amens)	103 150	13	Mr. Gerber is present represent	-
15		Cross (Rodriguez) Cross (Cont'd)		14	Fergusons and the McGrews. Ms. Amens .	-
15		Redirect	243	15	representing the Luceros. Mr. Loreman	
10	i	Recross (Amens) Examination	249 254 255	16	representing Kristin Stone, the mother	•
1		Recross (Amens)	255	17	Ms. Rodriguez is present representing	
.18	FERGUSON, Donald	Direct Cross (Amens)	257 262	18	We have the parties in the gal.	-
19	•	Cross (Rodriguez)		19	social distancing requirements. The b	ailiff and I set
20	MCGREW, Maria	Direct Cross (Amens)	273 297	20	it up this way so that you don't all h	
21		Cross (Rodriguez)	340	21	all day long. That's why we're doing	it this way.
22	PETITIONER LUCERO WITNESSES:		PAGE:	22	Counsel, if at any time you nee	ed to speak to
23	GODDARD, Geri	Direct	192	23	your clients, or the parties, if at any	
24	,	Cross (Gerber) Cross (Stone)	199 207	24	to speak to your attorney, you just ne	ed to say so, and
25		Cross (Rodriguez)		25	we'll take a break so that you can do	
	1/2021 11:52:14 AM	PAGE 3	Page		PAGE 5 A-A	2 of 48 sheets

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	iqn i		ala ala
	You know, ordinarily you are sitting right by	1	THE COURT: Okay. Mr. Gerber?
1		2	MR. GERBER: I have no objection. I just would
2	your attorney when we're in court. But to keep	3	ask that it not delay these proceedings.
3	everybody safe, we're doing it this way. But I don't	4	THE COURT: Mr. Bailiff, would you get
4	want you to be prohibited from talking to your	5	Ms. Stone a microphone, please? She's in the back.
5	attorney, if you need to.	6	(Bailiff complied.)
6	So for those of you, the parties who are in the	7	THE COURT: Ms. Stone, were you able to hear
7	back, just wave at me and we'll take a break so you can		
8	talk to your attorney.	89	what Mr. Loreman says?
9	All right. Mr. Loreman, yesterday you		MS. STONE: Yes.
10	submitted a motion to withdraw. Would you like to make	10	THE COURT: You understand he no longer wants
1	that motion orally?	11	to represent you?
12	MR. LOREMAN: Yes, Your Honor, I move to	12	MS. STONE: Yes.
13	withdraw at this time. Since I was appointed in this	13	THE COURT: What is your feeling about that?
14	case, my meetings with my client were the initial and	14	MS. STONE: I think there's no case.
15	during court one time, when we had court here.	15	THE COURT: You think there's no case?
16	There there has been no no at no time has my	16	MS. STONE: Yeah, I don't understand what's
17	client kept in contact with me, or by phone, or letting	17	going on.
18	me know of an address to contact her.	18	THE COURT: Do you want Mr. Loreman to be your
19	My understanding is that she's here today.	19	attorney?
20	But, again, I haven't had any opportunity to discuss	20	MS. STONE: Uhm, he knows as much as I do. We
21	any of this case with her.	21	don't know what's going on.
22	It just it's like every time we go to a	22	THE COURT: Have you he says you have not
23	hearing, then all of the sudden I she falls off the	23	stayed in contact with him; is that correct?
24	earth. And I have no ability to do anything in this	24	MS. STONE: Yes.
25	case. And I think it would be best if I withdraw.	25	THE COURT: Mr. Loreman, do you wish to be
	PAGE 6	ļ	PAGE 8
	-1.	Ι.	مان
1	At this point well, as this Court knows, I	1	heard any further?
2	was appointed for this case without remuneration on	2	MR. LOREMAN: No, Your Honor. I submit it.
3	this. So the many hours that would require actually to	3	THE COURT: Okay. I'm going to allow
4	do something, that I have no no way of knowing any	4	Mr. Loreman to withdraw, Ms. Stone. You did not keep
5	alignments or anything regarding the situation with	5	in touch with him. That is your obligation. He has
6	regard to my client. And the things that I did ask to	6	been your free attorney. I'm not going to make him
7	be done, she has not.	7	continue to do that when he hasn't had your
8	THE COURT: Okay.	8	cooperation. So you're going to have to look out for
9	MR. LOREMAN: And so I think the relationship	9	your own interests here today.
10	is a complete failure.	10	MS. STONE: Okay. I just want me and my kids
11	THE COURT: All right. Before I address	11	to be remain at my grandma's house, so I don't
12	Ms. Stone, Counsel, do you have any objections to	12	really understand what's going on.
13	Mr. Loreman's withdrawal? Ms. Amens?	13	THE COURT: All right. It's possible someone
14	MS. AMENS: Yes, Your Honor. Actually, I do	14	will call you as a witness, or you can testify
15	object. I do think that Kristin needs counsel to to	15	yourself, if that's what you choose to do.
16	speak with her. I totally understand Mr. Loreman's	16	So because you're representing yourself,
17	position. And, you know, I've had situations where you	17	Ms. Stone, you will I'll give you the opportunity,
18	can't talk with your client, and then you can't	18	you don't have to, but you can come forward and sit at
19	represent her. But she has an important voice here,	19	the counsel table, if that's what you want to do, or
20	and I think she needs to be represented.	20	you can stay there with your grandparents.
21	THE COURT: Ms. Rodriguez?	21	MS. STONE: I want to stay here with my
22	MS. RODRIGUEZ: I don't object, Judge. I mean,	22	grandparents.
1		23	THE COURT: All right. I don't have an order
23	Mr. Loreman has made numerous efforts. We've		
23 24	Mr. Loreman has made numerous efforts. We've communicated frequently about his attempts. I've given	24	here in the file I don't think, Mr. Loreman.
			•

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			() "\ "
1	THE COURT: Yeah. I have it. I'm signing it	1	THE COURT: Oh, she is. All right. So she's
2	right now. So you are excused. Thank you for your	2	helping you here today?
3	efforts.	3	MR. GERBER: Yes.
4	MR. LOREMAN: Thank you, Your Honor.	4	THE COURT: All right. We have three competing
5	THE COURT: We do I have a witness sitting	5	petitions. I don't know, Counsel, if you all discussed
6	here, Geri Goddard or an order sitting here to have .	6	who's going to go first. It doesn't matter to me.
7	Geri Goddard testify telephonically. I don't know who	7	Ms. Amens has her witness set at one in the morning,
8	submitted that motion. It looks like you did,	8	anyway.
9	Ms. Amens.	9	MR. GERBER: I have three witnesses that are
10	MS. AMENS: Yes, Your Honor.	10	waiting in the lobby. I was planning to put them on
11	THE COURT: It was just filed yesterday	11	first this morning. Mr Detective Mariah Drake from
12	afternoon.	12	the Elko County Sheriff's Office, Brenda Kelley-Brace,
13	Where is she?	13	and Lori Moorehead from the Division of Child and
14	MS. AMENS: She is in Reno. Uhm, and	14	Family Services.
15	Mr. Gerber and I met on Friday and conferred about	15	THE COURT: All right. And then what's your
16	this, the logistics here. She would be scheduled to	16	plan well, that's probably going to take the
17	appear tomorrow at 9:30 when we started.	17	morning.
18	THE COURT: Is she the therapist who testified	18	MR. GERBER: And then I was and I don't
19	at our last hearing by phone?	19	expect to take a lot of time with them.
20	MS. AMENS: Yes, Your Honor. Yes.	20	Then I was planning to call my parties, John
21	THE COURT: Is there any objection to her	21	and Maria McGrew, Vicky and Don Ferguson. And
22	testifying by phone?	22	and and possibly Kevin Ferguson. He's working, but
23	MR. GERBER: No, Your Honor.	23	he's expected to be present during these proceedings at
24	MS. RODRIGUEZ: Will it be video, or just plain	24	some point.
25	phone?	25	THE COURT: All right. You do not represent
	PAGE 10		PAGE 12
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1	۳ MS. AMENS: Right now we've set it up, she can	1	•
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	MS. AMENS: Right now we've set it up, she can	1	him, correct?
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	d u i I		
		1	And then another case that I looked in to,
1	THE COURT: Thank you.	2	there was allegations that there was a scratch on
2	Go ahead, Mr. Gerber.	3	Paisley's butt, and that Paisley had been taken to
3	MR. GERBER: Thank you, Your Honor.		not doctor, Troy Eden to be examined. And Troy Eden
4		4	
5	MARIAH DRAKE,	5	didn't find any evidence of child abuse. Just and
6	the witness herein, being first duly sworn, testified		so I had gotten that information from the Division of
7	as follows:	7	Child and Family Services. So nothing further after
8		8	both those.
9	DIRECT EXAMINATION	9	Q So did you find any allegation of abuse or
10	BY MR. GERBER:	10	neglect in either of those cases?
11	Q Ms. Drake, what's your position at the Elko	11	A No.
12	County Sheriff's Office?	12	${f Q}$. Who was the reporting party in both of those
13	A I'm a detective.	13	cases?
14	Q How long have you held that position?	14	A I believe the Luceros were the reporting
15	A Uhm, I've been a detective with the sheriff's	15	parties, but I dealt with Ms. McGrew. So
16	office for over four years.	16	${f Q}$ Ms. McGrew was the party that was alleged to
17	${f Q}$ And during that time, approximately how many	17	have been the perpetrator in both of those cases,
18	cases of child abuse or neglect have you investigated?	18	correct?
19	A Oh, I have no idea. Too many to count.	19	A Yes.
20	Q How many on a monthly or a yearly basis? Can	20	Q But you found no evidence of abuse or neglect?
21	you give us an indication?	21	A No.
22	A Uhm, I can say last month, I think I had four	22	Q And in both cases, did the Luceros take Paisley
23	or five separate sexual assault or child abuse cases.	23	directly to the doctor?
24	Those are primarily what I focus on. But I'm assigned	24	A I believe I know Paisley was taken to the
25	other cases, as well.	25	hospital for the burn, the suspected burn, and I know
	PAGE 14		PAGE 16
	۹۳		nj#
1		1	
	Q Okay. Were you assigned to investigate a case		she was taken to see Troy Eden for the scratch on her
2	relating to these parties, just within the last couple	2	butt. Uhm, I don't know if it was immediately or not.
3	of months?	3	Q During this investigation, did you have
4	A Not within the last couple of months.	4	opportunity to visit the Lucero home?
5	Q When was the last time that you remember?	5	A No.
6	A I believe there was a case I looked in to in	6	Q Did you have an opportunity to interact with
7	2018, and a case that I looked in to in 2019.		Michael or Pam Lucero?
8	${f Q}$ Okay. Were you called to investigate a bruise	8	A Not during these investigations, no.
9	that was reported this year on Paisley Stone?	9	Q Okay. Did you have an opportunity to visit the
10	A This year? No.	10	McGrew home?
11	Q You weren't apart of that one?	11	A Yes. I went there once.
12	А №.	12	Q Okay. And who did you interact with there?
13	${f Q}$. The cases that you were investigating, can you	13	A Maria McGrew.
14	tell the Court what happened in those investigations?	14	${f Q}$. Was there anything that you observed at the
15	A Uhm, in one of the investigations there was,	15	home that would be significant to report?
16	uhm, an allegation that there was Paisley was taken	16	A NO.
17	to the emergency room to be looked at for a possible	17	Q What did you observe there?
18	burn. When I got contact with the case, I had	18	A I walked in. I saw a living area, dining area,
19	contacted Ms. McGrew. She signed over medical record	19	kitchen. I believe she had a chair for Paisley to sit
20	releases. I got medical records from Dr. Hernandez for	20	while she had snacks, and there may have been an area
21	the follow-up appointment. And I got medical records	21	with toys. But Paisley, I believe at the time, was
22	from Northern Nevada Hospital with discharge paperwork,	22	napping, so I didn't even go through the rest of the
23	I believe. And it in the medical records it was not	23	house.
24	determined to be a burn, but it was determined, I	24	Q Okay. Did there appear to be anything
25	believe, to be cellulitis.	25	suspicious in the home?
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10/18/2021 11:52:14 AM

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11,#
                             n/H
                                                                            MS. AMENS: Okay. Your Honor, I would like to
                                                                 1
1
       Α
            No.
                                                                 2
                                                                    approach?
2
            Did there --. did it appear that Paisley's needs
       Q
                                                                 3
                                                                            THE COURT: Hand whatever you need to the
 3
    were being met in that home?
                                                                 4
                                                                    bailiff, please.
 Λ
       Δ
            Yes.
                                                                 5
                                                                            MS. AMENS: Okay. Hold on for just a second.
            In interacting with Maria McGrew, do you feel
 5
        0
                                                                            I have provided her what's been premarked as I.
                                                                 6
 6
    that she was concerned about Paisley's care?
                                                                    Could I see that real quickly and see if that's
                                                                 7
 7
        Α
            Yes.
            And that she was, based on your observations,
                                                                 R
                                                                    correct?
 8
        O
                                                                 9
                                                                                     (Bailiff complied.)
    an appropriate caregiver at that time?
 9
                                                                10
                                                                            UNIDENTIFIED SPEAKER: (Inaudible).
10
        Α
            Yes.
                                                                11
                                                                            MS. AMENS: Yeah, I think they are.
11
            MR. GERBER: Thank you, Judge. I have no
                                                                12
                                                                            Can you see if she recognizes that, if that's
12
    further questions.
                                                                13
                                                                    what she saw before?
13
            THE COURT: Ms. Amens.
                                                                14
                                                                                     (Bailiff complied.)
14
            MS. AMENS: Yes, Your Honor.
                                                                           BY MS. AMENS: Is that what you saw before? Do
                                                                15
                                                                        0
15
                                                                16
                                                                    you recall?
16
                      CROSS EXAMINATION
                                                                17
                                                                            MS. RODRIGUEZ: May I ask for the record what
17
    BY MS. AMENS:
                                                                18
18
                                                                    we're looking at, Judge?
           Good morning, Detective Drake.
        Q
                                                                19
19
                                                                             THE COURT: That is -- may Ms. Rodriguez look
        Δ
            Good morning.
                                                                20
20
            So you were not involved with, uhm, a situation
                                                                    at that, please?
        O
                                                                21
                                                                            MS. RODRIGUEZ: 29 and 30. Bates stamped 29
21
    this year in regards to any kind of bruising on --
                                                                22
22
                                                                    and 30.
        Α
            No.
                                                                23
23
                                                                             MS. AMENS: Yeah. But I don't think she can --
        D
            -- on Paisley?
24
                                                                24
                                                                    so I'm not going to move for the admittance with her.
            When you -- you had indicated that the Luceros
                                                                25
                                                                             MS. RODRIGUE2: (Inaudible).
25
    may have been the reporting party. Do you know that
                                                                                            PAGE 20
                           PAGE 18
                                                                                             m'u,
                             m/n
                                                                 1
 1
    for sure?
                                                                            MS. AMENS: What's that?
                                                                 2
 2
                                                                             All right. I'm not going to move for the
        Α
            I would have to refer to my reports to -- to
 3
   know that.
                                                                    admittance of that, because she didn't recognize it.
 4
                                                                 4
                                                                             THE COURT: It hasn't been marked, correct?
        Q
            Okay.
                                                                 5
 5
                                                                             MS. AMENS: Correct.
        Α
            And I --
 6
            And you never actually went and visited with
                                                                 6
                                                                        0
                                                                            BY MS. AMENS: Uhm, so when you met with Maria,
        0
 7
                                                                 7
                                                                     were you able to talk with her about, kind of, how she
    them about their concerns, specifically?
                                                                 8
 8
                                                                     normally would discipline a child?
        Α
            No. The reports were forwarded to me. They
                                                                 Q
 9
                                                                        Α
                                                                           Uhm, I'm not sure that we talked about
    were initially taken by other deputies.
10
        Q
                                                                10
                                                                    discipline. I know, uhm, we talked about food
            Okay.
11
                                                                11
                                                                     regarding Faisley, because the weight -- Faisley's
        A
            And so I got them after the fact. And after I
12
                                                                12
                                                                    weight was a concern. And that I believe she said she
    made follow-up conversations with DCFS on the scratch
13
    incident, and they determined they weren't opening a
                                                                13
                                                                     didn't provide her with a lot of juice and stuff. They
                                                                14
                                                                     tried to have her drink water and stuff like that and
14
    case. They had already spoken with Troy Eden, that
                                                                15
15
                                                                    have healthier snacks.
    investigation didn't go any further.
16
                                                                16
                                                                             Because I think at some point a doctor or a
            And then I only had contact with Ms. McGrew on
                                                                    family physician for Paisley had documented that she
17
                                                                17
    the allegations of the burn. Because she had Paisley
                                                                18
18
    at the time and would sign madical records to be
                                                                    was overweight for her size.
                                                                19
                                                                        Q
                                                                             Did Ms. McGrew, Maria, is she the one that
19
    released to ma.
                                                                20
20
                                                                    brought that issue up?
        0
            Okay. Did you actually see pictures of the
                                                                21
                                                                        Α
                                                                             Yes.
21 burn?
                                                                22
                                                                        Q
                                                                             That wasn't an issue that you came to her
22
        Α
             Uhm, I believe I saw pictures of red marks.
                                                                23
                                                                     about?
23
    But, again, you know, they -- when they were taken, I
                                                                24
                                                                        Α
    don't believe they were taken with or without scales.
                                                                             No.
24
                                                                25
                                                                             So you don't know how she disciplined --
                                                                        Q
25
    I -- so --
                                                                                            PAGE 21
                                                                                                       A-A0006
                           PAGE 19
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	αla	ł	. " "
1	A No.	1	MS. STONE: No.
2	Q Paisley? That wasn't something you followed	2	THE COURT: Ms. Rodriguez, cross examination.
2 3		3	MS. RODRIGUEZ: Thank you, Judge.
		4	·····
4	A No. \mathbf{O} where there children in the home?	5	CROSS EXAMINATION
5	Q Were there other children in the home?	6	BY MS. RODRIGUEZ:
6 7	A In the McGrew home?	7	Q Detective Drake, have you ever had have you
7	Q In the McGrew home.	8	ever had cause to go to the McGrew home prior to the
8	A I'm not sure if she had other children in the	9	
9	home. She may have had other children, but I don't	9 10	visit with Paisley, concerning Paisley? A No.
10	I didn't interact with other children while I was	10	
11	there.	11	Q Have you ever had cause to go the Luceros prior
12	Q Okay. Okay. Did you have any follow-up visits	12	to this incident with Paisley?
13	with the people at DCSF [sic] on the outcome of their	1	A No.
14	investigation?	14	MS. RODRIGUEZ: Nothing further.
15	A No. The only time I had a conversation was	15	THE COURT: Redirect, Mr. Gerber?
16	regarding what information they had received from	16	MR. GERBER: I have no further questions.
17	Troy Eden, and the fact that they were not opening an	17	THE COURT: Does anybody need this witness
18	investigation on that allegation based off the	18	retained?
19	information from Eden. And that's where it stopped.	19	MR. GERBER: No, Your Honor.
20	Q And then you closed your case?	20	MS. AMENS: No, Your Honor.
21	A Yes.	21	THE COURT: Thank you, Detective. You are
22	Q You didn't forward it forward?	22	excused.
23	A Yeah.	23	THE WITNESS: Thank you.
24	MS. AMENS: Okay. No further questions.	24	(The witness left the stand.)
25	THE COURT: Ms. Stone, do you have any	25	THE COURT: Your next witness, Mr. Gerber?
	PAGE 22	1	PAGE 24
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1	Q And where were you employed before that?	1	A My conclusion was that it was not caused by a
2	A Spokane, Washington.	2	whipping spoon. Uhm, because a whipping spoon would
3	Q Okay. What is your training or education?	3	have made a round mark and not a long mark.
4	A I have a bachelor degree in sociology and a	4	${f Q}$ Okay. In the course of your investigation, did
5	•	5	the McGrews explain to you what happened to Paisley to
6	master's degree in criminal justice. Q What is your position at the local office here?	6	cause the bruise?
_		7	A Yes. Faisley had fallen on the hearth, uhm,
7	A I am a Case Management Specialist 2.	8	that surrounds the wood stove.
8	Q Okay. Did you have occasion to investigate	9	Q Okay. And did you have a chance to look at the
9	or or have interaction with Paisley Stone regarding	10	hearth?
10	an alleged bruise that happened this year?	11	
11	A Yes.	12	
12	Q Okay. Can you tell the Court what happened in		walked in to their home.
13	that investigation? What was your involvement?	13	Q Based on your investigation, was the bruise
14	A We received a report on June 15th, 2000 [sic],	14	consistent with a fall on the hearth?
15	regarding physical abuse. I investigated by going out	15	A Yes.
16	to the home of, uhm, Mr. and Mrs. Lucero on the 16th of	16	${f Q}$ And did you find that the report was
17	June and interviewed Faisley.	17	substantiated or unsubstantiated?
18	Q Okay. And to continue, what else happened in	18	A I unsubstantiated that.
19	that investigation?	19	Q And who was the reporting party in that case?
20	A So I went out and talked to Paisley regarding	20	MS. RODRIGUEZ: I'm gonna object, Judge.
21	the bruise. That investigation happened face-to-face,	21	THE COURT: Just a moment. She can't answer
22	privately in her bedroom at Mr. and Mrs. Lucero's home.	22	that, Mr. Gerber, by statute.
23	I started out with just general questions, uhm,	23	Q BY MR. GERBER: During the course of your
24	talking to Paisley. And those general questions were	24	investigation, did you have a chance to observe the
25	how, again, how her summer was going, who did she like	25	Lucero home?
	PAGE 26		PAGE 28
	٩٣		w/ss
1	۳" to play with, what kind of things did she like to eat,	1	"\" A Yes, I did.
1 2	•	1 2	
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2	to play with, what kind of things did she like to eat, what kind of toys did she like to play with.	2	A Yes, I did. Q Did you also have a chance to observe the
2 3	to play with, what kind of things did she like to eat, what kind of toys did she like to play with. And then we got in to her being over at her	2 3	A Yes, I did. Q Did you also have a chance to observe the McGrew home?
2 3 4	to play with, what kind of things did she like to eat, what kind of toys did she like to play with. And then we got in to her being over at her Grandma and Grandpa McGrew's house, and then what	2 3 4	 A Yes, I did. Q Did you also have a chance to observe the McGrew home? A Yes, I did.
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1	a'n .		•
1	were there at the time.	1	me.
2	Q And when you say "adults," were they young	2	Q Okay. But french fries?
3	adults, middle-aged adults, older adults?	3	А Уез.
4	A I believe they were, uhm, mid adults, in their	4	${f Q}$ Anything else remarkable that you saw in the
5	208.	5	home on that occasion?
6	${f Q}$ Okay. And were they still residing in the	6	A No.
7	home?	7	${f Q}$ When you went to the McGrew home, can you
8	A Uhm, yes.	8	describe what you observed at the McGrew home in
9	Q Approximately how many people would you say	9	contrast to the Lucero home?
10	were in the home during your visit?	10	A It was very clean, very well organized. She
11	A During my visit there was, uhm, probably	11	stated how that they all sat at the dinner table
12	(unintelligible) seven, I believe.	12	together. They had a certain amount a certain time
13	Q And what time of the day was that?	13	they all sat around. Nobody got up from the table.
14	A This was, uhm, two o'clock in the afternoon.	14	They ate at the ate together. Nobody got up and
15	Q Were were any of them employed at that time?	15	came back and sat down to eat. You know, it was a well
16	A That, I can't remember.	16	organized dinnertime.
17		17	Faisley had three square meals a day. She had
18		18	snack. But she was not allowed to get up and play
19	A No, he was not.	19	
20	\mathbf{Q} Okay. So and to your knowledge, were these	20	around and eat, and then come back and then eat again. Q Was the mood calm or chaotic?
20	seven people residents of the home?	20	•
	A That, I do not know.	1	A It was very calm.
22	Q Uhm, so it was two o'clock.	22	Q Okay. Who was present at the house when you
23	Did did you observe any routines or patterns	23	were there?
24	in the home, like eating schedules or what they what	24	A It her and I had the conversation. She had
25	the household was doing at that time?	25	her other two grandsons there with her daughter,
	PAGE 30	<u> </u>	PAGE 32
	٦,	1	٩٣
1	A Uhm, there was a young woman, uhm, on the couch	1	Danielle, and they were outside
1 -		1.	
2	with her newborn child. And then they were bringing	2	Q Okay. And did you have a chance to meet
2 3	with her newborn child. And then they were bringing the other people were bringing Paisley fast food.		· · ·
		2	Q Okay. And did you have a chance to meet
3	the other people were bringing Paisley fast food.	2 3	Q OkayAnd did you have a chance to meet John McGrew?
3 4	the other people were bringing Paisley fast food. ${f Q}$ Okay. This was at two o'clock in the	2 3 4	 Q Okay. And did you have a chance to meet John McGrew? A I did. He came towards the end of my
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1	CROSS EXAMINATION		-	Yes.
2	BY MS. AMENS:	2	Q	Okay. So they were also sitting down for a
3	Q Ms. Brace, other than this one incident, have	3	meal tog	gether?
4	you had a chance have you been to either of the	4	A	Yes.
5	homes previous?	5		THE COURT: Just a minute. Ms. Stone, were you
6	A I've been to (unintelligible) Luceros home	6	trying	to get my attention?
7	before, yes.	7		MS. STONE: Oh, no.
8	Q And what was the reason for that?	8		THE COURT: Okay. Go ahead.
9	A There was allegations against one of her	9	Q	BY MS. AMENS: All right. And you indicated
10	daughters.	10	that th	ere were seven people at the Luceros' home,
11	Q When was that?	11	correct	?
12	A I believe that was back in February.	12	Α	Yeah.
13	Q That would be February of	13	Q	And then you counted up five people at the
14	A 2020.	14	McGrews	' home; is that correct?
15		15	A	Yeah.
	Q One of her this was I'm sorry. I may	16	Q	
16	have misunderstood.	17		Two grandsons.
17	This was at the Luceros' home?	18		Was there only two or was there three?
18	A Yes.		A	I only saw two.
19	${f Q}$ Was it somebody that was living at the Luceros'	19	Q	Okay. And what were their ages?
20	home?	20	A	Uhm
21	A Yes.	21	Q	About.
22	Q And you said that you had gone to the McGrews	22	A	About seven, eight years old.
23	home two times?	23	Q	Okay. Both of them or
24	A Yes.	24	Α	Yeah.
25	Q Is that correct?	25	Q	Uhm, did you get introduced to the to the
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		7"		
1	Α	McGrews' home because of the ex parte.	1	A Uh-huh.
2	Q	Did you get a chance to look at her room?	2	THE COURT: Ms. Brace, will you please answer
3	Α	No.	3	"yes" or "no" for the record. Thank you.
4	Q	Did you ask to look at her room?	4	THE WITNESS: Sorry. Yes.
5	Α	No.	5	Q BY MS. AMENS: Does the name Geri Goddard mean
6	Q	Do you know if she shares a room?	6	anything to you?
7	Ā	No.	7	A Yes. That's the psychiatrist, or the
8	Q	You don't know?	8	counselor.
1			9	Q Were you able to talk with her?
9	Α	No.		-
10	Q	How many rooms are there in the house?	10	A I talked to her on the 16th?
11	Α	I have no idea.	11	Q Okay. Did you talk to her on the 16th?
12	Q	So you you said it was very clean.	12	A Yeah, she was she called in previously, the
13		Which rooms were you in?	13	day that I was there. And I was introduced over video
14	Α	I was in the kitchen and the living room.	14	chat.
15	Q	Okay. All right. So those areas were clean?	15	Q Okay. All right.
16	Α	Uh-huh.	16	A And then she did call my office, yes.
17	Q	Okay. And organized.	17	Q Were you aware of the disclosures that Paisley
18	~~		18	had made to her in regards to the bruising?
		What is the daughter, Danielle, does she		
19	live t		19	A I was not aware of the of the disclosures,
20	A	She lives in the camper in the back, the RV.	20	no.
21	Q	Okay. So there's multi generations that are	21	Q Are you aware of them now?
22	living	in both homes; is that a fair assessment?	22	A Yes.
23	Α	Danielle and her children and husband live in	23	Q I mean, did you become aware of them?
24	the car	per in the back, yes.	24	A Yes. I don't know the exact words that she
25	Q	Okay. Okay. Did you visit with Mr. McGrew on	25	said, but I do know the
		PAGE 38		. PAGE 40
			<u> </u>	ią*
1	both of	ccasions, or just one of the occasions?	1	Q Okay. So I would like to show you what has, I
	_		2	
2	Α	Just the one occasion.	-	think, been premarked as I don't know what to
	•			
3	Q	The first occasion or the second occasion?	3	Exhibit H, and see if you recognize this. It's a
3	Q A	The first occasion or the second occasion? The second.	4	Exhibit H, and see if you recognize this. It's a photo.
	-			
4	A	The second.	4	photo.
4	A Q	The second. Okay. Why did you make two trips there? Because the first one is just a present danger	4	photo. THE COURT: Exhibit H, has it been marked by
4 5 6	A Q A	The second. Okay. Why did you make two trips there? Because the first one is just a present danger	4 5 6	photo. THE COURT: Exhibit H, has it been marked by the clerk?
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1	THE COURT: exhibits straightened out.	1	THE CLERK: I'm okay either way. Yes, Judge.
2	Counsel, I have a webinar at noon, so we'll	2	I don't care.
3	take our lunch recess about five to 12:00. So keep	3	I'm not blocking you if I stand here?
4	that in mind as you're going through your witnesses.	4	MS. AMENS: You're great. Thank you.
5	We'll take a brief recess to get those	5	THE CLERK: Thank you.
6	organized.	6	${f Q}$ BY MS. AMENS: Was this also one of the
7	(Recess.)	7	pictures that you looked at during your investigation?
8	THE COURT: Ms. Amens, do you want to	8	A xes.
9	MS. AMENS: Yes, Your Honor. I think we now	9	Q And what is that a picture of?
10	have it properly marked. I would like to show the	10	A Also Faisley's bottom and a bruise.
11	witness what's been premarked as Exhibit H. It's also	11	${f Q}$ Okay. The next picture, please.
12	Bates stamped number 26, 27, and 28.	12	And was this also provided to you as part of
13	Do you have those? No.	13	your investigation?
14	THE COURT: Put them up on the screen.	14	A Yes.
15	MS. RODRIGUEZ: Oh.	15	Q And what is it?
16	THE COURT: So you should be able to see on	16	A Paisley's bottom and a bruise.
17	your TV screen the exhibit, and the rest of us will see	17	${f Q}$ Okay. Do all the pictures appear to be taken
18	it on the big screen.	18	at the same time?
19	THE BAILIFF: So we got to do one at a time	19	A Yes.
20	here.	20	MS. AMENS: I move for the admittance of
21	MS. AMENS: I think you had it right, actually.	21	Exhibit H.
22	THE COURT: Adjust the Elmo, I believe.	22	THE COURT: Any objection to the admission of
23	THE CLERK: There's a zoom on there.	23	Exhibit H?
24	THE COURT: This is new technology that we just	24	MR. GERBER: No, Your Honor.
25	installed. I got a grant from the State to purchase	25	MS. RODRIGUEZ: I don't have any objection.
	PAGE 42	 	PAGE 44
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1	this equipment. This is the first time we're using it	1	THE COURT: Exhibit H is admitted.
2	like this, so bear with us.	2	(Exhibit H admitted.)
3	MS. RODRIGUEZ: So we need 26 first, Mercedes.	3	MS. AMENS: Can you put the first page back up?
4	THE CLERK: Thank you, Michelle.	4	THE CLERK: Yes. MS. AMENS: Number 26.
5	Q BY MS. AMENS: Ms. Brace, do you recognize this	6	THE CLERK: Yes.
6	photo?	7	Q BY MS. AMENS: So when did this incident
8	A Yes.	8	actually occur?
9	Q What is it a photo of? A Paisley's bottom and a bruise.	9	Okay. You started your investigation on the
10	Q Okay. And were you given these photos, or did	10	15th. That's when you got a call.
11	you take this photo?	11	Do you know when the bruising actually
12	A I was given these photos, yes.	12	occurred, how many days ahead?
13	Q Okay. And you understand	13	A No. We got we got the report on the 16th
14	MS. AMENS: Well, I move for the admittance	14	or on the 15th. I began my investigation on the 16th.
15	of I guess we could go through each one of them.	15	Q And you don't know how how much earlier the
16	But I move for the admittance of K.	16	injury took place?
17	THE COURT: They're all marked H, so let's go	17	A No.
18	through them all, and you can offer H.	18	Q Okay. The pictures that you were provided, are
19	MS. AMENS: Ökay.	19	they is the bruise in the same state of recovery as
20	Q BY MS. AMENS: So you recognize that one.	20	what you saw?
21	Let's put up the next one.	21	A No.
22	MS. AMENS: Do you want me to do that one	22	Q So this was taken earlier?
23	instead of	23	A Correct.
24	THE COURT: However you want to do it. I don't	24	Q Okay. Did the bruise that you saw on, uhm,
25	care.	25	Paisley's buttocks, was it basically the same shape?
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	4 4		
1	A Yes.	1 disclosed to Geri.	
2	${f Q}$ Okay. And from that shape, you determined that	2 Q Ch, you don't I'm sorry. I misunderstood.	
3	it could not have been a spoon?	3 I thought you had talked and you now knew. You didn't	
4	A Correct.	4 know when you initially started your investigation?	1
5	${f Q}$ Okay. When you saw the bruise on Paisley, did	5 A No. I have no idea what she disclosed to Geri,	
6	the bruise extend at all over to the other	6 herself.	
7	А №.	7 Q Okay. Well, if would it would it	
8	${f Q}$ Okay. So was that at the same location	8 would it change your mind if she had disclosed that sh	e
9	exactly.	9 had been hit with the wooden spoon?	
10		10 A No.	
	A The same side, yeah.	11 Q No? She spoke about being hit with a spoon?	
11	Q Okay. When you spoke with Ms. McGrew, did you		
12	ask to see the whipping spoon?		
13	A Yes.	13 Q What did she say?	
14	Q And can you describe it?	14 A She told me that she, uhm, was hit with the	
15	A Yeah. It was a a regular whipping spoon	15 whipping she was spanked with the whipping spoon.	
16	I'm sorry, a regular mix mixing spoon, wooden. It	16 And I had asked her why she was spanked with the	
17	had approximately an inch diameter hole in the middle	17 whipping spoon. And the first thing she told me was	Í
18	of it.	18 that she was hit she was hit uhm, she was hit by	
19	Q Okay. How long was the	19 her cousin, uhm, in the face, and she hit her cousin	
20	A About 12 inches long, just a regular size	20 back. And that's why she got in trouble.	
21	what you would be mixing you know, a regular size, a	21 And I said, Who is this cousin? And she said	
22	mixing spoon. It was a flat so it wasn't an actual	22 it was Braxton. And I repeated that back to her, and	
23	wooden or a spoon size, that you think of a spoon.	23 she said, No, it was Noah. And when I asked Pam Lucero	
24		24 about that, I said, Who is Noah? And she said, That's	
	Q It wasn't curved greatly, is that what you're		
25	saying?		
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1	"\" A Right.	1 trouble and got spanked, because she hit Noah in the	
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	ala		n.
1	children in the home?	1	Ms. McGrew demonstrate it?
2	A She said when they absolutely need it.	2	THE WITNESS: I'm sorry?
3	Q Okay.	3	THE COURT: Who who demonstrated? Was it
4	A And it was because Paisley was told to do	4	Ms. McGrew?
5	something three different times, and Paisley actually	5	THE WITNESS: I'm sorry. Maria.
_		6	MS. RODRIGUEZ: Thank you.
67	said no to her face, is the reason why Paisley got	7	THE WITNESS: So she picked up the the a
7	spanked.	8	blanket out of a laundry basket that was next to the
8	Q Okay. Do you know if she spanks them in front	9	couch, which was between the couch and the hearth. She
9	of all the other kids?	10	had her back towards me. She shook out the blanket,
10	A She does not.		
11	Q How do you know that?	11	demonstrating as Paisley would have done. And Paisley
12	A Because she told me.	12	had lost her balance and fell on the edge of the rock
13	Q Okay.	13	hearth, on the right side of her bottom, which would
14	A And that has actually been confirmed by	14	have given her the bruise on the right side of her
15	Danielle, her daughter. That is something that she	15	bottom.
16	does not do, and she does not believe in doing that at	16	Q BY MS. AMENS: Would would did you look
17	all. She will actually have the other children go	17	for any other bruising to see if she had kind of
18	outside when she punishes, whether it be putting them	18	reached out and bruised herself to try to catch herself
19	in time out, sending them to their rooms, whatever the	19	or
20	discipline may be.	20	A She didn't. She had the blanket in her hand.
21	Q So you were able to talk to Danielle about	21	She just literally fell backwards.
22	A Yes, I was.	22	Q Okay. So could it have been when you were at
23	Q about the spanking?	23	the Luceros it was 4:30 and not two o'clock in the
24	A And Danielle witnessed the spanking.	24	afternoon?
25	Q Okay. Did they give you a time frame of when	25	А №.
	PAGE 50	1	PAGE 52
		1	۳.,
 1		1	٦" Q Okay. And you had indicated that it had seven
1	that had occurred?	1 2	${f Q}$ Okay. And you had indicated that it had seven
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1	Α	No .	1	A Yes.
2	Q	How did the meal appear?	2	Q And did you reach back out to her at all to
3	Α	Somebody somebody had brought it in from the	3	tell her what was gonna happen with the investigation?
4	garage.		4	A Uhm, we talked about it the one time.
5	Q	Okay. Was that Mr. Lucero?	5	MS. AMENS: Okay. No further questions.
6	A	I I don't know who it was.	6	THE COURT: Ms. Stone, do you have any
7	Q	So you don't know if you saw him or not?	7	questions for this witness?
8	A	No. I no. I just saw people coming in from	8	MS. STONE: No.
			9	THE COURT: Ms. Rodriguez?
9	the gar		10	MS. RODRIGUEZ: Thank you, Judge.
10	Q	And were they there the whole time you were		M3. KODKIGOEZ. IMAIK YOU, OUUyo.
11	having	this interview, or did they just come in with	11	
12	the me	al?	12	CROSS EXAMINATION
13	Α	They just came in towards the end of the	13	BY MS. RODRIGUEZ:
14	intervi	еч.	14	Q Did you discuss your findings with Ms. Goddard
15	Q	Okay. And you indicate there's a teenager?	15	when you spoke to her at your office?
16	А	Uh-huh.	16	A I'm sorry?
17	Q	Did you see the teenager?	17	${f Q}$ With Geri Goddard, the child's therapist, did
18	Α	I saw a couple of teenagers, yeah.	18	you discuss your findings?
19	Q	Okay. And where were they? Did you see their	19	A Yes, I did.
20	rooms?		20	Q So when you spoke to Ms. Goddard, you informed
21	A	No. I was upstairs, and I went to Paisley's	21	her that you were unsubstantiating that report?
22			22	A yes.
		And, uhm, the young mother's room was next to	23	
23		's room.		Q What day was that?
24	Q	Okay. Uhm	24	A Uhm, I believe it was the end of June.
25	Α	So towards the end of the interview, it was	25	${f Q}$ Did you discuss with Ms. Goddard your reasoning
		PAGE 54	ļ	PAGE 56
1		dn		d n
1	probabl	٦". y close to four o'clock, yes.	1	۳ for unsubstantiating your report?
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1	Q Who all did you interview during your	1	A Yes.
2	investigation?	2	${f Q}$ Do you remember what she was drinking?
3	A I interviewed I spoke with Pam Lucero. I	3	A Sorry?
4	spoke with Faisley. I spoke with both	4	${f Q}$ What Paisley was drinking during the meal?
5	Mr. and Mrs. McGrew. I used Danielle Ray (phonetic)	5	A I don't I don't know. I'm sorry.
6	and Jim Ballard as collaterals.	6	${f Q}$ And you weren't there to look in to what
7	Q Who was the last one?	7	what Paisley was eating, correct?
8	A Jim Ballard. He is a pastor at the McGrews'	8	A Correct.
9	church.	9	Q Had you been informed prior to going to the
10	THE COURT: Thank you.	10	Lucero home that there was a concern about Paisley's
11	MS. RODRIGUEZ: Thank you, Judge.	11	overall health, weight?
12	Q BY MS. RODRIGUEZ: When you interviewed	12	A I knew nothing of Paisley. I never met her
13	Ms. Lucero and Paisley, had you called prior to going	13	before.
14	to the Lucero home to schedule an interview?	14	Q Okay. So your sole purpose was to investigate
15	А №.	15	this report of physical abuse?
16	Q It was an unannounced visit?	16	A Correct.
17	A Yes.	17	Q Did Paisley indicate during your interview with
18	${f Q}$ And you were there as a follow-up to a physical	18	her on June 15th of 2000 or June 16th of 2000 of
19	abuse allegation, correct?	19	2020, excuse me, sorry, how often she gets in trouble
20	A Correct.	20	over at the McGrew home?
21	Q During the time that you interviewed Paisley,	21	A She did indicate. But she just said she has
22	did she indicate to you, did Paisley indicate to you,	22	fun over there, she likes to be over at her Nammy and
23	any other allegations of abuse or neglect?	23	Pop's house.
24 25	A No, she did not.	24	Q So Paisley told you she has fun over there and
25	Q When Paisley discussed with you that she got in PAGE 58	25	likes to be at the McGrew home?
			PAGE 60
		+	<u></u> PAGE 60
1	٩,٠	1	
1 2		1 2	ufa
1 2 3	۳" to real trouble, and based upon the real trouble, she		۳۵ A Uh-huh.
2	۳" to real trouble, and based upon the real trouble, she received punishment with the whipping spoon, did	2	۳۳ A Uh-huh. Q Did Paisley indicate to you during your
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<pre> T* to real trouble, and based upon the real trouble, she received punishment with the whipping spoon, did Paisley explain to you what real trouble meant to her? A No, she did not. Q She just said real trouble? A She just said real trouble? A She just said she was naughty. Q And you indicated on direct that other forms of punishment were time out, and her toys were taken away at the McGrew home, correct? A Correct. Q Did Paisley indicate to you what kind of discipline she received at the Lucero home? A She doesn't get in trouble. Q She said she doesn't get in trouble there? A No. Q Were you able to observe Paisley in the Lucero home at all, or did you just speak with her during your interview? A I just spoke with her. She, uhm I did observe her a little bit as I was talking to Pam. She was climbing on the counters. Pam was trying to tell her to get down, uhm, that she knew better than that. But, uhm, that was pretty much it. Q And then what little bit that you saw her </pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<pre>Y" A Uh-huh. Q Did Paisley indicate to you during your interview at any time that she was fearful of the McGrew home? A No. Q Did Paisley tell you how often she goes to her Nanny and Poppy's A And Pop's. Q Nanny and Pop's house, the McGrew home? A She said, uhm, she goes there one week, and then she stays with her Granny one week. Q Okay. Were you and Paisley by yourself when you interviewed her? A Yes. Q And the interview was done in Paisley's room? A Yes. Q Bedroom. Excuse me. Did the bedroom appear to be sufficient for Paisley's needs? A Yes. Q Did Paisley say anything else to you other than she had a bruise from the whooping spoon? A No. Q Did Paisley tell you how it happened, how the</pre>
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1	A Uhm, she said she got it from hitting her	1	receive any follow-up information from either set of
2	cousin in the face. She got in trouble.	2	grandparents?
3	Q But Paisley's indication was that bruise was	3	A No oh, I'm sorry. I did receive the video
4	from the whooping spoon, correct?	4	from Amen Law showing me Paisley throwing a fit about
5	A Uh-huh.	5	going back to the McGrew home.
6	THE COURT: That's a "yes"?	6	${f Q}$ When was that video taken? Do you know?
7	THE WITNESS: Yes. Sorry, Judge.	7	A That, I do not know, because it does not have a
8	THE COURT: I know it's awkward, but that's how	8	stamp on it.
9	we have to speak in a courtroom.	9	${f Q}$ And where, within your investigation, did you
10	Q BY MS. RODRIGUE2: And, Ms. Brace, you	10	receive that report? At the beginning? At the end?
11	indicated that you personally observed both homes at	11	A Towards the end of the investigation. It was
12	different times?	12	after the ex parte stated that Paisley was to go back
13	A Yes.	13	to the McGrew home for her visits.
14	Q The McGrew home and the Lucero home?	14	Q Did that video cause you concern for Paisley's
15	A Yes.	15	well-being while at the McGrew home?
16	Q Were there did you have any concerns about	16	A It gave me no concerns.
17	Paisley's safety in either home?	17	Q Why?
18		18	A Because all it showed was a four-year-old
19		19	throwing a temper tantrum about putting her shoes on.
	Q When you were able to speak to Mrs. Lucero, Pam	20	Q Okay. When you interviewed Paisley, did she
20	Lucero, did you learn anything else about the concerns	21	
21	with Paisley's behavior at the McGrew home that caused		tell you she did not like to go between the two
22	you concern?	22	different homes, between the Lucero home and the McGrew
23	A I'm sorry, can you repeat that?	23	home?
24	Q Yes. I'm sorry. That was a long question.	24	A No. She made no indication about that. She
25	When you were speaking with Pam Lucero on June	25	just said she liked spending time at both homes.
	PAGE 62	ļ	PAGE 64
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1	٦٣ 16th of 2020, did Ms. Lucero indicate to you any other	1	Q Have you received any reports of the concern
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	16th of 2020, did Ms. Lucero indicate to you any other		Q Have you received any reports of the concern
2	16th of 2020, did Ms. Lucero indicate to you any other concerns of Paisley at the McGrew home?	2	Q Have you received any reports of the concern for the welfare of Paisley's brother, Carter Ferguson,
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			how the bruise appeared when you interviewed Paisley on
1	THE WITNESS: They were under at the time I	1	
2	had an investigation, but that daughter and grandchild	2	or about June 16th of 2020.
3	does not live there anymore.	3	How is that picture different than Paisley's
4	THE COURT: But at the time you made your	4	appearance when you interviewed her?
5	investigation, they did?	5	A It's just lighter color.
6	THE WITNESS: Yes.	6	Q It was lighter in color when you interviewed
7	THE COURT: Thank you.	7	her?
8	Q BY MS. RODRIGUEZ: Of the February of 2020 time	8	A Yeah. It was just lighter in color, same
9		9	shape.
	frame?	10	Q When Paisley discussed with you her her
10	MS. AMENS: I'm sorry, Judge.	11	discipline at the McGrew home, was she upset?
11	Q BY MS, RODRIGUEZ: Or the June of 2020	12	
12	investigation? .		A No. Absolutely not.
13	A Yeah, on the February, I was doing an	13	Q How would you describe her demeanor upon
14	investigation that had to do with that daughter, adult	14	discussing her discipline at the McGrew home?
15	daughter and infant child.	15	A Oh, she was completely fine with me. We we
16	Q Okay. Thank you.	16	sat on her bed and we played toys. And we talked about
17	A It had nothing to do with Pam Lucero.	17	playing with the dogs and and different things. And
18	Q Okay. At that time, in February of 2020	18	by the end of the conversation, she wanted to go to πy
19	investigation time frame, did you have concerns about	19	house for a sleepover.
20	the Lucero home being a safe and appropriate place for	20	THE COURT: You must play really well.
21	a child?	21	THE WITNESS: Yeah.
22	-	22	Q BY MS. RODRIGUEZ: Did you take any pictures of
	A Uhm, no.	23	the hearth at the McGrew home during your
23	Q Did you observe anything in the home at that		
24	time that would cause you concern for a child of two to	24	investigation.
25	four years of age?	25	A I did not.
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	A No.		Q You testified on cross with Ms. Amens that
2	A No. \mathbf{Q} You indicated that the second visit to the	2	Q You testified on cross with Ms. Amens that Maria McGrew demonstrated where and how Paisley fell on
2 3 4	A No. Q You indicated that the second visit to the McGrew home was to complete your NIA, Nevada Initial Assessment?	2 3	Q You testified on cross with Ms. Amens that Maria McGrew demonstrated where and how Paisley fell on the hearth to obtain the bruise on her right buttock.
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1	unfounded?	1	Q And and to your knowledge did Pam Lucero
2	A That was totally unfounded.	2	take those photographs that were entered in to evidence
	-	3	today?
3	Q Totally unfounded?	4	A Yes.
4	A Yes.	5	Q Okay. And would she have had occasion to talk
5	Q Did was anything else negative, or were	6	to Paisley about how the bruising occurred prior to
6	there any other negative comments or allegations	7	
7	against the McGrews or any other persons while you were	8	you
8	in that home?		A Yes.
9	A No.	9	Q investigating?
10	${f Q}$ When you interviewed Paisley, you indicated she	10	A Yes.
11	indicated the bruise was caused by a spanking?	11	Q In your experience, is Paisley credible about
12	A Correct.	12	how how the bruise occurred? Or, I mean, would it
13	${f Q}$ Can you tell us more about that conversation,	13	be credible for her to come to a conclusion of whether
14	how that conversation developed?	14	that occurred from a spanking?
15	A That she had been naughty. And I asked her	15	A (Unintelligible).
16	what she did and what "had been naughty" meant. And	16	MR. GERBER: Okay. Thank you. No further
17	that's when she had told me that she had gotten in	17	questions.
18	trouble for hitting her cousin, uhm, because her cousin	18	THE COURT: That was a "no"?
19	had hit her in the face, she had hit him in the face,	19	THE WITNESS: No.
20	and that she got in trouble because she hit him in the	20	THE COURT: Ms. Amens, recross.
21	face.	21	MS. AMENS: Yes, Your Honor.
22	Q And that's different than what was reported to	22	•
23		23	
	you by Maria and Danielle, correct?	24	
24 25	A Correct.	24	
25	Q And you found that it was inconsistent because	20	
	PAGE 70		PAGE 72
	7.		ญฑ
1	۳" she said it was Braxton and then she said it was Noah,	1	RECROSS EXAMINATION
2		2	RECROSS EXAMINATION BY MS. AMENS:
_	she said it was Braxton and then she said it was Noah,		RECROSS EXAMINATION
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2 3 4	she said it was Braxton and then she said it was Noah, correct? A Correct. Q Tell me more about how Paisley could connect a	2 3 4	RECROSS EXAMINATION BY MS. AMENS: Q So following up on what Mr. Gerber was just asking you about in terms of the connection, isn't
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	el n		Ŋa
1	said that the first thing that she told you was exactly	1	Kristin on a bus to go to California?
2	what she was telling others, would that make you	2	A She had it was a complicated story. And
3	believe so let me start all over. I'm sorry. I'll	3	like I said, that wasn't part of my assessment. I just
4	strike that.	4	kind of wanted to get the gist of when Paisley was born
5	The fact that the that the child is	5	up until this point. Uhm, so, again, that wasn't part
		6	of my assessment, so I didn't take a lot of notes on
6	consistently explaining the bruise	7	that.
7	MS. RODRIGUEZ: I object. Those are facts not	8	Q So you don't recall whether she told you that?
8	in evidence.	9	A No, I don't recall.
9	THE COURT: Objection sustained.		
10	MS. AMENS: Okay. Let me go a different	10	Q Okay. Uhm, did you get that back story from
11	direction.	11	the Luceros? Did they give you kind of any overview of
12	Q BY MS. AMENS: You indicated that you had seen	12	how this all had been arranged?
13	a picture of Kristin at the McGrews' home. How did	13	A Just that I know that Kristin is there grand
14	that come up?	14	daughter and that TJ was the McGrews' son and they had
15	A Uhm, because we were talking about, uhm, how	15	Paislay. So, no, I did not get much of a back story.
16	how Paisley ended up in the custody, or in the	16	Q Okay. You had indicated that Ms. Lucero had
17	guardianship basically, how Paisley ended up where	17	said that the McGrews were hiding food. Did you ask
18	she was	18	Paisley whether or not they were hiding food?
19	Q Okay.	19	A Yeah. And she said, no, she she got to eat
20	A between the two sets of grandparents. And	20	good enacks, but not all the time.
21	so Ms. McGrew was explaining that to me. And, uhm,	21	${f Q}$ Okay. You said it was totally unfounded. What
22	then it had come about to where she said that Paisley's	22	do you mean by "totally"? Who did
23	mom had just had a baby. And I was remembering back	23	A They weren't hiding food.
24	that I had just seen a woman that had a brand new baby.	24	Q How do you know that?
25	And so I asked her, I said, is Kristin living	25	A Because she just wasn't able to Paisley just
	PAGE 74		PAGE 76
	η .	1	N
1	۳۴ with Pam Lucero? And she says, Well, she might be. I	1	wasn't able to eat. There's a difference between
1	·	1 2	·
	with Pam Lucero? And she says, Well, she might be. I have no idea where she's at right now. I said, Do you		wasn't able to eat. There's a difference between
2	with Pam Lucero? And she says, Well, she might be. I have no idea where she's at right now. I said, Do you happen to have a picture of Kristin? And she says,	2	wasn't able to eat. There's a difference between hiding food and her just not being able to go get
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•1	А хев.	1	CROSS EXAMINATION
	•	2	BY MS. STONE:
2	Q Did you okay. When you went to the McGrews,	3	Q So if I had my babies, would any of this would
3	was that also on an unannounced visit?	4	have happened would have happened, or would no one
4	A Yes. The first time.	1	
5	Q And then the second time?	5	know because I never got a chance?
6	A No. That is a; set up we set an appointment	6	THE WITNESS: I can't hear a thing she is
7	for that day to make sure everybody's available, that	7	saying.
8	both Mr. and Mrs. McGrew are available for that	8	THE COURT: Can you speak up louder, please?
9	interview.	9	She can't hear you.
10	Q Okay. So you didn't visit with Mr. McGrew the	10	Q BY MS. STONE: Would any of this bruising or
11	first time?	11	feeding them, my kids, or them getting too fat would
12	A Correct. Because he was at work.	12	have happened, or why did no one give me a chance to be
13	Q Okay. Did Paisley bring up the hearth?	13	a mom? They all been a mom and dad, they all failed.
14	Α Νο.	14	THE WITNESS: I still can't understand what she
15	Q The you said you were provided a tape from	15	said.
16	my office. Uhm, without a description of what it was,	16	THE COURT: I don't really understand your
17	if you were aware that that was representative of	17	guestion either.
18	exchanges regularly, would that have concerned you?	18	Q BY MS. STONE: What would have happened to my
19	A I'm sorry. Say it again, please.	19	children if they were with the mother, me?
20	Q Okay. From receiving the tape, you understand	20	THE COURT: I think she wants to know if any
21	that there were some difficulties between exchanges	21	of any of these issues, uhm, the bruising, the issue
22	A Un-huh.	22	about the food, the tantrums, if any of that had
23	Q with Paisley.	23	occurred had Paisley been with her mother.
24	If that was representative of how the exchanges	24	MS. RODRIGUEZ: Judge, I'm going to object.
25	occurred weekly, or every two weeks, would would	25	That's calling for pure speculation.
20	PAGE 78		PAGE 80
<u> </u>		+	
1	d'u	1	da.
1	۳" that be concerning to you? Would you have continued	1	٦° THE COURT: Yeah. The objection is sustained.
2	۳" that be concerning to you? Would you have continued your investigation?	2	۳۴ THE COURT: Yeah. The objection is sustained. I don't know how the witness could answer that.
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	Ma		· · · · · · · · · · · · · · · · · · ·
1	that's the purpose	1	A Correct. She's confused.
2	MS. STONE: But where's my rights, my citizen	2	${f Q}$ Okay. Yet Paisley informed you that she enjoys
3	rights of being a mother?	3	going to both homes, correct?
4	THE COURT: That's what the purpose of this	4	A Correct.
5	hearing is.	5	MS. RODRIGUEZ: Thank you.
6	MS. STONE: Where is any proof of anything?	6	Thank you, Judge.
7	THE COURT: Okay. I've explained it to you,	7	THE COURT: Does anybody need this witness
8	Ms. Stone. We're going to move on.	8	retained?
9	Ms. Scone. we're going to move on. Ms. Rodriguez, do you have any questions?	9	MR. GERBER: No, Your Honor.
10	MS. RODRIGUEZ: Just one follow-up question.	10	MS. AMENS: No, Your Honor.
11	no. Robridoba: dubt die tottow-up question.	11	THE COURT: Thank you. You are excused.
12	DECEMPER EVANIMATION	12	(The witness left the stand.)
	RECROSS EXAMINATION	13	THE COURT: All right. It's ten to 12:00, so I
13	BY MS. RODRIGUEZ:	14	
14	Q Ms. Brace, you indicated that a child's going	14	don't see any point in starting with a witness for five
15	back and forth between families such as this would	15	minutes. We will resume court at 1:30.
16	exhibit the type of behavior which was shown in the		MR. GERBER: Your Honor, are we planning to go
17	video that whichever video that was, that Ms. Amens	17	to five o'clock today?
18	provided to you.	18	THE COURT: We are.
19	Could you explain what you meant by such as	19	MR. GERBER: Okay.
20	this?	20	THE COURT: We're in recess.
21	A Uhm, Paisley, in the video, uhm, again, there	21	(Recess.)
22	was no no indication that in the video that she was	22	THE COURT: Your next witness, Mr. Gerber?
23	being asked to go to Grandma Maria's house. It was	23	MR. GERBER: Lori Moorehead from the Division
24	supposed to be assumed that she was.	24	of Child and Family Services.
25	All that was said in the video was, Paisley,	25	THE COURT: And it looks like Carter's father
	PAGE 82		PAGE 84
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1	ין" you need to put your shoes on. And it was showing a	1	"\" has arrived; is that correct?
1 2	·	2	•
_	you need to put your shoes on. And it was showing a		has arrived; is that correct?
2	you need to put your shoes on. And it was showing a four-year-old throwing a temper tantrum. But I was	2 3 4	has arrived; is that correct? MR. GERBER: That's correct.
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1	THE WITNESS: Lori Moorehead. M Lori,	1	substantiated report of abuse or neglect against
2	L-o-r-i. Moorehead, M-o-o-r-e-h-e-a-d.	2	Pamela Lucero?
3	THE COURT: Thank you.	3	A Yes.
4	Go ahead, Mr. Gerber.	4	Q And how many? How many substantiated reports?
5	MR. GERBER: Thank you.	5	A There is one substantiated report on record for
6	•	6	Pamela Lucero and Mike Lucero, Mr. Lucero.
7	LORI MOOREHEAD,	7	${f Q}$ And are there other records in the Division of
8	the witness herein, being first duly sworn, testified	8	Child and Family Services showing reports that were
9	as follows:	9	unsubstantiated against that couple?
10		10	A Yes. Two other unsubstantiated reports.
11	DIRECT EXAMINATION	11	Q Okay. And did you bring with you today the
12	BY MR. GERBER:	12	substantiated report?
13	Q Ms. Moorehead, what is your position with the	13	A Yes, I did.
14	Division of Child and Family Services?	14	Q And have you received a subpoena from my office
15	A I am a Social Work Supervisor 2.	15	to produce that?
16	_	16	A Not to my knowledge.
	Q And how long have you been employed in that	17	
17	position with the Elko office?		Q Okay.
18	A The last two years.	18	A I did not see the subpoena, but I was aware of
19	Q Okay. And what did you do prior to that?	19	it being it being produced.
20	A Prior to that for two years, I was a social	20	Q You're aware that a subpoena was
21	work assessment worker.	21	A Submitted.
22	Q In Elko?	22	Q submitted, but you haven't personally seen
23	A Yes.	23	it?
24	Q And prior to that?	24	A Correct.
25	A Here at the Elko office, I worked as a foster	25	${f Q}$ Okay. And have you produced that report to my
	PAGE 86		PAGE 88
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щn ٩٣ regards of any advanced notice that this was coming 1 1 BY MR. GERBER: When -- what year was this 0 forward. So, uhm -- and we've had plenty of time to at 2 2 substantiated, this finding of substantiation made? 3 least provide the attorneys an awareness of what was 3 Δ February of 2014. 4 going to be presented here. So it's a little bit of an 4 Q Okay. And wa's it here in Elko, Nevada, or in 5 ambush. 5 Elko County, Nevada? 6 THE COURT: I'm not sure Mr. Gerber knows 6 Α Yes. 7 7 what's even in it. MR. GERBER: Okay. All right. 8 You haven't seen it, have you? R MS. AMENS: Your Honor, may I voir dire? 9 MR. GERBER: I have not seen it, Your Honor. 9 THE COURT: Yes. 10 10 MS. AMENS: Ask some questions? THE COURT: Give me a minute to look at the 11 11 statute. THE COURT: Uh-huh. 12 12 Ms. Rodriguez, do you have any objection? 13 13 MS. RODRIGUEZ: I don't have an objection, VOIR DIRE EXAMINATION 14 14 BY MS. AMENS: Judge. The --15 15 THE COURT: Ms. Stone, do you have any Q Ms. Moorehead, does this involve any of the 16 objection to the Court reading this DCFS report? 16 people that are involved in this guardianship; Paisley 17 17 MS. STONE: No. Stone or Carter Ferguson? 18 18 THE COURT: All right. For the record, she Δ No, it does not. 19 said no. 19 Q Does it involve the mother or father of the two 20 20 Let me look at the statute. children here? 21 Not as perpetrators. I am going to order that it be -- were you 21 Α 22 22 going to say something, Ms. Amens? Q Okay. Does it involve any of the children, any 23 MS. AMENS: Yes, Your Honor. 23 of the Luceros' children? 24 24 A Yes, it does. It seems to me that 432(b) actions are meant to 25 25 O So it involves the children of -- of theirs, be confidential. I think it may be appropriate -- you **PAGE 92** PAGE 90 " **m**(1) know, is there anything that came out of it? Were kids 1 not grandchildren? 1 2 2 taken away or anything like that, for the Court to А Correct. 3 3 Q Okay. know. But I don't think it makes sense that the 4 4 report, itself, be provided in this particular case. MS. RODRIGUEZ: Judge, I know this is an 5 THE COURT: Under NRS 432(b).290, subsection 5 unusual thing to do in open court. And because it's 6 6 (2) (b) that talks about in camera inspection only, unusual to do in open court, is there a way to ask 7 7 except as otherwise provided in paragraph F. everyone other than the parties be excused from the 8 8 F talks about guardianship cases where it can Court? I guess we only have the parties. 9 9 be provided to the Court in determining whether a . THE COURT: We have one person in here that's 10 10 guardian should be appointed. And then there are other not a party. 11 MS. RODRIGUEZ: Right. 11 people that can see it later on. But I'm not going to 12 Is it possible -- I know Mr. Gerber wants to 12 make that decision right this minute, so that we can 13 13 keep moving. But I am going to order that it be have it on the record. However, in our last hearing, 14 14 Your Honor had indicated that you were going to request provided to the Court for an in camera inspection. an in camera investigation, or in camera review of the 15 So can you hand that to the bailiff, please? 15 16 16 DCFS records and reports. I would ask that that be (Witness complied.) 17 17 done rather than this information being provided in THE COURT: Just to me. Thank you. 18 18 I will look at that on a break and decide open court. 19 $\mathbf{19}$ - whether it will be disseminated to anybody else after THE COURT: Well, it's been pretty vague so 20 far, so I have been paying close attention to that. I 20 that. 21 21 Go ahead, Mr. Gerber. think the foundation has been laid. 22 22 Do you want to be heard on that further, 23 23 Ms. Amens? 24 24 MS. AMENS: Your Honor, it's something that 25 25 occurred five years ago. I have nothing on it in PAGE 93 PAGE 91 <u>A-A0024</u> 10/10/2024 11.52.11 444 -- ----

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1	DIRECT EXAMINATION (Continued)	1	CROSS EXAMINATION
2	BY MR. GERBER:	2	BY MS. AMENS:
3	Q Ms. Moorehead, this report that you delivered	3	Q When did you receive the subpoena? When did
4	to the Court, was it kept in the regular course of	4	the Division receive the subpoena? I understand that
5		5	you have not seen it.
	business at the Division's office?	6	A I can't answer that question. I'm not sure
6	A Can you repeat that?		
7	Q Was this report kept in the regular course of	7	when the our records clerk received that subpoena.
8	business with the records of the Division of Child and	8	Q Okay. Do you know if it was this week?
9	Family Services in Elko?	9	A All I know is that Brandi Stout, our
10	A If I understand that right, yes, it was, uhm,	10	administrative assistant who takes care of the records
11	processed in our system, and that's where it's been	11	requests, received the subpoena, but I don't know the
12	stored.	12	exact time and date.
13	${f Q}$ And were you able to make a copy of it from the	13	${f Q}$ Okay. Is there a standard time frame that you
14	Division's records?	14	respond to subpoenas normally, the Division?
15	A Yes.	15	A I believe that we need enough ample time to
16	Q Okay. And is this a true and correct copy of	16	produce records.
17	the record that's kept in the Division's office in	17	Q Okay.
18	Elko, Nevada?	18	A And in this particular case, were you given
19	A Yes, it is.	19	ample time.
20	MR. GERBER: Okay. All right. No further	20	Q Like I said, I'm not quite I'm not sure when
21	questions, Your Honor.	21	it was received?
22	THE COURT: Cross examination, Ms. Amens.	22	MS. RODRIGUEZ: Judge, I'm going to object.
23		23	Ms. Moorehead said she doesn't know anything about the
24	If I provide this, Counsel, my plan is I would	24	subpoena, she was just directed to come and deliver.
1	give it to you overnight so you have time to look at it	25	•
25	and discuss it with your clients. Because I understand	25	THE COURT: Ms. Amens, I can tell you're
	PAGE 94		PAGE 96
	η		·
1	how you feel about not having notice.	1	struggling with this, understandably. What we're going
2	MS. AMENS: Right.	2	to do, though, is take some time. This looks to be
3	THE COURT: You may have to come back tomorrow,	3	about 30 pages, single-spaced, typed. We're gonna take
4	Ms. Moorehead, depending on where this goes.	4	a recess so I can read through this, decide who gets to
5	Do you have somewhere to be tomorrow?	5	see it. And that might help you to prepare any cross
6	THE WITNESS: No. But I could add that I'm not	6	examination. So sorry we're gonna have to do this.
7	familiar with this case. I wasn't the caseworker on	7	MS. AMENS: Your Honor, I will I'm not
8	this case or the supervisor.	8	objecting to that it's a true the report. And I
9	THE COURT: Okay. So you're just the records	9	am willing to kind of deal with this overnight.
10	custodian, and that's why you brought it?	10	THE COURT: All right.
11	THE WITNESS: Yes. I was the supervisor	11	MS. AMENS: We've been trying to get this trial
12	available to testify, but I was not involved in the	12	done for quite a while, and I don't want that to delay
13	case at all.	13	it.
14	THE COURT: Okay. Your testimony tomorrow	14	THE COURT: All right.
15	probably won't be necessary, then.	15	MS. AMENS: So I'll look at it overnight.
16	Go ahead, Ms. Amens. Cross examination.	16	THE COURT: All right.
17	MS. AMENS: That makes it even more difficult.	17	MS. AMENS: Let me just ask a couple more
18	Right? I mean, we don't even have anyone I can cross	18	questions.
19	in regards to this report.	19	THE COURT: Okay. Go ahead.
20	MS. RODRIGUEZ: You can call your client.	20	Q BY MS. AMENS: So in regards to this, did you
21	MS. AMENS: I can call my client. Okay.	21	know who the parties were for this action? Do you know
22	ing, filling, a build build by statistics wholy.	22	who the other guardians are?
23		23	A With this case?
23		24	Q Yes.
24		25	A Yes, I'm familiar with the family from
23	PAGE 95		PAGE 97 $A-A0025$

	ula .		,
1	Q Both of the families?	1	MS. RUDKIGUEZ: Specifically in regard to
2	A No.	2 E	Paisley, Judge.
3	Q The McGrews?	3	
4	A Yes.	4	RECROSS EXAMINATION
5		5 E	BY MS. RODRIGUEZ:
	Q Okay. Did you also look to see if there were	6	Q In regard to the investigation which you
6	records related to the McGrews?	-	
7	A No, I wasn't requested to. I I did not.		supervised concerning Paisley, was a NIA completed?
8	${f Q}$ Okay. The fact that you're aware of the the	8	A Yes.
9	family, the McGrews, is that related to the work that	9	Q Has that NIA been delivered to the Court or to
10	the Division does?	10 п	me and the parties in this case?
11	A Yes.	11	Α Νο.
12	Q Okay. Are you aware of any, uhm, cases	12	Q Would you be willing to deliver a copy of that
13	• -	13 r	NIA by the end of the day if the Judge so orders?
	involving the Fergusons?	14	A res.
14	A No.	15	
15	${f Q}$ You're awareness of the cases involving the		MS. RODRIGUEZ: Thank you.
16	McGrews, are you aware of outcomes of those cases?	16	Thank you, Judge.
17	A Yes. One case.	17	THE COURT: I'm ordering you to produce that by
18	${f Q}$ One case. Was it substantiated or not	18	the end of the day, please.
19	substantiated?	19	MS. AMENS: Your Honor, I have one more.
20	A Unsubstantiated.	20	THE WITNESS: Okay.
21	Q Is that related to something that happened this	21	MS. AMENS: Your Honor, I have one more
22			question based on what Ms. Rodriguez
	year? Is that what you're referring to?	23	
23	А чез.		THE COURT: Go ahead.
24	MS. AMENS: Okay. No further questions.	24	MS. AMENS: had asked, or it may not be.
25	THE COURT: Ms. Stone, do you have any	25	
	PAGE 98		PAGE 100
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1	l l		
1	·	1	RECROSS EXAMINATION
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1	(The witness left the stand.)	1	Q And you've been appointed as a co-guardian for
2	THE COURT: Next witness, Mr. Gerber?	2	Carter in this court, right?
3	MR. GERBER: I call Vicky Ferguson.	3	А хез.
4	THE COURT: Ms. Ferguson, please come forward.	4	Q Why what was the reason why you filed for
5	THE BAILIFF: One second so I can wipe this	5	guardianship back in April of 2018?
6	down, and let me get the e-mail from her.	6	A gristin had asked me if I would take care of
7	THE COURT: Okay. And give her Mercedes'	7	Carter while she had went to California. I said yes.
8	• •	8	Q What was Kristin's purpose in going to
	e-mail, please.	9	
9	THE BAILIFF: Mercedes' e-mail?		California, or at least what did she tell you?
10	THE COURT: Yeah.	10	A It was my assumption, from what I was
11	Hang on one second, Ms. Ferguson.	11	gathering, that she was gonna go and get help.
12	(Witness sworn.)	12	Q Okay. Get help for what?
13	THE COURT: Thank you. You may be seated.	13	A For drugs.
14	Would you please state and spell your name?	14	${f Q}$ Okay. Did she ever admit to you that she had a
15	THE WITNESS: Vicky Ferguson. V-i-c-k-y.	15	drug problem?
16	F-e-r-g-u-s-o-n.	16	A Yes, she did. She had come up to our house,
17	THE COURT: Okay. Ms. Ferguson, I know you're	17	uhm, in I can't remember the date. But Carter was
18	having difficulty there speaking. Would a glass of	18	in bed. It was about nine o'clock at night. I had
19	water help you?	19	just grawled in bed. My husband had come and got me
20	THE WITNESS: I'm like this all the time.	20	and told me that Kristin was outside on the front
21		21	
	THE COURT: Okay.		porch.
22	THE WITNESS: So if I need something, I'll ask.	22	I had went out and talked to her, and my
23	THE COURT: Yeah. Please go ahead and do if	23	husband was out there with me. And she had told us
24	you need something.	24	that she was sorry, she couldn't (unintelligible). And
25	Go ahead, Mr. Gerber.	25	I didn't know what to say to her. I think I said, I'm
	PAGE 102		PAGE 104
	٩.		J
1	VICKY FERGUSON,	1	sorry, you know. And if it hadn't had been so late at
	VICKY FERGUSON,	1 2	••••
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2 3	VICKY FERGUSON,		night, I would have let her in to see Carter. Q Okay. So she came and asked you to take Carter
2 3 4	VICKY FERGUSON, the witness herein, being first duly sworn, testified as follows:	2 3 4	night, I would have let her in to see Carter. Q Okay. So she came and asked you to take Carter so she could go to California
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'/" ы,н 1 From you -- or sorry, from Kristin to you. Q would text me and ask me for pictures of Carter, I 1 2 I did make a choice to move to Cali but wanted Δ 2 would immediately send her pictures. 3 to see if you would still take Carter temporarily until 3 At that time did you have a relationship of Q 4 I get stable. But I have to come up with money for a 4 trust with Kristin? 5 5 bus ticket, so I'm not too sure when. Α Yes. 6 Q Okay. And how did you respond? 6 0 She trusted you? 7 I responded with, Yes, I will. I will take 7 Δ A Yes. Carter anytime. You should know that. Thank you, from 8 8 Q In those text messages that you had with her. You are very welcome. New Frontier in Reno is 9 Kristin, do you recall what she told you in the text 9 10 10 referring Kevin to Vitality in Carson City. They messages? 11 11 called me today. But Kevin did not wind up going to Α No, I don't. 12 Vitality. 12 I'll show you an exhibit that is being marked Q 13 0 At the time that Kristin left Carter with you 13 in just a moment. 14 14 to go to Cali -- because I assume that happened. She THE CLERK: (Inaudible) as one exhibit. 15 15 left Carter with you, correct? THE COURT: How do you want those marked, 16 16 Α Yes. Mr. Gerber? All as one exhibit? 17 17 Q Where was Kevin at the time? MR. GERBER: It would be Exhibit 3 as a bundle. 18 Α Kevin, I believe, was in jail. 18 We checked the record prior to the start this 19 O Okay. And he was getting ready to be released? 19 afternoon, and there's been two exhibits entered on my 20 Α 20 case. And so I think it would be number 3. No. 21 Q 21 THE COURT: Okay. No. Okay. Where -- what -- (unintelligible)? Kevin was -- Kevin was arrested in --22 22 Δ (Exhibit 3 marked.) 23 23 MR. FERGUSON: Can I --THE COURT: You can put those up on the screen. 24 MR. GERBER: Okay. Are you able to -- can you 24 Q BY MR. GERBER: Okay. And you have to answer of your own knowledge. You can't look at Kevin or --25 25 hand her a hard copy, Judge? **PAGE 108 PAGE 106** "\" ۳\۳ 1 1 Α No. He was raising his hand, so I was waiting MS. RODRIGUEZ: She can see the screen. 2 2 THE COURT: She can see the screen. for the judge to --3 3 THE COURT: Okay. I will give you the MR. GERBER: Oh, you have a screen. 4 4 opportunity to ask questions. You can't interject THE COURT: These are not admitted yet, so I'm 5 5 here. not looking at them, Mr. Gerber. 6 So was there something else that you needed? 6 BY MR. GERBER: I'm showing you what's been Q 7 7 MR. FERGUSON: I was just going to give what I marked as Exhibit 3. Do you recognize these text 8 8 got. messages? 9 9 THE COURT: Okay. You can't do that. Α Yes, I do. 10 MR. FERGUSON: I'm frustrated. 10 Q And what are they? 11 THE COURT: You can't do that. You just have 11 Δ The first one is from Kristin. 12 12 O to let your mom answer. And who is it to? 13 13 Go ahead, Mr. Gerber. Α It's to me, uhm, asking me for -- asking me to 14 MR. GERBER: And I plan to call Kevin as a 14 take Carter temporarily until she is stable. 15 Q Okav. 15 witness later, so he'll have an opportunity to speak. 16 16 THE COURT: Okay. A And if I will buy a bus ticket. 17 17 THE WITNESS: I believe Kevin was arrested in 0 Okay. So are these text messages that you 18 18 March. printed out from your personal cell phone? 19 BY MR. GERBER: Okay. So he was in Elko County Q 19 Α Yes, they are. And they are still on my 20 20 Jail at this time? personal phone. 21 Α Yes. 21 Q Okay. 22 Q Okay. And why were you talking about him being 22 Δ I told her that I would. 23 23 referred to a rehab facility if he's in jail? 0 Okay. And looking at the first message on page 24 Because Kristin and I were going to visit A 24 1, can you read the first text message? Kevin. We were going to the jail and seeing him at the 25 25 From Kristin or from me? А A-A0028 **PAGE 109 PAGE 107** ---- ----------

1 1 A by sequences use, Char, Correct, and presented in a lock of the sector search and the main and the sector search and the main and the and the		*/ *		ະ ເ ນ ຸສ
2 Q. Okay. And lob as direct your stantion to page 3 of these test manages. 3 of these test manages. 5 projecter or 6 THE COURT: No. Mecredes can come up and help 7 you. 7 you. 9 O AN MR. GEBBER: And so we're clear, was this 10 correspondence going on just bafes you lide your 11 correspondence going on just bafes you lide your 12 quardinability petition in 20182 13 A tra. 14 of the screen throw where you asy. Okay? 15 A drag. 16 does preachy for Curture. I don't want my tranks. 17 Q Not. Graves. 18 A trans. 19 A trans. 10 or respondence going on just bafes you lide your 11 does provide and the screen throw where you asy. Okay? 12 A res. 13 A trans. 14 of the screen throw where you asy. Okay? 15 A free. 16 A trans. 17 Q whet do you soon by that? 18 A trans. 19 Q Noky. And the Kristin sign a consent for you 21 C have disched as a screent. 22 A Yae, and did. 23 Q Obay. And the Kristin sign a consent for you 24 A trans. 27 A Trans. 28 A trans. 29 Q Noky. As tense point, did she rature from 20 Q Noky. As tense point, did she rature from 21 Q And did she actually go on consider that the trans. 22 A trans. 23 A free. 24 A free. 25 A free. 26 A free. 27 A Trans.	1	time.	1	A My response was, Okay. Or yeah, my response
 3 of these text messages: M. GENBER: Mould you like as to work the projecter or TRE COURT. No. Mercedes can come up and help yes. M. GENBER: And so we're clear, was this Correspondence going on jour before you like you like you G. P. M. GENBER: And so we're clear, was this Correspondence going on jour before you like you G. Q. BY M. GENBER: And so we're clear, was this Correspondence going on jour before you like you G. Q. BY M. GENBER: And so we're clear, was this Correspondence going on jour before you like you G. Q. Cky. And you go be to be to be offer into G. Q. Cky. And you go be to be to be offer into G. Q. Cky. And you go be to be to be offer into G. Q. Cky. And you go be to be to be offer into G. Q. Cky. And you go be to be to be offer G. A. Gay, B. A. I due't want any trankle. G. Q. Cky. And did Kristin sign a consent for you H. California, correct? G. A. Yea. G. Q. Cky. And did Kristin sign a consent for you H. California, correct? G. A. Yea. M. California, correct? G. A. Yea. G. Oky. And then Kristin did, In fact, 90 to G. Chiron, J. A. Yea, and add. G. Q. Cky. And and the be to be fort you has the like to be going with you. G. A. Yea. G. Q. Cky. And and the secure for G. A. Yea. G. Q. Cky. And then Kristin did, In fact, 90 to G. A. Yea. G. Q. Cky. At some point, did she return from G. Q. Cky. At some point, did she return from G. Q. Cky. At some point, did she return from G. Q. Cky. And then would you consider that the transite G. Q. And who transported her? A. Kay. M. A. Yea. G. Q. And who transported her? A. Kay. G. A datawa then would you consider that the transport G. Chy. And then would you consider that the transport G. Chy. And then would you consider that the transport G. Chy, Lat and then you dy the torestor G. Chy, Lat and the tore of that the solut of you G. Chy, And then would you consider that the transport G. Chy, Lat and the you. You for the top you for the top you for the towner. G. Q. Cky, And what is F. M. Kay. And	2		2	was. Okay. And then Kristin's to me was, Love you.
 a min cathebar: should you like me to work the providence going to be the series of the ser				· -
5projector or THE COURT: Mo. Marcades can come up and holp yes.5from my family and to batter myself.6Calvy. And when alse avgs 'to got away from my family' would be avgs 'to got away from my family' would be avgs. You would have a and Michael7O MW. GEREK And on with color, was this ocorrespondance going on just before you filed your 11 question har object you see at the bottom 13A 'tem one area what also and Michael to avg. And you see at the bottom 1410O Kay. And on page 3, do you see at the bottom of one proparty for Catter. I don't want any trouble. 16A 'tem one area what also means that 1011A tradimit want any trouble from Pumbar -> Panel 16A 'tem to got and the set in the of Catter? 211A tradimit want any trouble for pumbar -> Panel 16A 'tem to got and the fact of Catter? 212A 'tem, and did catter in a did the actuality go in to rehab?13Q Okay. And atter has was brought back to Eliko by 214A rea.15A rate.16C A did the transported har? 317A mat. 1 cannet samere. 318A did the actuality go in to rehab?19A did the actuality go in to rehab?11A 'tem.12A rate.13A did the catapported har?14A 'tem.15A rate.16C A did the transported har?17A tem.18A did the actemation of the transported har?19A did the actemation of the transported har?11A rea. <th>-</th> <th>-</th> <th></th> <th></th>	-	-		
 THE COURT: No. Herewelse can case up and help 7 you. M. GESER: So page 3. Q. BY M. GESER: And so were a claims dubbed and Michael 9 Jacase. Q. BY M. GESER: And so were a claims dubbed paulie and Michael 9 Jacase. Q. BY M. GESER: And so were a claims dubbed paulie and Michael 9 Jacase. Q. BY M. GESER: And so were a claims dubbed paulie and Michael 9 Jacase. Q. BY M. GESER: And so were a claims dubbed paulie and Michael 9 Jacase. Q. BY M. GESER: And so were a claims dubbed paulie and Michael 9 Jacase. Q. BY, And don page 3. do you are at the bottem 14 of the screen there where you asy. Dary 11 do you? And dubbed pagework with have to be 16 done prepared with have to be pains with have and that Maria 10 and the Kristin sign a consent for you 21 to have guardianship at that time of Catter? Q. Okay. And the Kristin did, in fact, go to 24 Catter? Q. Okay. And so have brought bot to rehab? A. Yee. Q. Okay. At some point, did she roturn from 4 catter form? A. Yee. Q. And did she actually go in to rehab? A. Yee. Q. And the have back loces?. Q. And the back backs. Q. And the have back backs. Q. And then read on, if you could finish tread on the same? "Back" there show? We got in the same? "Back" there show? The prepare? A. Yee. Q. And the would you consider that the the tread have and with were show and the same? "Back" there show	4	MR. GERBER: Would you like me to work the	4	me with a bus ticket? I'm only doing it to get away
7 you. 8 M. GEBER: So page 3. 9 0 W.M. GEBER: So page 3. 10 0 A sho was tailing obst to the top of that page. 11 our and and store of the page 3. 12 A two. 13 0 (Ay. And on page 3. do you see at the bottom 14 of the screen three where you asy. Oksy? 15 A Chay. But all the pagements will have to be 16 does properly for Catter. I don't must may trouble. 17 A the screen three where you asy. Oksy? 18 A i diat's twat may trouble from Pamba Pamba 20 Q Oksy. And did Kristin sign a consent for you 21 A two. 22 A two. 23 Q Oksy. And did Kristin sign a consent for you 24 California, correct? 25 A two. 26 Q Oksy. And did Kristin sign a consent for you 27 A two. 28 Q Oksy. And did Kristin sign a consent for you 29 Q Oksy. And did Kristin sign a consent for you 21 A two. 22 A two. 23 Q Oksy. At and be return from 24 Q Now. At asse point, did she return from 25 A Yae. 26 A Yae. 27 A Yae. 28 Q And then kristin did ht actually acted 39 Q Oksy. And did Kristin recant and sign a consent 7 A fine, manage amaketa 29 PAGE 110 7 N <tr< th=""><th>5</th><th>projector or</th><th>5</th><th>from my family and to better myself.</th></tr<>	5	projector or	5	from my family and to better myself.
 A Contract of the series of the ser	6	THE COURT: No. Mercedes can come up and help	6	Q Okay. And when she says "to get away from my
 9 C BY NN. GEBREN: And so we're clear, was this to correspondence going on just before you filed your individual potention in 2018? 12 A Yae. 13 C Okay. And on page 3, do you see at the botten if of the area that where you asy, Okay? 14 A Okay. See at the poperwork will have to be individual for the area that where you asy. Okay? 15 A Okay. And did Kristin sign a consent for you it to have guardianship at that time of Carter? 14 A Yae. 15 A Yae. And did Kristin sign a consent for you it to have guardianship at that time of Carter? 16 A Yae. And did Kristin sign a consent for you it to have guardianship at that time of Carter? 17 A Okay. And then Kristin did, in fact, go to it consol answer. 18 A Yae. And did Kristin sign a consent for you it to have guardianship at that time of Carter? 19 A Okay. And then Kristin did, in fact, go to it consol? 10 And did she actually go in to rehab? 11 A She last Pailay with Marin. 12 A Yae. 13 A Twa. 14 A She last Pailay with Marin. 15 A Yae. 16 A Yae. 17 A Okay. And and firs the web stought back to fik by passib Locero. 18 A Yae. 19 A did Kristin recant and sign a consent for you it have to repare for the super family from sease ductar. I is you could the set at the the the one pase to the is as passed by the is and the form sease guardianship. Nave you saw the jian where you is you could the return if you could turn back one pase to the is as passed by the is the is when you have the you saw the is and the the sease is a start that the sease start that the s	7	you.	7	family," who is she referring to?
Control<	8	MR. GERBER: So page 3.	8	A She was talking about Pamela and Michael
10 correspondence going on just before you filed you: 11 upactimatic petition in 20187 12 A Yae. 13 Q Okay. And on page 3, do you are at the botton 14 of the acrean there where you any, Okay? 15 A Okay. And on page 3, do you are at the botton 16 of the acrean there where you any, Okay? 16 a way. Bat il the performance of the performance of the acrean there where you any, Okay? 16 a way. Bat il the performance of the performance of the acrean there where you any to bat? 17 Q What do you seen by that? 18 a I didn't want any trouble from banka - Panala 19 a Kichesi Laccor. 20 Q Okay. And did Kristin sign a consent for you 21 to have quardiamship at that time of Cartar? 22 A Yes. 23 Q Okay. And did Kristin sign a consent for you 24 California, correct? 25 A Yes. 26 California, correct? 27 A Yes. 28 A Tes. 29 PAGE 10 74 Tes. 74 Tes. 74 Tes. 75 A due to transported her? 74 Tes. 75 A due, has back to silve by 76 A due, has back to silve by 77 A Ukay. And do has respond her? 74 Tes. 75 A Okay. And ob Kristin didn't extually stom 76 A Okay. And so Kristin didn't extually stom <tr< th=""><th>9</th><th>Q BY MR. GERBER: And so we're clear, was this</th><th>9</th><th>Lucero.</th></tr<>	9	Q BY MR. GERBER: And so we're clear, was this	9	Lucero.
11quardianship petition in 2018711she says, Okay. And, no. Paisley won't be going.12A tes.Coing where?13A trad.Coing where?14of the screen there where you say, Okay?13A 're note mue what she meant by thet.14of the screen there where you say, Okay?13A 're note mue what she meant by thet.14of the screen there where you say. Okay?13A 're note mue what she meant by thet.15A Kay. And in page 3, do you ace at the bottom14Q Okay. She is talking about going to Cali, or15A Yeak do you acen by that?14Q Okay. So ho does say, I have to talk to Maria19a Mat did what has that in a fact, go to20A way. So ho does say, I have to talk to Maria20a Way. And did Kristin sign a consent for you21A May.21to have guardianship at that the of Carter?21A Maght.22A Yee, she did.22Q That would acen23Q Okay. At then Kristin did, in fact, go to24Q So she left Carter with you, and she left25A Yee.PAOE 1107071A she iaft Bailay with Maria.2Q And if you could turn heck one page to the3Q Okay. At sone point, did she return from2A fat.24A we.2A do fif you could turn heck one page to the3Q Okay. At sone point, did she return from3Q Okay. And won transported her?74A we.YeeA dif you could turn heck one	10		10	Q Okay. And going back to the top of that page,
12 A Yea. 13 Q Okay. And on page 3, do you nees at the bottom 14 of the screen there where you may, Okay? 15 A Okay. But all the paperwork will have to be 16 does programp' for Carter. I don't want my trevale. 17 A Met do you man by that? 18 A I didn't want any trevale. 19 and Mitchael Locerco. 20 Q Okay. And did Kristin sign a consent for you 21 to have guardianchip at that time of Carter? 22 A Yea., she did. 23 A Yea., she did. 24 California, correct? 25 A Yea. 26 Q Okay. And did she actually go in to rehab? 27 A Yea. 28 Q Nay. And and no transported her? 7 A Uma, Panela Locerco. 30 Q Okay. And a for answort. 31 Q Okay. And a for scannot answort. 32 Q Okay. And a for answort. 33 Q Okay. And a did she actually go in to rehab? 24 A Yea. 31 Q Nay. And a for scannot answort. 32 Q And after a he was brought back to file or 34 Yea. 35 A Yea. 36 Q Nay. And a for scannot answort. 37 Q Uma, Panela Locerco, or or ord? 34 Yea. 35 A Yea. 36 Q And after a he was brought back to file or or hab? 37 A Uma, Panela Locerco, or ord? 36 Q Nay. And a for scann digin * cor				
13 G Oksy. And on page 3, do you see at the bottom 14 of the screen there where you say, Oksy? 14 of the screen there where you say, Oksy? 15 A Clear, But dil the pageavesk will have to be 16 dons properly for Clearer. I don't want any trouble. 17 Q 18 whit do you maen by that? 19 A I did't want any trouble from Pamla Pamla 19 and Michael Lossno. 20 Q Oksy. And did Kristin sign a consent for you 21 C A Yee, she did. 22 A Yee, she did. 23 Q Oksy. And did Kristin did, in fact, go to 24 Q So who left Catter with you, and she left 25 A Yee. 26 A Mak. A test is cannot answer. 27 A Tast, I cannot answer. 28 Q And did she actoally go in to rehab? 29 A tast, I samot fammer. 20 California? 31 A Tast, I cannot answer. 32 A Tast, I cannot answer. 33 A Tast, I cannot answer. 34 G And who transported her? 7 A Um, Pamla Lacero. 34 A Yee. 35 A Yee. 36 G Aky. And so Kristin didn't actually attend 36 G Aky. And so Kristin didn't actually attend 37 A Um, Pamla Lacero. 38 G and then would you consider that the trouble 39 Yee. 30 G Oky. And then would you consider that the trouble <th></th> <th></th> <th></th> <th>• • •</th>				• • •
14 of the series there where you say, Okay? 15 A Gay, But all the paperwork will have to be 16 A Gay, But all the paperwork will have to be 17 A Make, But all the paperwork will have to be 18 A I didn't want any trouble. 19 A Wash. 60 don't flow paper with her and that Maria 19 A Wash. 60 don't flow paper with her and that Maria 20 A Wash. 60 don't flow paper with her and that Maria 21 A Wash. 80 did Kristin sign a consent for you 21 A Wash. 80 did Kristin sign a consent for you 21 A Wash. 80 did Kristin did, in fact, go to 22 A Was. 23 A Tak, I cannot answer. 24 California, correct? 25 A Yes. 7 A Uma, Zeanda Answer. 3 Q Okay. And did she actually go in to rehab? 2 A Mak to sene point, did she return from 3 California. 7 A Uma, Zeanda Locoro. 7 A Uma, Zeanda Locoro. 8 Q And after she was brought back to filo by 9 Zeand Locoro. 10 for Pamela Locoro. correct? 11 A Yes. 12 A Mak, Ma on Kristin didn't actually strind 13 A Usay. And so Kristin didn't actually strind 14 A Yes. 15 A Gay. And after the was brought back to filo by 16 A Was., Ja Maka Stristin didn't actually strind 17 A Was., Ja Ma Stristin didn't actually strind <t< th=""><th></th><th></th><th></th><th></th></t<>				
15A drag. But all the pageswork will have to be 16 does properly for Carter. I don't want may trouble from Panala 18 A I didn't wat any trouble from Panala 19 and Michael Kasca.15California, correct?18A I didn't wat any trouble from Panala 10 Q Okay. And did Kristin sign a consent for you 21 to have guardianship at that time of Carter?16A reah. Bo I don't kow if she meant that 1719Q Okay. And did Kristin sign a consent for you 21 21 to have guardianship at that time of Carter?17Paint would be getting her. 1920Q Okay. And did Kristin sign a consent for you 21 21 to have guardianship at that time of Carter?21A Nath. 2223Q Okay. And then Kristin did, in fact, go to 24 21 California; correct?22Q That would mean 2324Q So she left Carter with you, and she left 25 262726A res.20A that, i cannot answor. 327A fhat, i cannot answor. 320A did she actually go in to rehab? 22A nd who transported her? 72A far. i cannot answor. 327A time, faamala Locoro.20A vas.28Q And sther she was brought back to fiko by 9Panala Locoro.29Panala Locoro.24A vas.20A dater she was brought back to fiko by 9Panala Locoro.21A Yaw.10Q Okay. And then would you consider that the trouble 1120A yas.11A yas.21A Yaw.13A far. is have correct?22A Add		Q Okay. And on page 3, do you see at the bottom		· ·
16 dom propulty for Carter. I don't want any trouble. 17 Q What do you mean by the? 18 A I didn't want any trouble from Pamala Pamala 19 and Mitcheal Locarce. 20 Q Okay. And dik Kristin sign a consent for you 21 to have guardianship at that time of Carter? 23 Q Okay. And thon Kristin did, in fact, go to 24 California, correct? 25 A Yes. 7 Q and did dha actually go in to rehab? 2 A Yes. 7 Q and did dha actually go in to rehab? 2 A That, I cannot answor. 3 Q Okay. And thor transported her? 7 A Uma, Pamala Locarco. 8 Q And after she was brought back to Elko by 9 Pamela Locarco, did Kristin recant and sign a consent 11 A Yes. 12 A Yes. 13 A Okay. And schristin didn't actually attond 14 A Yes. 7 Q Und, ha west trying to avoid? 14 A Yes. 15 A Yes. 16 California, bacarco, correct? 17 A Uma, Pamala Locarco, did Kristin recant and sign a consent 16 rehab in California, bacarse she was brought back to Elko by 9 Pamela Locarco, did Kristin recant and sign a consent 16 rehab in California, bacarse she was brought back to 17 A Uma, Pamala Locarco, correct? 18 A Gaire she was brought back to 19 Q Okay. And schristin didn		of the screen there where you say, Okay?		Q Okay. She is talking about going to Cali, or
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19 and Micheal Lucero. 20 Q Kay. And did Kristin sign a consent for you 21 to have guardianship at that time of Carter? 22 A Yee, she did. 23 Q Okay. And then Kristin did, in fact, go to 24 California, correct? 25 A Yee. 7 Q Okay. And did she actually go in to rehab? 2 A Test. 7 1 9 Q Okay. And she actually go in to rehab? 2 A Test. 9 Q Okay. At some point, did she return from 4 C A Test. 9 Q Okay. At some point, did she return from 4 C And who transported her? 7 A Test. 8 Q And after sho was brought back to Elko by 9 Pamela Lucero. did Kristin recant and sign a consent 11 A Yee. 12 Q Add then vould you consider that the trouble 13 that you were trying to avoid? 14 A Yee. 15 Q Okay. And so Kristin didn't actually attend 16 rehability ou were trying to avoid? 17 A Methan, Is Paialey going with you? You got 18 A Correct? 9 Q Okay. And die Keristin tell you? 19 Q Okay. And yan yasit users 10 Q Okay. And so Kristin didn't actually attend 11 A Yee. 12 Q And then vould you consider that the trouble 13 that you were trying to avoid? 14 A Yee. <	17	Q What do you mean by that?	17	Paisley would not be going with her and that Maria
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21 to have guardianship at that time of Carter? 21 A Right. 22 A Yae, sho did. 22 Q That would mean 23 A Yae, sho did. 23 A That Maria did the guardianship, also. 24 Q Soky. And then Kristin did, in fact, go to 23 A That Maria did the guardianship, also. 24 Q Soky. And then Kristin did, in fact, go to 23 A That Maria did the guardianship, also. 25 A Yas. PAGE 110 PAGE 112 PAGE 110 7 1 A She laft Painley with Maria. 2 Q And did she actually go in to rohab? 1 A She laft Painley with Maria. 2 Q And who transported her? 7 Image: A Yee, Yee Yee Yee Yee Yee Yee Yee Yee Ye	19	and Michael Lucero.	19	Q Okay. So she does say, I have to talk to Maria
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23 Q Okay. And then Kristin did, in fact, go to 23 A That Maria did the guardianship, also. 24 Q So she left Carter with you, and she left 25 A Yes. PAGE 110 7 Q And did she actually go in to rehab? PAGE 112 7 A That, I cannot answer. PAGE 10 7 A That, I cannot answer. Q And if you could turn back one page to the 3 Q Okay. At some point, did she return from 4 She laft Paialey with Maria. 4 Yes. Q And if you could turn back one page to the 5 A Yes. Q And if who transported her? Q And after she was brought back to Elko by 7 A Um, panala Lucero. Q And then would you consider that the trouble 1 11 A Yes. 1 Pase den't let then take hin owt of your 12 Q And then would you consider that the trouble 12 A Please den't let then take hin owt of your 13 thet you were trying to avoid? 14 A Yes. 14 14 A Yes. 14 Q Okay. And so Kristin toil you? 15 15 A Gay. And, ao, Paialey won't be going. I have 14 Q Okay. And wer. Se your estis. Fape, it is. Okay.	21	to have guardianship at that time of Carter?	21	A Right.
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25 A Yes. PAGE 110 PAGE 112 1 Q And did she actually go in to rehab? 1 A She laft Paisley with Maria. 2 A That, I cannot answor. 2 Q And if you could turn back one page to the 3 Q Okay. At some point, did she return from 3 A That, I cannot answor. 2 Q And if you could turn back one page to the 3 actifornia? 5 A Yes. 3 Q And who transported her? 7 A Und after she was brought back to Elko by 8 you cooperated in allowing the Luceros to see Carter? 9 A Yes. I have. 10 Q Okay. And so Kristin didn't actually attend 11 reading that page. 12 A page. 11 A Yes. 12 A Panela Lucero to have guardianship? 10 Q Okky. And so Kristin didn't actually attend 11 reading that page. 12 A page. 12 A A fase at e turn your attention to the last 16 Q Okay. And so Kristin didn't actually attend 16 A Sea Ha. Nokay. Mad -en <td< th=""><th>23</th><th>Q Okay. And then Kristin did, in fact, go to</th><th>23</th><th>A That Maria did the guardianship, also.</th></td<>	23	Q Okay. And then Kristin did, in fact, go to	23	A That Maria did the guardianship, also.
PAGE 110 PAGE 112 Y 1 Q And did she actually go in to rehab? Y 1 Q And did she actually go in to rehab? Q Q And if you could turn back one page to the 2 A That, I cannot answer. 2 Q And if you could turn back one page to the 3 Q Okay. At some point, did she return from 4 Sacond to the last page, do you see the place where you 4 California? 5 A I won't Can you read that to the Court? 5 A Yes. 5 A I won't Can you read that to the Court? 6 Q And who transported her? 7 Q During the course of this guardianship, have 8 Q And after she was brought back to Elko by 8 you cooperated in allowing the Luceros to see Carter? 9 Pamela Lucero to have guardianship? 10 Q Okay. And then would you consider that the trouble 11 A Yes. 11 reading that page. 11 reading that page. 12 Q And then would you consider that the trouble 12 A Plasea don't lext anybody but Page. 13 that you were trying to avoid? 13 hoes. I don't trust anybody but Page. 14 Q Who is she ref	24	California, correct?	24	Q So she left Carter with you, and she left
Y "" 1 Q And did she actually go in to rehab? A That, I cannot answer. Q And if you could turn back one page to the second to the last page, do you see the place where you say, I won't. Can you read that to the Court? 3 Q Okay. At some point, did she return from California? A That, I cannot answer. Q And if you could turn back one page to the second to the last page, do you see the place where you say, I won't. Can you read that to the Court? 5 A Yes. 5 A I won't keep your family from seeing Carter. I would never do that. 7 A Um, Pamela Lucero. 7 Q During the course of this guardianship, have you cooperated in allowing the Luceros to see Carter? 9 Pamela Lucero, did Kristin recant and sign a consent 10 for Pamela Lucero to have guardianship? 10 Q Okay. And then would you consider that the trouble 11 that you were trying to avoid? 14 A Yes. 12 A Elease don't lat then the whord your? 18 A Correct. 11 A Not is she referring to whr she says "Papa"? 19 Q Okay. Lat me turn your attention to the last the the page what does Kristin toll you? 11 19 Q Okay. Lat me turn your attention to the last the you got 1. Eage, what does Kristin toll you? 12 19 Q Okay. Lat me turn your attention to the last tow. 12 A Other, Naw. Thave.	25	A Yes.	25	Paisley with Maria?
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2 A That, I cannot answer. 3 Q Okay. At some point, did she return from 4 California? 5 A Yes. 6 Q And who transported her? 7 A Uhm, Pamela Lucero. 8 Q And after she was brought back to Elko by 9 Pamela Lucero, did Kristin recant and sign a consent 10 for Pamela Lucero to have guardianship? 11 A Yes. 12 Q And then would you consider that the trouble 13 that you were trying to avoid? 14 A Yes. 15 Q Okay. Let actum your attention to the last 19 Q Okay. Let actum your attention to the last 10 Q Okay. And no, Paialey won't be going. I have 12 A Okay. And, no, Paialey won't be going. I have 12 A Okay. Let act know. 13 to talk to Maria and let her I think that's supposed 14 to talk to Maria and let her I think that's supposed 14 to be know let har know. 15 Q Okay. And ther is of going, and she says, 16 You ask her if Paialey is going, and she says, 17 A Oka				
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		1	(Exhibits 4 and 5 marked.)
1	A Right.	2	
2	Q And then she did, in fact, talk to Maria?	2	Q BY MR. GERBER: And to your knowledge, did
3	А Уев.	3	Kevin also complete a parenting class once he returned
4	Q And then left Paisley with Maria?	4	to Elko?
5	A Yes.	5	A Yes, he did.
6	Q And so so did you have any problems with	6	Q Okay. What other progress has Kevin made since.
7	this guardianship until Kristin was brought back from	7	this case started?
8	California?	8	A Kevin has made a lot of good progress. He
9	A No. Everything was going smooth. Mr. Lucero	9	worked for Taco Bell for almost a year. He held a
10	would come over, or Pamela would come over and pick up	10	steady job. Uhm, he's off the drugs. He's staying
11	Carter, take him to his to their house. They would	11	clean. And he's got people that love him and support
12	bring him back. We had no problems.	12	him.
13	Q Until when?	13	Q Has he been continuously employed since he was
14	A Until this day, I have no problems with any of	14	released from the Capstone program?
15	them.	15	А Усв.
16	${f Q}$ Okay. But you are sitting here in court in a	16	${f Q}$ Okay. So he was employed at Taco Bell. Where
17	contested guardianship matter.	17	did he go after that?
18	A Yes, I am.	18	A He went to Maverick. And now he's at Pizza
19	MR. GERBER: Okay. Your Honor, I would move to	19	Hut.
20	admit Exhibit 3 in to evidence.	20	Q Okay. And is he is he looking for higher
21	THE COURT: Is there any objection to the	21	paying jobs at this time?
22	admission of Exhibit 3?	22	A Yes, he is. In fact, he had an interview
23	MS. AMENS: We've already been through it all.	23	yesterday that I drove him to the to the Elko Cola
24	No.	24	Company. He's got two phone calls from Jerritt Canyon,
25	THE COURT: Exhibit 3 is admitted.	25	and he's waiting on calls back from them.
	PAGE 114		PAGE 116
	eq.		្មា
1	(Exhibit 3 admitted.)	1	Q Okay.
2	MR. GERBER: And for the record, the exhibit	2	A And he has just moved out Monday to another
3		3	place.
4	that was admitted was Exhibit 2, which was a different text messages between Maria. These are ones that were	4	Q Okay. Prior to moving out on Monday, was he
5	•	5	continuously living at your home since he was released
6	introduced	6	from rehab?
	THE COURT: at another hearing. Is that	7	· ·
7	what you're talking about, Mr. Gerber?	8	A Continuously? No.
8	MS. AMENS: In January of 2019.		Q Can you explain.
9	MR. GERBER: Yeah.	9	A He stayed at our house. He lived there for
10	MS. RODRIGUEZ: And it was Exhibit 1.	10	I want to say about a year. And then him and Shea were
11	MR. GERBER: Exhibit 1. Okay.	11	engaged to be married. And he was still working at
12	Q BY MR. GERBER: Okay. So let's talk about	12	Taco Bell at the time. They had Kevin had gotten
13	Kevin at this point. He's been released from jail,	13	low income housing, and he had moved in there. And he
14	correct?	14	did that with the support of his counselor from the
15	A Yeah. He was released to rehab. He wasn't	15	adult drug Drug Court here.
16	released he was released from jail, but they	16	Q Okay. And then did he move back in with you at
17	transported him, the sheriff's department transported	17	some point?
18	him to Reno.	18	A He did move back in with me once. Shea and him
19	Q Okay. And did he successfully complete the	19	had broken up. Shea got the apartment. He moved back
20	Capstone program at the Rich House?	20	in with us. And, uhm, he's been living there. And
21	A Yes, he did.	21	then like I said, just Monday he moved out again.
22	MR. GERBER: Okay. If I could have this	22	Q And where is his new residence?
23	exhibit marked, Your Honor?	23	A His new residence is over at Quail Run
24	THE COURT: This will be 4.	24	Apartments.
	THE COOKI. THIS WITT DO TO		_
25	MR. GERBER: This one, 4 and 5.	25	Q And does he have anybody else living there with PAGE117 A-A0030

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	11 1		
		1	MR. FERGUSON: I'm agreeing to an extent, you
1	him?		
2	A Yes, he has his girlfriend.	2	know.
3	Q And is it just the two of them?	3	THE COURT: Okay. So you're not entirely
4	A Yes.	4	agreeing, you're saying?
5	Q How long	5	MR. FERGUSON: I'm with it. But in the end, I
6	A And I may have said that wrong from Michelle's	6	want to be able to have my boy.
7	expression.	7	THE COURT: So
8	 Q How long has be been in that relationship with 	8	MR. FERGUSON: I guess, like, I'm in to them
9	his girlfriend?	9	having guardianship, but in the end, like, I know what
10	A Uhm, I want to say he's a month or two.	10	my goal as a parent is. And I know what I want down
11		11	the line.
1	Q Okay.	12	
12	A I might be wrong.	1	THE COURT: All right. What we're going to do,
13	${f Q}$ All right. So a fairly new relationship?	13	is we're gonna take a recess here, Counsel, so you can
14	A Yes.	14	talk to him about maintaining his parental preference,
15	Q Is she employed, to your knowledge?	15	and then maybe we can skip over this part of it. He'll
16	A To my knowledge, no, she is not.	16	consent and maintain his parental preference, if your
17	Q Okay.	17	clients are willing to do that, Mr. Gerber.
18	A She is she has some stuff she needs to do,	18	I have been looking through the report that
19	but she is also looking for employment. She has	19	Ms. Moorehead provided. I've hit something that I
20	applied at the Manor. She has applied at Vogue. And	20	think is an ethical issue in this case, not involving
21	she had an interview yesterday, I believe it was, but	21	me, involving one of the attorneys. I need to go back
22	I'm not sure where.	22	and do some research and then talk about that when I
23	Q Okay. To your knowledge I know this is a	23	come back out.
24	new relationship. But to your knowledge, is there	24	So while I'm out doing that, please talk about
25	• • •	25	the parental preference with Kevin Ferguson.
25	any any reason why you would believe that she is not	20	PAGE 120
	PAGE 118	+	
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	·		
1	a fit person to be a caregiver for Carter?	1	MR. GERBER: Thanks.
1 2	·	1 2	MR. GERBER: Thanks. THE COURT: Court's in recess.
	a fit person to be a caregiver for Carter?		
2	a fit person to be a caregiver for Carter? A I would have to say no, not to my knowledge.	2	THE COURT: Court's in recess.
2 3	a fit person to be a caregiver for Carter? A I would have to say no, not to my knowledge. There are some things that I am aware of, and I don't	2 3	THE COURT: Court's in recess. (Recess.)
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1	But, Mr. Gerber, you represented that child.	1	MR. GERBER: Yes, correct.
2	Are you aware of that?	2	MS. RODRIGUEZ: Juvenile criminal matter.
3	MR. GERBER: I did represent a juvenile who	3	THE COURT: Juvenile criminal matter, yes.
4	lived in the Lucero home. Yes.	4	Was there an adjudication in that case?
5	THE COURT: Un-huh. Well, I'm concerned about	5	MR. GERBER: My recollection is that it was
6	that, because that's a prior client of yours.	6	resolved without trial and without any adjudication.
7	Did you get his consent to represent these	7	But I can't say that for certain. I don't remember
8	clients in this proceeding?	8	exactly how it was disposed of.
9	MR. GERBER: My understanding is that he I	9	THE COURT: Okay. Ms. Rodriguez, did you have
10	was representing the juvenile.	10	some involvement in this?
11	THE COURT: Un-huh.	11	MS. RODRIGUEZ: Not in the criminal action. I
12	MR. GERBER: I did not represent Pam and	12	did represent the victim in the 432(b) action, because
13	Michael Lucero. I was not aware that this	13	it was, obviously, a substantiated 432(b).
14	substantiated report had to do with this incident or	14	My recollection is there was an agreement that
15	anything connected to it.	15	Mr. Gerber reached with juvenile probation, wherein
16	THE COURT: Uh-huh.	16	basically an informal agreement, wherein the alleged
17	MR. GERBER: Until, you know, yesterday/today,	17	perpetrator would receive certain services. And they
18	I had an indication that that was the time frame.	18	resolved it that way without going forward.
19	I was initially retained by the Fergusons and	19	THE COURT: Which presents the next issue. Do
20	McGrews and filed the guardianships, did not believe	20	you have a conflict of interest, because you
20	they would be contested. It turned out the Luceros did	21	represented one of the Lucero children, as well, and
22	· ·	22	now you are representing these other children?
22	contest.	23	MS. RODRIGUEZ: I actually see it as the same
	Ms. Amens has known about my representation of	24	type of representation, Judge, because of my knowledge
24	the juvenile since early on in this case. Michelle	24	•• • • •
25	Rodriguez is aware of it.	25	of the previous issues in the family. The ongoing PAGE 124
<u> </u>	PAGE 122		
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1	مر My reading of the law is that, just like if	1	conflicts have continued. This is one of the reasons
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	My reading of the law is that, just like if		conflicts have continued. This is one of the reasons why I've worked very hard to try to get the parties to settle this.
2	My reading of the law is that, just like if Michelle Rodriguez represents multiple children in a	2	conflicts have continued. This is one of the reasons why I've worked very hard to try to get the parties to settle this. My goal is for all the family to be able to be
2 3	My reading of the law is that, just like if Michelle Rodriguez represents multiple children in a particular home, it doesn't create a conflict. She	2 3	conflicts have continued. This is one of the reasons why I've worked very hard to try to get the parties to settle this.
2 3 4	My reading of the law is that, just like if Michelle Rodriguez represents multiple children in a particular home, it doesn't create a conflict. She doesn't represent the parents or the caregivers, she	2 3 4	conflicts have continued. This is one of the reasons why I've worked very hard to try to get the parties to settle this. My goal is for all the family to be able to be
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1	case, do you need to disclose that information?	1	THE COURT: Go ahead.
2	MS. RODRIGUEZ: No. I do not believe I do.	2	MS. AMENS: Uhm, Your Honor, first, I was not
3	It's a different type of case. Granted, it's the same	3	aware of the the juvenile case having any impact
4		4	here, or even that Mr. Gerber represented any of the
	with essentially a failure to protect previously,	5	children of the Luceros. I was aware that my clients
5	this is a different type of case, in my opinion,	6	knew Mr. Gerber. But to the extent that they knew him,
6	different type of allegations, different types of	7	
	concerns.		I was not aware of.
8	THE COURT: Because you can't disclose what you	8	My clients have expressed concern previously
9	learned confidentially	9	about Ms. Rodriguez being involved here. Uhm, I was
10	MS. RODRIGUEZ: Correct.	10	not aware of how she's been involved with the family
11	THE COURT: in that case in this case, but	11	previously, like in the 432(b) case. I'm
12	you need to be able to fully represent these children	12	THE COURT: This is all news to me, also,
13	without doing that.	13	Ms. Amens.
14	MS. RODRIGUEZ: Correct.	14	MS. AMENS: Yeah. So that's where that's
15	THE COURT: And you're confident you can do	15	where I'm at in regards to that.
16	that?	16	I am so as to Mr. Gerber, I think that there
17	MS. RODRIGUEZ: Yes.	17	is a potential conflict because the resolution of the
18	THE COURT: All right. So I can find in your	18	juvenile case is direct directly relates to the
19	case that the information that you the confidential	19	substantiation of the Luceros.
20	information that you learned in that case is not	20	In other words, if he was to provide the
21	relevant to the issues raised in this case.	21	information to the Court, then I think he has a problem
22	But, Mr. Gerber, how is that true for you,	22	with his current clients, right? If he was to to
23	given that your clients are opposed to the Luceros, and	23	provide the outcome of of what was the final
24	you represented a child in their home? So how is	24	charges this is just what I'm understanding and,
25	this how is what you learned in that case not	25	uhm, I think it is in conflict with his current
	PAGE 126		PAGE 128
	n/n		٦.
1	relevant to this case?	1	current clients.
2	MR. GERBER: My knowledge in that case was	2	I don't know about Ms. Rodriguez. I know that
3	limited only to representing a juvenile for allegations	3	she's met with the children at the Luceros. I don't
4	against him, not against the Luceros. I had known I	4	know if she's met with the children at the other homes.
5	had no knowledge that there was even a 432(b) case	5	You know, and I I think she has Paisley and Carter's
6	pending with another child or the victim, the alleged	6	best interest at heart, but I don't know how the
7	victim, in that case, had no knowledge of that, of	7	conflict I don't know what's in that report.
8	Michelle's case, for example. And in that case, it	8	THE COURT: I don't know yet either because I
9	only involved the juvenile. The Luceros were not on	9	stopped reading when I got to that.
10		10	MS. AMENS: So I'm concerned. We are
11	trial. They were not parties to that case. In this case, the Luceros are parties, and the	11	concerned.
12	juvenile is not. So it's a complete switch, where	12	THE COURT: I don't see Kristin Stone here.
13	neither the juvenile is a party to this case, nor the	13	Did she leave?
14	- · · ·	14	MS. RODRIGUEZ: Just for clarification of the
14	Luceros a party to the last case.	15	record, Judge
16	THE COURT: Did you gain information in that	16	UNIDENTIFIED SPEAKER: In the car. She's
17	last case that would be harmful to that child if you	17	having an emotional breakdown.
1	used it in this case?	18	THE COURT: Okay. Go ahead, Ms. Rodriguez.
18	MR. GERBER: Absolutely not.	10	THE COURT: ORAY. GO ANEAG, MS. ROUTIQUE2. MS. RODRIGUEZ: I was going to say, just for
19	THE COURT: Did you gain any information in	20	clarification of the record, the individual that
20	that case that you have to hold back that would be	20	
21	harmful to your clients in this case?	22	Mr. Gerber represented was a grandchild, not a child.
22	MR. GERBER: No.		THE COURT: Okay. I just knew it was a child
23	THE COURT: Ms. Amens, do you want to be heard	23	in the home. And the Luceros are described in
24	on any of these issues?	24	different ways in here as adoptive parents and as
25			
1	MS. AMENS: Yes, Your Honor. PAGE 127	25	grandparents. PAGE 129 A_A 0033

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1	So, Mr. Gerber, you're telling me as an officer	1	client in a matter shall not thereafter reveal
2	of the Court that you did not realize that the child	2	information relating to the representation, except as
3	you represented previously had any relationship to this	3	these rules would permit or require.
4	matter? Is that what you're telling me, until the last	4	So you subpoenaed these records from DCFS,
5	couple of days?	5	which has now revealed information relating to your
6	MR. GERBER: I did when I subpoenaed the	6	representation of that child. So that's where I'm
7	records from the Division, I did know there was a	7	getting concerned.
8	substantiated report and that substantiated report had	8	MR. GERBER: I think the key of that statute is
9	any anything to do' with the other juvenile that I	9	does not juvenile is is what I'm doing here today
10	had previously represented. And but I knew there	10	adverse to his interests? I don't think it possibly
11	was a substantiated report, so I subpoenaed for those.	11	could be, because he's not moving for custody of Carter
12	THE COURT: So when did you find out that	12	or Paisley, nor has he made an appearance in this
13	juvenile that you represented had the a connection	13	court.
14	to the Luceros?	14 [·]	THE COURT: You have confidential information
15	MR. GERBER: I knew when the Luceros first	15	about him. So it's confidentiality and duties to
16	filed their petitions to contest the guardianships that	16	former clients. Those two things are intertwined.
17	I had filed for the McGrews and the Fergusons, I knew \cdot	17	So the first thing I have to consider is, make
18	the Luceros because of my past involvement with their	18	a factual determination concerning the scope of the
19	family and with being you know, specifically	19	former representation. So my determination is, it was
20	representing that juvenile. The Luceros knew that,	20	limited to that juvenile proceeding.
21	too, and it was brought up at the time.	21	You don't dispute that, do you?
22	THE COURT: I don't recall it being brought up	22	MR. GERBER: No.
23	in court.	23	THE COURT: I have to evaluate whether
24	MR. GERBER: It wasn't brought up in court.	24	confidential information whether it's reasonable to
25	But I do remember talking to Ms. Amens, because she	25	infer that the confidential information allegedly given
	PAGE 130		PAGE 132
	ula.		
1	brought up the issue of conflict way back when. She	1	by that juvenile would have been given to a lawyer
1		1 2	by that juvenile would have been given to a lawyer representing a client in those matters.
	brought up the issue of conflict way back when. She may not remember it, or she may not have known what the you know, but my recollection is we did have a		
2	may not remember it, or she may not have known what the you know, but my recollection is we did have a	2	representing a client in those matters.
2 3	may not remember it, or she may not have known what the you know, but my recollection is we did have a conversation early on, that she knew that I represented	2 3	representing a client in those matters. I don't know what information that he gave you.
2 3 4	may not remember it, or she may not have known what the you know, but my recollection is we did have a	2 3 4	representing a client in those matters. I don't know what information that he gave you. And I I can't no, you can't tell me that. But
2 3 4 5	may not remember it, or she may not have known what the you know, but my recollection is we did have a conversation early on, that she knew that I represented a juvenile that had lived in the Lucero home.	2 3 4 5	representing a client in those matters. I don't know what information that he gave you. And I I can't no, you can't tell me that. But it's reasonable for the Court to infer that he would
2 3 4 5 6	may not remember it, or she may not have known what the you know, but my recollection is we did have a conversation early on, that she knew that I represented a juvenile that had lived in the Lucero home. But my reading of the conflict statutes is that it has to do with the parties to the case. In this	2 3 4 5 6	representing a client in those matters. I don't know what information that he gave you. And I I can't no, you can't tell me that. But it's reasonable for the Court to infer that he would have given you confidential information about that
2 3 4 5 6 7	<pre>may not remember it, or she may not have known what the you know, but my recollection is we did have a conversation early on, that she knew that I represented a juvenile that had lived in the Lucero home. But my reading of the conflict statutes is that it has to do with the parties to the case. In this case, that juvenile is not a party. And I don't have</pre>	2 3 4 5 6 7	representing a client in those matters. I don't know what information that he gave you. And I I can't no, you can't tell me that. But it's reasonable for the Court to infer that he would have given you confidential information about that juvenile proceeding, which was the basis for this
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1	kind of a blanket subpoena to DCFS regarding everyone	1	is the agreement.
2	in the case, or just the Luceros to see if anything	2	THE COURT: So he will consent to this and
3	popped up? How did that happen?	3	retain his parental preference?
4	MR. GERBER: The subpoena asked whether there	4	MR. GERBER: That's my understanding, if you
5	were any substantiated reports against Pamela Lucero or	5	want to canvass him. I don't represent him and can't
6	Mr. Lucero.	6	speak for him.
7	THE COURT: So you didn't know if there were	7	THE COURT: Right.
8	any reports, any substantiated allegations, until after	8	So, Mr. Ferguson, Kevin Ferguson, was it
9	you issued the subpoena?	9	explained to you what this parental preference stuff
10	MR. GERBER: Correct.	10	means?
11	THE COURT: And then tell me again when you	11	MR. FERGUSON: Yes, ma'am.
12	first well, you knew them because of the previous	12	THE COURT: And you're consenting to this
13	juvenile proceeding, but you did not know there was a	13	guardianship? Was that all explained to you?
14	432(b) case, correct?	14	MR. FERGUSON: Yes, ma'am.
15	MR. GERBER: Correct.	15	THE COURT: And is that what you want to do, is
16	THE COURT: So when did you first know that	16	consent to the guardianship, but you will retain your
17	this substantiated allegation related to your previous	17	parental preference, which could help you get Carter
18	client?	18	back in your care in the future? Is that what you want
19	MR. GERBER: When you indicated that prior to	19	to do?
20	the break.	20	MR. FERGUSON: Yes, ma'am.
21	THE COURT: Okay.	21	THE COURT: All right. Then we don't need to
22	MR. GERBER: When and I was aware that	22	go in to any more evidence about Kevin Ferguson and his
23	that it was approximately the same time frame, but I	23	girlfriend.
24	did not know.	24	Ms. Amens, you look like you wanted to be
25	THE COURT: I'm going to make a finding that	25	heard.
	PAGE 134		PAGE 136
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1	any information that previous client may have given to	1	MS. AMENS: Yes.
2	Mr. Gerber is not going to be relevant to the issues	2	THE COURT: I made my decision on the conflict
3	raised in this litigation. It was limited to his	3	so
4	representation in the juvenile matter, which sounds	4	MS. AMENS: Yeah. The only thing there was
5	like it was probably resolved fairly informally. The	5	whether the outcome here was adverse to his former
6	information in this report pertains to the Luceros and	6	client. And I think there could be you know, such
7	the finding by DCFS, the substantiated finding of abuse	7	that he needed to get consent from his client.
8		8	THE COURT: Because I made the finding it's not
9	or neglect.	9	substantially related, he does not need to have that
10	Mr. Gerber, I'm trusting that you are not going to reveal any confidence you gained from that child in	10	consent.
11		11	MS. AMENS: Okay. On the issue of
	this case, correct?	12	Mr. Ferguson's parental preference, that actually also
12	MR. GERBER: Absolutely not, Your Honor.	13	deals with our guardianship action. And I'm not sure
		110	deare wren our Anararaneurh accrew. What it not onto
13	THE COURT: And again, can you represent your	14	that Tim in agreement that
14	clients in this case zealously, without using any of	14	that I'm in agreement that
14 15	clients in this case zealously, without using any of that information?	15	THE COURT: You make a good point.
14 15 16	clients in this case zealously, without using any of that information? MR. GERBER: Correct, Your Honor. I don't feel	15 16	THE COURT: You make a good point. MS. AMENS: that he needs to maintain that.
14 15 16 17	clients in this case zealously, without using any of that information? MR. GERBER: Correct, Your Honor. I don't feel that there is a conflict.	15 16 17	THE COURT: You make a good point. MS. AMENS: that he needs to maintain that. Right?
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1	do that. You're right. Your clients are involved in	1	MS. AMENS: I haven't seen 5. Can I just look
2	that decision.	2	at it real quick?
3	So, uhm, Kevin Ferguson, the hearing is going	3	(Bailiff complied.)
4	to go ahead because the Luceros do not agree to	4	THE COURT: Ms. Amens, any objection to the
5	accepting your consent to guardianship. You're not	5	admission of 4 and 5?
6	consenting to them having guardianship. And so they	6	MS. AMENS: No.
7	still want to go ahead with that and do not want you to	7	THE COURT: Kevin, do you have any objection to
8	retain that parental preference, if I give them	8	the admission of 4 and 5? They must be certificates
9.		9	that you completed something.
10	guardianship.	10	
	So I think the way we could do this is in terms	11	MR. FERGUSON: No, ma'am.
11	of the Fergusons' guardianship petition, I can accept	12	THE COURT: All right. Exhibits 4 and 5 are
12	that parental preference. So if I give guardianship to	13	admitted.
13	your parents, Kevin, you would retain that preference.		(Exhibits 4 and 5 admitted.)
14	If I give guardianship to the Luceros, you're not going	14	Q BY MR. GERBER: So Exhibit 4, you're saying it
15	to retain that preference.	15	was a certificate of completion for his rehabilitation?
16	So you're representing yourself. I will give	16	A Yes.
17	you the opportunity to ask questions so that you can	17	Q And number 5, was that a certificate of
18	make your case for why they shouldn't have	18	completion of a parenting class?
19	guardianship, or why Carter doesn't need a guardian.	19	A Yes.
20	This is complicated. This is the kind of thing	20	Q Has Kevin done everything he's been asked to do
21 .	that you probably need an attorney for, but we are two	21	since he's been released
22	years in to this, and you haven't hired one, so you're	22	A Yes.
23	going to have to represent yourself.	23	Q from jail and rehab?
24	So, Mr. Gerber, your questions about him and	24	A Yes.
25	his girlfriend are not relevant to your case. They may	25	Q And you testified earlier that to your
	PAGE 138		PAGE 140
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1	be relevant to Ms. Amens' case or questions that	1	knowledge, he's clean and sober from drugs or other
2	Ms. Rodriguez has.	.2	abusive substances?
3	MR. GERBER: Okay.	3	A Yes. Yes.
4	THE COURT: This isn't complicated at all.	4	Q And
5	MR. GERBER: I appreciate you working through	5	A He sees his PO
6	the issues, Your Honor.	6	THE COURT: Just a minute. Who just said no?
7	MS. RODRIGUEZ: It's good you have the	7	Was that you, Mr. Lucero? Knock it off. That's the
8	experience you do, Judge.	8	third time I've heard you comment. You'll get your
9			
40	THE COURT: THANK YOU. I Appreciate that.	9	chance to testify.
10	THE COURT: Thank you. I appreciate that. MR. GERBER: Shall I proceed?	10	chance to testify. Go ahead, Mr. Gerber.
10 11	MR. GERBER: Shall I proceed? THE COURT: Yes. Go ahead.		-
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1	a daily basis?	_	for your services for caring for Carter?
2	A Yes.	2	A No.
3	Q And are you able to, from past experience, see	3	Q And have you filed for bankruptcy protection
4	indications of when he's abusing substances and when		within the last seven years?
5	he's not?	5	A No.
6	A Yes.	6	Q Okay. Okay. Let's talk briefly about your
7	${f Q}$ And since he's been released, has he abused	7	guardianship of Carter. Early on in this case, the
8	substances, to your knowledge?	8	Court appointed you as a co-guardian of Carter,
9	A No.	9	correct?
10	${f Q}$. Is it your request that the Court grant you	10	A Correct.
11	guardianship, you and your husband, guardianship of	11	Q And have you had a chance to observe and
12	Carter at this time?	12	witness the exchanges between Carter between you and
13	А Уев.	13	the Luceros?
14	Q And are you fit and proper persons to have his	14	A Yes.
15	care and custody?	15	Q Have you also
16	A Yes.	16	A With Carter? Yes.
17	Q Are you able to provide for all of his needs?	17	$\dot{\mathbf{Q}}$ And have you also been able to witness the
18	А хев.	18	exchanges between the Luceros and the McGrews?
19	Q Is it your desire that Kevin continue on the	19	A Yes. Up until Paisley wasn't coming anymore.
20	path that he's on to rehabilitate and to one day be	20	Q And she wasn't coming anymore because of an ex
21	able to parent Carter?		parte motion filed in this court?
22	A Yes.	22	A Yes.
23	Q And do you support that goal of his?	23	Q In during those exchanges, has Pamela Lucero
24	A Yes, I do.	24	said anything negative to you about the McGrews?
25	Q And have you have you ever been convicted of	25	A When when Paisley would get dropped off,
20	PAGE 142		PAGE 144
1	N/11		•
		4	the share was and an and day Kowin was home. He
1	a felony?	1	okay, uhm, there was one one day Kevin was home. He
2	A To my knowledge, no.	2	was playing on his Play Station. And Paisley just
2 3	 A To my knowledge, no. Q And does Carter have less than \$10,000 in 	2 3	was playing on his Play Station. And Paisley just wasn't having coming to go to Maria's. And there was
2 3 4	A To my knowledge, no. Q And does Carter have less than \$10,000 in assets?	2 3 4	was playing on his Flay Station. And Paisley just wasn't having coming to go to Maria's. And there was three people. There was Timmy, Shawn, and Pamela.
2 3 4 5	 A To my knowledge, no. Q And does Carter have less than \$10,000 in assets? A Right now, yes. 	2 3 4 5	was playing on his Play Station. And Paisley just wasn't having coming to go to Maria's. And there was three people. There was Timmy, Shawn, and Pamela. And Shawn and Timmy walked Carter up to the
2 3 4 5 6	 A To my knowledge, no. Q And does Carter have less than \$10,000 in assets? A Right now, yes. Q Okay. Does do you receive any support for 	2 3 4 5 6	was playing on his Flay Station. And Paisley just wasn't having coming to go to Maria's. And there was three people. There was Timmy, Shawn, and Pamela. And Shawn and Timmy walked Carter up to the front porch, and Pamela was trying to get Paisley to
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1	A Yes.	1	${f Q}$ And if the McGrews are granted guardianship of
2	${f Q}$ Does that help does that help create a mood	2	Paisley, based on your observations, will McGrews
3	for a visitation exchange?	3	cooperate in exchanges with the Luceros?
4	A No. I try to stay calm, cool, and collected.	4	A I think Maria would still allow Paisley to see
5	I try not to blow up. My neighbor one day was outside,	5	Pamela and Mike, yes.
6	and I can't recall what had happened. And he sat there	6	Q And have you observed that she's been
7	and he said, She's mad. And I said, Yeah. He says,	7	cooperative with those visits up to this point?
8	Exchange day? And I said, Yeah.	8	A Yes, she has. Every time Maria would bring
9	Q Okay.	·9	Paisley back after she's had her for a week, she would
10	A And	10	sit there and tell Faisley, Okay, I've had you for a
11	${f Q}$ Uhm, have you been able to observe the the	11	week, and now it's Granny's turn, which is
12	negotiations that go on about exchanging Paisley for	12	Pamela Lucero. And Paisley gives Maria a great big
13	holidays between the Luceros and the McGrews?	13	hug. Maria gives Paisley a hug. And Maria tells
14	A Yes. When all this first started, Maria had	14	Paisley, it's okay to love everybody, you know, not
15	given me a letter to give to Pamela. Uhm, I had wound	15	just me, not just Papa. It's okay to love everybody,
16	up calling Maria back and informing her that she had	16	meaning Granny, her I'm sorry, Pamela, Michael,
17	forgot to bring Paisley's hat, and I believe it was a	17	everybody.
18	Mickey Mouse hat.	18	Q Okay. Do you believe that Pamela
19	Pamela was in my living room. I had Maria on	19	Pamela Lucero has that same attitude toward Maria and
20	the phone. And Famela sat there and she said, And you	20	the rest of the family?
21	tell her, I will have Paisley for Christmas day. Well,	21 22	A I would have to say no.
22	Maria was on the phone, and she overheard everything.	22	MS. AMENS: Objection, Your Honor. You're
23	And she said, I heard her.	23	asking her to kind of speculate. THE COURT: It seems like that's calling for
24 25	Q Okay. Did she also make a comment about	24 25	THE COURT: It seems like that's calling for speculation, Mr. Gerber. Objection is sustained.
25	something about that Paisley will spend time with her PAGE 146	20	PAGE 148
	FAGE 190	L	
	IN N		11(F1
4	nj	1	۳۳ O BY MR. GERRER: Based on your observations.
1	family?	1	Q BY MR. GERBER: Based on your observations,
2	family? A Yes.	1 2 3	Q BY MR. GERBER: Based on your observations, have you seen Pamela Lucero act in the same manner of
2 3	family? A Yes. Q Okay. What did she say?	2	Q BY MR. GERBER: Based on your observations, have you seen Pamela Lucero act in the same manner of trying to facilitate exchanges and visitations in a
2 3 4	family? A Yes. Q Okay. What did she say? A She said that Paisley will spend Christmas with	2 3	Q BY MR. GERBER: Based on your observations, have you seen Pamela Lucero act in the same manner of trying to facilitate exchanges and visitations in a loving way?
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1	THE COURT: Cross examination, Ms. Amens.	1	road.
2	MS. AMENS: Yes, Your Honor.	2	Q Okay. So so was Kristin living with Shawn
3		3	at that time?
4	CROSS EXAMINATION	4	A At that time.
5	BY MS. AMENS:	5	Q Okay.
6	Q Ms. Ferguson, you've been testifying for a	6	A Kristin had also lived with us.
7	while here, so one moment.	7	Q How long did she live with you?
8	······································	8	A Uhm, two years.
	So I think I heard you testify that you are,	9	
9	uhm, Kevin's mother; is that right?	-	
10	A Correct.	10	A Uhm, because she was pregnant with Carter when
11	Q Okay. Not grandmother; mother?	11	they got in to a fight and they moved out.
12	A I am his mother. We adopted him.	12	Q Uhm, so when Carter was born
13	${f Q}$ Okay. Would you have been his grandmother?	13	A Shawn and I spent the night at the hospital.
14	A Originally, yes.	14	${f Q}$ Okay. And she was living with you at that
15	Q Okay. All right. And so you are Carter's	15	time?
16	paternal great grandmother; is that correct?	16	A No. She was living at Shawn's.
17	MR. GERBER: Objection, Your Honor. It calls	17	Q Okay. When she lived with you, did Paisley
18	for a legal conclusion.	18	live with you also?
19	MS. AMENS: That's fine. I'll	19	A Yes, she did.
		20	Q And you said she lived with you for two years?
20	Q BY MS. AMENS: How long did you know Kristin	21	
21	prior to this whole incident of her and the text		
22	messages of her wanting to go to Cali?	22	Q Okay. Was your son at the hospital?
23	A I've known Kristin since the I want to say	23	A Yes.
24	the year of the of 1914 or	24	Q He was
25	THE COURT: Do you need a break, Ms. Ferguson?	25	A When Carter was born? Yes.
	PAGE 150		PAGE 152
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1			
1	THE WITNESS: No.	1	THE COURT: Ma'am, stop it. If you can't stop
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		4	
1	Q Okay. And	1	Q Is that where she actually ended up in
2	A They were talking. And that was before the	2	California? Who bought the ticket? Who bought
3	guns were stolen.	3	A Who bought the ticket?
4	Q Uhm, so what guns are stolen?	4 ·	Q Who bought the bus ticket?
5	A That was before Kevin was arrested.	5	A Maria and I.
6	${f Q}$ Okay. Okay. So was that why Kevin was	6	${f Q}$ So what was the destination of the bus?
7	arrested?	7	A Sacramento, I believe it was.
8	A That's why Kevin was arrested, and that's why	8	Q Okay. Not Stockton?
9	he was put in jail.	9	A It could have been.
10	Q Okay. How long had he been he been	10	Q Okay. But you didn't ask her the name of a
	· · · · · · · · · · · · · · · · · · ·	11	facility or anything where she was going?
11	incarcerated before Kristin asked for help?	12	A No, I didn't.
12	A Two years.		
13	Q He was incarcerated for two years, and then she	13	Q Okay. Did you know whether or not she had any
14	asked for help. Is that so he had already been in	14	other funds besides a bus ticket?
15	for two years?	15	A No, I didn't yes, I did. I believe my
16	A He had been in for a year.	16	husband gave her \$40 that night.
17	Q For a year?	17	Q Okay. So all you knew is she had a bus ticket
18	A Yes.	18	and \$40.
19	${f Q}$ Okay. Were you aware that the Luceros had	19	Did she pack any clothes?
20	quardianship over Kristin when she was a minor?	20	A Yes.
21	A Yes. Pamela had told ma.	21	Q What did she have a a backpack?
22	Q And did you know why that she did you	22	A She had a suitcase.
23	did you have any understanding of Kristin's, uhm,	23	Q She had a suitcase?
1	•	24	A Yes.
24	mental abilities when she became an adult?	25	Q Okay. All right. And, uhm, you didn't call
25	A No.	25	PAGE 156
	PAGE 154		гло <u>с</u> ю.
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	٦,"	١.	·
1	٦ Q Okay. So you or disabilities? Did you know	1	
1 2	·	1 2	·
	Q Okay. So you or disabilities? Did you know		the Luceros to let her know what the to let them
2	Q Okay. So you or disabilities? Did you know of any mental disabilities that Kristin had?	2	the Luceros to let her know what the to let them know what the plan was?
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1	Pamela Lucero was throwing her out and all of her stuff	1	this?
2	out in to the yard. I knew nothing about what was	2	MS. AMENS: I just got concerned about another
3	going on. I didn't call Pamela to find out.	3	conflict, that we had Mr. Loreman involved here. I
4	Q Did you know at that time that, uhm, Kristin	4	didn't know. So I'm sorry, I just there's a lot of
5	was using meth?	5	innerconncections, and I just wanted to follow the
6	A Uhm, yes.	6	thread.
7	Q Okay. Did you know how often she was using	7	THE COURT: He's no longer representing
8	meth?	8	anybody, so I think we can move on.
		9	MS. AMENS: Okay.
9	A No. And I had told I had want in to my		
10	work, I explained to my boss I need to quit. I'm	10	THE COURT: And never actually really did,
11	leaving work. I'm leaving now.	11	because of Ms. Stone's unwillingness to cooperate. So
12	Q Okay. So in your mind you were going to take	12	I don't think that that's an issue.
13	over, uhm, Carter's care full time?	13	Q BY MS. AMENS: Okay. Uhm, how old was Carter
14	A No. In my mind, I was going to get my grandson	14	when you started this guardianship?
15	from Maria's.	15	A He was just newborn.
16	Q But you quit your job. So	16	Q So it sounded like you and the Luceros, your
17	A Yes, I quit my job to go get my grandson.	17	husband and you and the Luceros, have worked pretty
18	Q So your view of it was you were going to be	18	well over the past two years
19	taking care of Carter full time at that point. You	19	A Yes, we have.
20	were going to get this guardianship in place, and you	20	Q in regards to Carter?
21	were going to have Carter, and you couldn't work going	21	A Yes.
22	forward?	22	Q Were you aware that, uhm, Carter was seen and
23		23	kind of visited with the Nevada early intervention?
	A I I couldn't work.	24	
24	Q Because of Carter?		
25	A And take care of Carter. And I was still	25	Q Okay.
	PAGE 158		PAGE 160
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1	letting Pamela and Mike see Carter.	1	A And this is Pamela Lucero had informed me
2	Q After the guardianship was in place?	2	that he had been taken up to, uhm, Shriner's
3	A Yes.	3	Hospital
4	Q Okay. And whose idea was it to go to	4	Q Okay.
5	Mr. Gerber's office?	5	A to be seen for his legs.
6	A That was my idea, because Mr. Gerber was our	6	Q Okay. And that recommendation came from the
7	attorney before.	7	Nevada Early Intervention?
8	Q Okay. All right. And, uhm, whose idea was it	8	А Үез.
9	for Maria to go there also? Did you have a	9	Q Were you, uhm so you guys have been working
10	conversation with them previous to to going to	10	on that issue for Carter's benefit, correct?
11	Mr. Gerber's office, that you were going to do this	11	A Yes. She called and said that Carter had an
12		12	appointment, and that she needed to take him. And I
13	together? A No. Maria had contacted Loreman, who was	13	said, Okay.
		14	Q Did you get a copy of the Nevada Early
14	Kristin's attorney	14	
15	Q You're		A No, I have not.
16	A and was going to see him. And he had gotten	16	Q Okay. Did you ask for that?
17	ahold of Maria and told him [sic] he couldn't. So I	17	A Famela said she was going to keep everything.
18	so Maria said that she was going to call Travis. And I	18	Q Okay. Did you ask
19	said, Ckay.	19	A I have not received a copy of anything.
20	Q Do you okay. Do you know why Mr. Loreman	20	Q Did you ask for it?
21	could not represent	21	A No, I haven't.
22	A No, I do not.	22	${f Q}$ But you okay. Was there any issue with him
	-	1	
23	MS. RODRIGUEZ: Judge, I object. I don't see	23	being seen at the Shriner's Hospital for his legs?
23 24		23 24	A No. I had no issues with it.
	MS. RODRIGUEZ: Judge, I object. I don't see	1	
24	MS. RODRIGUEZ: Judge, I object. I don't see the relevancy in this.	24	A No. I had no issues with it.

	n/n		· • • • • • • • • • • • • • • • • • • •
1	A Carter has had no problems at our house. He	1	understanding of the exchange that had occurred there?
2	wears his shoes, he goes outside and plays. I don't	2	A My neighbor had noticed that it was he said,
3	know if he's being treated up there.	3	She's mad. And I said, Yes. He says, Exchange day?
4		4	And I said, Yes.
	Q Okay. Have you what kind of medical care	5	Q So would that did you infer at all that that
5	have you provided to Carter?	6	•
6.	A I I take him in for his doctor appointments.	7	meant that he had seen
7	Q Okay. How is he doing?	8	MS. RODRIGUEZ: I object, Judge.
8	A He's doing great.	_	MS. AMENS: I'm asking
9	Q Okay. Any issues in terms of weight gain or	9	THE COURT: On?
10	A No.	10	MS. RODRIGUEZ: Speculation. She's asking her
11	Q speech?	11	to infer what the neighbor
12	A No.	12	MS. AMENS: No. I'm asking her to infer what
13	${f Q}$ When was the last time he was seen by the	13	she took away from that.
14	doctor?	14	MS. RODRIGUEZ: Her state of mind.
15	A His 24-month checkup.	15	THE COURT: Just a moment, ma'am.
16	Q Is he current with all of that?	16	It's not relevant.
17	A He is current with all of his shots and	17	MS. AMENS: Okay.
18	everything else.	18	THE COURT: And it is somewhat speculative. I
19	${f Q}$ Okay. And do you share that information with	19	am going to sustain the objection.
20	the Luceros?	20	Q BY MS. AMENS: So how long would Pamela,
21	A I was sharing it with Kristin.	21	Ms. Lucero, stay at exchange day? It sounds like it's
22	Q Okay.	22	fairly short.
23	A As for Michael and Pamela, no, I have not	23	A Yes, it is.
24	shared that with them. If they would like copies, I	24	Q Okay.
25	will get copies of everything.	25	A Maybe five minutes.
	PAGE 162		PAGE 164
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1	${f Q}$ Okay. So when Carter comes to your house for	1	Q Okay. And would she usually arrive early,
	these exchanges, uhm, is he upset?	2	earlier than
2	these exchanges, uhm, is he upset? Δ No	1	earlier than A yes. There are days there here recently.
2 3	Α Νο.	3	A Yes. There are days there here recently,
2 3 4	A No. Q Okay. And when he goes back to the Luceros, is	3	A Yes. There are days there here recently, she had been coming at 3:45, anywhere between 3:45 and
2 3 4 .5	A No. Q Okay. And when he goes back to the Luceros, is he upset?	3 4 5	A Yes. There are days there here recently, she had been coming at 3:45, anywhere between 3:45 and 4:00. Uhm, I don't know quite how to put this. Uhm,
2 3 4 -5 6	A No. Q Okay. And when he goes back to the Luceros, is he upset? A No.	3 4 5 6	A Yes. There are days there here recently, she had been coming at 3:45, anywhere between 3:45 and 4:00. Uhm, I don't know quite how to put this. Uhm, when all this first started, Maria if Maria was on
2 3 4 5 6 7	 A No. Q Okay. And when he goes back to the Luceros, is he upset? A No. Q Okay. So all those exchanges have been going 	3 4 5 6 7	A Yes. There are days there here recently, she had been coming at 3:45, anywhere between 3:45 and 4:00. Uhm, I don't know quite how to put this. Uhm, when all this first started, Maria if Maria was on my property, Granny would not pull in.
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	۵.		, edn
1	she was in the driveway screaming.	1	A now.
2	Q Okay. And	2	Q You what?
3	A I did not see it.	3	You had indicated that you didn't know that
4	Q Is that typical that you would be in the house?	4	they were doing meth.
5	A Yes.	5	A Right, At the time I didn't know, and now I do
6	Q Okay. So you wouldn't actually see the	6	know the signs.
	· -	7	Q Okay. Is his new girlfriend does she have a
7	interaction between Paisley and Ms. Lucero, in terms of	8	
8	trying to either get her calmed down or go in? You		drug problem?
9	wouldn't know what she said to her prior to her	9	A She did. She's clean.
10	dropping her off?	10	Q How do you know she's clean?
11	A Right.	11	A I
12	${f Q}$ Okay. You had indicated what Maria had said,	12	Q Has she been tested recently, that you know of?
13	because that's said in front of you?	13	A I don't know if she has or hasn't.
14	A Yes.	14	Q Okay. When Carter is with you, what's a
15	Q But you don't know if the same things are being	15	typical day look like?
16	said to Paisley?	16	A A typical day for Carter and I?
17	A No, I don't.	17	Q Yeah.
		18	A We go outside. We are outside at 7 a.m. in the
18	Q Okay. So there's only the one time that you		
19	saw her where she was crying and upset? Is that what	19	morning. We will call Nanny up and say, Can we come
20	your testimony is?	20	over. And she'll say, Yes. And we'll go over to
21	A The one time that she was that upset, yes.	21	Maria's. When Paisley was over there, we would have
22	${f Q}$ Did you see her other times where she was not	22	lunch at, I would say, probably about 11:30, noon, and
23	crying and happy?	23	we would stay over there and play with Paisley and all
24	A Only once, I believe.	24	the kids, you know. And then we would come home.
25	Q One other time?	25	And he would take his three-hour map. And then
	PAGE 166	ľ	PAGE 168
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	ηn • • • • •	4	·
1	A Yes.	1	we would be outside for the rest of the afternoon. And
2	A Yes. Q Okay. Carter and Paisley, are they close?	2	we would be outside for the rest of the afternoon. And if I want if he wants to go out back he'll say,
2 3	 A Yes. Q Okay. Carter and Paisley, are they close? A Yes, very close. 	23	we would be outside for the rest of the afternoon. And if I want if he wants to go out back he'll say, Grandma, go. And he'll go around the house, and I go
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	n/n		nju
		1	and Jake have had Carter Christmas Eve and Christmas
1	sounds like it's pretty recent that he moved out.	-	
2	A He just moved out Monday.	2	Day both Christmases now, or just one. I'm not sure.
3	Q But he had lived elsewhere before.	3	Q Okay. How about Thanksgiving?
4	How often did he come over while you had	4	A Thanksgiving, if that's our day, then we have
5	Carter?	5	Carter. If that's their day, then
6	A If he didn't come over, I would go in to town.	6	Q You don't actually remember whether or not you
7	He would still see Carter every day.	7	had Carter on any of these on any of these holidays?
8	Q Okay.	8	A We probably did, but Thanksgiving is on a
9	A We even went to Taco Bell and had dinner with	9	Thursday, so it's exchange day, also.
10	daddy.	10	Q Okay. All right. But are you sure about
11	Q Okay. All right. At the McGrews, when you	11	Christmas, whether that was split up?
12	would go over there, did you ever see Paisley get in to	12	A Yeah. Because I always let Carter go on my
13	trouble?	13	birthday, and that's Christmas Eve. So they would have
14	A No.	14	Carter Christmas Eve.
15	${f Q}$ Okay. So you never saw, uhm, either of the	15	Q Okay.
16	McGrews discipline Paisley?	16	A And I believe they would bring him back
17	A No. We would be outside playing and having	17	Christmas morning.
18	fun.	18	Q Okay: So you shared you shared the holiday?
19	${f Q}$ Were all of the cousins, or the cousins there,	19	A Yes.
20	also?	20	${f Q}$ Okay. Do you know if that was shared between
21	A Not all the time, no.	21	the McGrews and the Luceros for Paisley?
22		22	
	Q Okay.		
23	A Some days it would just be Paisley and Carter.	23	Q Okay.
24	Q And their youngest?	24	A I know about the one day, the first year, and
25	А Yeah.	25	that's only because it took place in my living room.
	PAGE 170		PAGE 172
			101
	<i>.1</i> .	1	(1)**
1	۳۳ Q Okay. All right. Did you ever when the	1	رم. Q Okay. I don't do you believe that your son
1		1	
	${f Q}$ Okay. All right. Did you ever when the older boys were there, were they ever kind of, uhm,		Q Okay. I don't do you believe that your son
2 3	Q Okay. All right. Did you ever when the older boys were there, were they ever kind of, uhm, bullying the younger kids, or did everyone play	2	Q Okay. I don't do you believe that your son is sober today? A Yes, I do. I believe he would pass a drug test
2 3 4	Q Okay. All right. Did you ever when the older boys were there, were they ever kind of, uhm, bullying the younger kids, or did everyone play together well?	2 3 4	 Q Okay. I don't do you believe that your son is sober today? A Yes, I do. I believe he would pass a drug test right now if you asked him to.
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1	to work.	1	THE COURT: Okay. All right. I'm still
2	THE COURT: Okay. He tested positive for meth	2	working my way through the report from DCFS, and it is
3	and marijuana. To get that confirmed by the lab, we	3	4:25. And we were on your cross examination,
4	would have to send it off. And he or someone would	4	Ms. Amens. How much more do you have?
5	have to pay for that cost. He's not here for me to ask	5	MS. AMENS: I was done, Your Honor.
6	him whether he had been using.	6	THE COURT: And Kevin has left. And Kristin
7	Do you know, Ms. Ferguson, whether I was the	7	left some time ago.
8	one that placed him in Drug Court, or whether his case	8	So we are to you, Ms. Rodriguez. Any cross
9	was in front of Judge Kacin?	9	examination?
10	THE WITNESS: His case was in front of	10	MS. RODRIGUEZ: Yes.
11	THE COURT: Was it a judge in another county?	11	THE COURT: Okay. Go ahead.
12	Was it in front of Judge Kacin across the hall.	12	
13	THE WITNESS: Reno sent him back down here, and	13	CROSS EXAMINATION
14	then Judge Kacin was assigned to him.	14	BY MS. RODRIGUEZ:
15	THE COURT: Okay. Did the crime occur in Reno?	15	Q Who is Kevin's girlfriend? Do you know?
16	THE WITNESS: No.	16	A Olivia.
17	THE COURT: It occurred here?	17	Q Olivia what?
18	THE WITNESS: The crime occurred here.	18	A Olivia Thompson.
19	THE COURT: Okay. What I'm trying to find out,	19	Q And actually Judge Porter confirmed one of my
20	if I was the sentencing judge on the case. Does	20	other questions, that he is a participant of the Adult
21	anybody know? I would have to look.	21	Drug Court, correct?
22	MS. RODRIGUEZ: It occurred in December of '17,	22	A He was. He graduated.
23	the theft of the firearms, Judge. I just have a police	23	Q When did Kevin graduate from the Adult Drug
24	report on that. I don't actually have let me look.	24	Court? Do you know if it's been within the last six
25	THE COURT: Mercedes, can you look it up on the	25	months?
	PAGE 174	1	PAGE 176
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1	S-400 and see if I have the case State versus Kevin	1	A I would have to look on the certificate. I
1 2	S-400 and see if I have the case State versus Kevin Ferguson, please?	1 2	A I would have to look on the certificate. I can't say yes or no.
I _			
2	Ferguson, please?	2	can't say yes or no.
2 3	Ferguson, please? THE CLERK: Sure.	23	can't say yes or no. Q Was it before or after you filed for the
2 3 4	Ferguson, please? THE CLERK: Sure. THE COURT: I can't ask him whether he admits	2 3 4	can't say yes or no. Q Was it before or after you filed for the guardianship?
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2 3 4 5 6	<pre>Ferguson, please? THE CLERK: Sure. THE COURT: I can't ask him whether he admits or denies this. I'm sure this is disappointing to you, Ms. Ferguson, to hear this news.</pre>	2 3 4 5	<pre>can't say yes or no. Q Was it before or after you filed for the guardianship? A After. Q Was it before or after he returned to Elko</pre>
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 9 20 21 22 23 24	<pre>Ferguson, please? THE CLERK: Sure. THE COURT: I can't ask him whether he admits or denies this. I'm sure this is disappointing to you, Ms. Ferguson, to hear this news. If you want lab confirmation, how much would they have to pay, Mr. Bailiff? THE BAILIFF: Well, we don't necessarily have. the lab paperwork to send it off. He would actually have to go in and get it through A-1. But he did clarify with me, he did tell me his test would be come back dirty. THE COURT: He admitted to you? THE BAILIFF: Yes. THE COURT: For both those substances? THE BAILIFF: Yes. THE COURT: I don't see any reason to send it off, then. We'll see if I was the sentencing judge. THE COURT: I fait was the felony in 2018, that was under Case THE COURT: Okay. That's what I needed to know. All right. I was not the judge on the case. </pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	<pre>can't say yes or no. Q Was it before or after you filed for the guardianship? A After. Q Was it before or after he returned to Elko County after treatment in A After. Q Okay. Was it before or after he did his positive parenting in May of '19? A After, I believe. Q And, in fact, the positive parenting workshop is part of the pres or Drug Court, correct? A I'm not sure. Q Okay. A I'm not sure if that was done through Drug Court or not. Q Okay. So we know it was at least after November of 2018? THE COURT: You need to answer out loud, please. THE WITNESS: Yes. MS. RODRIGUE2: Sorry, Judge. I'm trying to get to the beginning of the testimony.</pre>

10/18/2021 11:52:14 AM

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1	MS. RODRIGUEZ: I'm trying to hurry.	1	${f Q}$ So you ve also observed the other side,
2	Q BY MS. RODRIGUEZ: Ms. Ferguson, you	2	correct, with the McGrews
3	volunteered to be the exchange place for the children	3	A Correct.
4	between the Luceros and yourself and the McGrews,	4	Q exchanging?
5	correct?	5	Who does that exchange?
6	A Correct.	6	A Maria, because John is at work.
7	Q Why did you volunteer for that?	7	${f Q}$ Okay. Has John ever done the exchange, to the
8	A I just figured it was easier, and I got along	8	best of your knowledge?
9	with everybody.	9	A John has done it once, and he forgot something.
10	Q Okay. Have you been being the exchange	10	And he was I called to let Maria know. And Maria
11	location for for, in particular, for Paisley and the	11	got ahold of John and let him know, because she was in
12	Luceros since this underlying action began, the	12	Salt Lake at the time.
13	guardianships?	13	Q Okay. During the exchanges that you've
14	Α Υεз.	14	observed with the McGrews, and Paisley, have you ever
15	Q And that occurs every week, correct?	15	observed anything that would cause you concern for
16	А хев.	16	Paisley being in their care?
17	Q Who who brings the children to your home for	17	A No.
18	the exchange?	18	Q We've talked a lot about one exchange, in
19	A Pamela, Shawn might be with her, or Timmy might	19	particular, that occurred wherein Paisley had to be
20	be with her. Shannon might be with her. It's never	20	prompted to come up to your house, correct? Do you
21	it's two or three people. I mean, I don't know who	21	remember approximately when that was?
22	else could be in the car, or anything else, you know.	22	A I want to say a couple of months ago. I'm not
23	Q Has Michael ever been the exchange person?	23	sure, though.
24	A Michael has picked up once since the	24	Q Do you remember if that was before the pandemic
25	guardianship has started, I believe. And that was just	25	started, the shutdown?
	PAGE 178		PAGE 180
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1	·	1	م" A I would I can't remember.
1 2	the other day.	1	
	the other day. Q Have you been able to observe the the		A I would I can't remember.
2	<pre>the other day. Q Have you been able to observe the the relationship, at least, between Paisley and Pamela?</pre>	2	 A I would I can't remember. Q Okay. Prior to the one exchange that has been
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	afa		, " ,"
1	questions, just directly.	1	It stays within this proceeding.
2	I do have a question, Judge, I asked both	2	All right. We're gonna take a recess. I'm
3	sorry I asked both Debra and Travis during the	3	gonna keep working my way through this. It's slow
4	break, my recollection is that the January hearing,	4	going.
5	when we had all the evidence the first time, that the	5	MS. RODRIGUEZ: Is it possible for the parties
6	parties had gone through the petitions with their	6	to also receive a copy of the NIA, Judge, or the
7	with their clients, or we had gone through the	7	incident report?
8	petitions on the record.	8	THE COURT: I haven't seen it yet. I don't
9	I'm unsure if we should redo that at this	9	know if it's even been sent.
10	point. Or I know Debra indicated that she would be	10	Do you have it yet, Mercedes?
11	fine if we could stipulate to the petitions, the	11	THE CLERK: I'm sorry? What, Judge?
12	information being correct, to the best of the parties'	12	THE COURT: Did you get a report from DCFS
13	knowledge. I just don't know if you want us to go	13	regarding this case? Lori Moorehead was supposed to
14	through all of that.	14	e-mail that to you.
15	THE COURT: In terms of criminal convictions,	15	THE CLERK: Yes, Judge, I placed it on your
16	bankruptcies, those kind of things?	16	desk.
17	MS. RODRIGUEZ: Yes. And their fitness as a	17	THE COURT: Oh, that's right. You did put it
18	guardian.	18	on my desk. I'll have to see how long it is and make a
19	THE COURT: Counsel, are you all willing to	19	decision. I also have to look at the statute that
20	stipulate to that, without going through all of that?	20	specifically addresses who gets to see something like
21	MS. AMENS: Yeah. The might help us on time.	21	this in a guardianship case.
22	THE COURT: Mr. Gerber?	22	MS. RODRIGUEZ: Thank you, Judge.
23	MR. GERBER: Yes. I put the evidence on with	23	MS. AMENS: Your Honor, I understand we're
24	Vicky on the Petition for the Fergusons, and I believe	24	starting tomorrow at 10:30; is that right?
25	I have already done that for the McGrews with Maria	25	THE COURT: I think our first hearing went off,
	PAGE 182		PAGE 184
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1	٦" when she was on the stand the first time.		
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	when she was on the stand the first time.		
2	when she was on the stand the first time. As long as we could still ask questions about	-	
23	when she was on the stand the first time. As long as we could still ask questions about the the other content of the petitions, I'm okay to		
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didn't it? 1 11:59:03 THE CLERK: Yes, Judge. The hearing prior to 2 11:59:05 that just came off the calendar. We are 3 11:59:11 (unintelligible) and therefore we are able to start 11:59:33 4 at -- we should be able to start at ten o'clock, rather 5 11:59:39 6 than 10:30. 11:59:42 THE COURT: Okay. We've got another one before 7 11:59:43 11:59:46 8 that? THE CLERK: We have two before that, actually, 9 11:59:47 11:59:53 10 Judge. THE COURT: All right. We can start at 10:00, 11 11:59:53 12 then. 11:59:57 MS. AMENS: We had tentatively, assuming we 11:59:57 13 would be getting the case, scheduled Ms. Goddard at 14 12:00:00 10:30. And then we had talked about having Ms. 15 12:00:04 Anderson give a quick report at 11:30. 16 12:00:11 THE COURT: Okay. We will pause Mr. Gerber's 17 12:00:15 case, if it's not done, at those times so you can get 12:00:19 18 your witnesses on and keep the costs down the best that 19 12:00:34 20 we can. 12:00:37 MS. AMENS: Thank you. 21 12:00:38 THE COURT: All right. Everybody, at least the 22 12:00:38 attorneys, don't go anywhere. 23 12:00:40 (Evening recess.) 24 12:00:44 --00000--25 12:00:44 **PAGE 185**

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