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Clerk of Supreme Court

8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9 **OFFICE OF THE CLERK**

10 IN THE MATTER OF THE
11 GUARDIANSHIP OF THE PERSON
12 AND ESTATES OF C.T.F. AND
13 P.G.S., MINOR PROTECTED
14 PERSONS.

Supreme Court No. 83443
District Court Case No. PR-GU-18-67

JOINT APPENDIX
VOLUME III

15
16 Pursuant to NRAP 3E(d)(1), 3E(d)(4) and this Court's order dated July 21,
17 2021, following is Appellant's Appendix in support of their Fast Track Statement.
18
19 Parties met and conferred and agreed to file this as a joint appendix.

20
21 DATED this 27th day of October, 2021.

22
23 AMENS LAW, Ltd.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I work for AMENS LAW, LTD,
and that on the 27th day of October, 2021, I served a copy of the Joint Appendix
by delivering a true and correct copy of same in a sealed envelope with a C.D.,
properly addressed via first class mail, with postage thereon fully prepaid to the
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1 CASE NO. PR-GU-18-49, PR-GU-18-56, PR-GU-18-67

2 DEPT. NO. 1

2021 JUL -2 PM 1:53

ELKO CO DISTRICT COURT

4 THE FOURTH JUDICIAL DISTRICT COURT THE STATE OF NEVADA
CLERK _____ DEPUTY KB

5 IN AND FOR THE COUNTY OF ELKO

6 BEFORE THE HONORABLE KRISTON N. HILL

7 DISTRICT JUDGE, PRESIDING

8 COPY

9 IN THE MATTER OF

10 CARTER THOMAS FERGUSON (PR-GU-18-49);
11 PAISLEY GRACE STONE (PR-GU-18-56);
12 CARTER THOMAS FERGUSON and PAISLEY GRACE STONE
(PR-GU-18-67),

13 Minor Protected Persons.
_____ /

14
15 TRANSCRIPT OF PROCEEDING

16 PETITION FOR GUARDIANSHIP

17 March 4, 2021

18 ELKO, NEVADA
19
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23
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25 Reported by: Tonja Lemich
CSR No. 380

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TRANSCRIPT OF PROCEEDINGS

THE COURT: We're here on three separate cases today: PR-GU-18-49, PR-GU-18-56, and PR-GU-18-67.. This is in the matter of the guardianship of the person and the estate of Paisley Grace Ferguson and Carter Thomas Ferguson, minor protected persons.

Today we have in court John and Maria McGrew, represented by Travis Gerber. And also represented by Travis Gerber, Donald and Vicky Ferguson. We have Michelle Rodriguez, who is the attorney for the minor protected persons. We have the mother of the minors, Kristin Stone. She is appearing without counsel today. And then we have Ms. Amens, Debra Amens, who is representing Michael and Pamela Lucero.

This case was last before the Court August 5th and 6th of 2020. We heard two days of testimony. We're here to hopefully complete that today. Mr. Gerber was still presenting his case.

If you would call your first witness.

MR. GERBER: I call Janell Anderson.

(Witness sworn.)

THE COURT: Ms. Anderson, if you could please state your name and spell your name?

THE WITNESS: Janell Anderson. J-a-n-e-l-l.

1 A-n-d-e-r-s-o-n.

2 THE COURT: Go ahead, Mr. Gerber.

3
4 JANELL ANDERSON,
5 the witness herein, being first duly sworn, testified
6 as follows:

7
8 DIRECT EXAMINATION

9 BY MR. GERBER:

10 Q Ms. Anderson, what is your involvement in this
11 case?

12 A I was assigned by the Court to do co-parenting
13 counseling with grandparents, Mike and Pamela Lucero
14 and Maria and John McGrew.

15 Q And could you give the Court -- you presented a
16 report that's been filed with this Court, correct?

17 A Correct.

18 MR. GERBER: And for the record, Judge, have
19 you received a copy of that report?

20 THE COURT: I have.

21 Q BY MR. GERBER: Okay. For the sake of time, I
22 won't have you read your report. But could you give
23 the Court a quick summary of what your findings were
24 that you're reporting back to the Court?

25 A Right. Well, I worked with the grandparents

1 from July to October, trying to create a co-parenting
2 unit, and it was not successful. We -- there was a lot
3 of contention, and so we didn't get anywhere, really,
4 with it in creating -- you know, I think these
5 certainly are grandparents with a lot of grief that
6 they've been working through. They have a
7 long-standing relationship, as far as was my
8 understanding. And we tried to work through those
9 things, but there was too much contention. We weren't
10 able to work through that at all.

11 Q What is the contention, or what is that
12 obstacle?

13 A Well, like I said, we tried to work through a
14 lot of issues. And I also think a lot had been
15 presented in the two days that everybody had been here.

16 THE BAILIFF: Get closer.

17 THE WITNESS: All right. There we go.

18 I think the source of contention, is what you
19 had asked me?

20 Q BY MR. GERBER: Yes.

21 A Ms. Lucero is very, very upset. They parent
22 very, very differently. They love this child, all with
23 their heart and souls. So I think you take the
24 disparity in the parenting. And I have to say at that
25 time Kristin was not really involved. I don't think

1 she was in anybody's home. So I had no contact with
2 Kristin. And I learned this morning that Kristin is
3 now back home with the Luceros and has been doing
4 pretty well for the last few months. And I didn't know
5 that. And we didn't know how that was going to pan
6 out. So there was just contention over the placement
7 of little Paisley.

8 Q Okay. And did you try different techniques to
9 try to resolve that anger or that hostility, as you
10 stated in the report?

11 A Most certainly, I did.

12 Q And were you successful in resolving that
13 hostility?

14 A No. No. But I think if Kristin's back and
15 she's working on her sobriety and her being clean and
16 sober from drugs, I would wonder that maybe the
17 parental, or the grandparental, attention should focus
18 towards supporting her in her sobriety and supporting
19 Paisley in her relationship with Kristin, and allowing
20 Kristin to support all the relationships. That, to me,
21 would be my sky-in-the-pie ideal. But if the
22 contention continues, that won't be successful, very
23 successful either.

24 So there was -- the Luceros were very upset and
25 very difficult to get them to -- to try to reason --

1 reasonably resolve relationships and to create healthy
2 relationships, even though we went through many issues
3 of -- grievous issues for the family.

4 And I give them credit. It took a lot of
5 courage, all four of them, to come in and really try to
6 work through these issues. But they were just too hot
7 of issues, and we were not successful with that.

8 Q On the other hand, did you find that the
9 McGrews were more willing to co-parent?

10 A Well, what I found with the McGrews was they
11 were -- they readily admitted, or they took in to
12 consideration, they were reasonable about saying, yes,
13 we had made mistakes, and they had made mistakes that
14 led to everybody being in this contentious
15 relationship. And so they took responsibility for
16 their part in that. And they were willing to try to
17 hold out the olive branch and heal that. And there
18 were times when we got through those sorts of
19 conversations productively.

20 It's just overall, the contention of, and the
21 willingness to try to find a mediation or resolve the
22 issue never -- the Luceros were just not willing to try
23 to resolve that.

24 MR. GERBER: Thank you. No further questions,
25 Your Honor.

1 THE COURT: Thank you, Mr. Gerber.

2 Ms. Rodriguez?

3 MS. RODRIGUEZ: Thank you, Judge.

4
5 CROSS EXAMINATION

6 BY MS. RODRIGUEZ:

7 Q Ms. Anderson, when you do co-parenting
8 counseling, what are the main factors that you focus on
9 and why?

10 A Well, I focus on creating a co-parenting unit,
11 because regardless of how the custody shakes out,
12 they're all going to be co-parents, co-grandparents,
13 for Paisley the rest of her life. So I try to help
14 people learn how to resolve conflict, communicate. I
15 would like people to be child centered. It's no longer
16 about you, but the child, to try to find solutions,
17 jointly, because we're still all family, to raise the
18 child in a healthy manner.

19 Q When you were working with the McGrews and the
20 Luceros, did you find both parties to be child
21 centered?

22 A Yes.

23 Q Okay. So they both were focusing on Paisley's
24 needs?

25 A Yes. Yes.

1 Q The issue was they could not come together as
2 to what was best for Paisley?

3 A That sums it up. They have different parenting
4 styles, different parenting values that caused them to
5 not be able to come together, even though Paisley's
6 well-being is absolutely their primary focus. It's how
7 we get there. You know, their goal is healthy Paisley,
8 healthy mom. But how we get there, that is where we
9 would come in to the disagreements.

10 Q Can you give us an example, Ms. Anderson, on
11 how their parenting styles differ?

12 A Laissez-faire, warm, on the behalf of the
13 Luceros. The McGrews are a stricter household. It's
14 not uncommon. The two have strict households and more
15 lenient households. And I say that as the McGrews is
16 the strict household, and the more lenient household
17 would be the Luceros.

18 Q Did you observe either party with Paisley?

19 A Yes.

20 Q And how was Paisley with the Luceros?

21 A With the Luceros?

22 Q Yes.

23 A Oh, she's a wonderful child. She's a ray of
24 sunshine, social. I think she gets out of her bed and
25 her cup is half full. And very warm and cuddly. And

1 she immediately got grandpa off and started to play
2 with him and engage with him, very engaged, very
3 attached.

4 Q And how was Paisley with the McGrews?

5 A The same; got grandpa to play and engaged
6 grandpa. And very attached. She's attached and
7 comfortable with both sets of grandparents.

8 Q Okay. When you testified earlier, you said
9 that the Luceros had more of a laissez-faire and warm
10 parenting style as opposed to the McGrews strict or
11 structured parenting style.

12 Do the McGrews not have any kind of a warm
13 touch with Paisley?

14 A Good question. No, they're warm and
15 affectionate, as well. It's more -- it's just more
16 structured.

17 THE COURT: Hold on, Ms. Rodriguez. What was
18 the last part?

19 THE WITNESS: Structured. More structured.

20 THE COURT: Thank you.

21 Q BY MS. RODRIGUEZ: You also said that the
22 parenting values differed. How did the parenting
23 values differ?

24 A Well, I think if you just come in to
25 different -- we're more black and white, we run our

1 home more structured, more routine, rules. But that's
2 not -- because I still think there's structure in both
3 homes.

4 And what we look for when we do co-parenting
5 counseling, as well, you know, everybody is allowed to
6 run their homes like they like, and you can't tell
7 someone how to run their home. But if you can get
8 consistent bed times, consistent routines, consistent
9 discipline, that really helps a child who is going
10 between homes.

11 Yeah, their discipline is different, certainly,
12 again, strict, more lenient.

13 Q Why is it important that the two co-parenting
14 homes have the consistent routines, like the bedtime,
15 eating, the daily routines? Why is that important?

16 A Well, if you can find consistency on those few
17 topics, it just makes transitioning between those homes
18 easier for children, less confusing. And, of course,
19 if you can communicate about those, I guess, relatively
20 simple concepts, it helps, as well.

21 Q Okay. Why is consistent discipline important
22 between the two households?

23 A Well, it's just as important between two
24 parents, right? If you have a strict parent and a
25 lenient parent, it -- it comes out to where you're sort

1 of undermining one another, if you can't find some
2 level, if you can't come together and find a place
3 where you can meet in the middle. So it's not to say,
4 Your parenting isn't good, your parenting isn't good.
5 It's just to say, Can we just come to the middle a
6 little bit and agree on a bedtime; eight o'clock.

7 Q Were you able to at least get that type of
8 agreement between the parties?

9 A I think we were -- they were able to agree on
10 things like that.

11 Q I know this is a different type of situation,
12 Ms. Anderson, where we have guardians as opposed to
13 parents. But what we're looking at is kind of the same
14 type of situation.

15 Is that your understanding, why you were
16 engaged to do some co-parenting between the two sets of
17 guardians?

18 A Correct.

19 Q And the goal is always, is it not, for, we'll
20 say both sets of parents in this situation, or
21 grandparents, to be equally involved with the children?

22 A Correct.

23 Q And to do that, you have to be able to
24 co-parent, correct?

25 A Correct.

1 Q If they're unable to co-parent, what type of
2 effect does that have on the child, in particular?

3 A Well, if -- yeah, okay.

4 Q And I can say that better. What type of
5 long-term effects will result in a child who has
6 warring parents, essentially?

7 A Correct. The child believes, I don't have
8 permission to love anybody. They're walking that --
9 they're trying to bridge the gap between the parents,
10 that there's no communication, there's dissension,
11 there's disagreements, there's criticism. So a child
12 has to walk that gap all the time. It emotionally
13 wears them out, and it's not healthy in the long run.

14 Q In your experience, Ms. Anderson, what type of
15 long-term health effects happen to a child who is
16 essentially having to walk this gap?

17 A We'll see it -- it will show up in educational,
18 developmental, social issues. It comes out somewhere
19 where the child doesn't adjust well.

20 Q And, Ms. Anderson, you do a lot of advocacy
21 work in your private practice, correct?

22 A Correct.

23 Q When you have a situation, such as you have
24 today, if we were talking about a mother and a father,
25 co-parents, would you believe it would be in Paisley's

1 best interest to recommend joint custody, based upon
2 your work to date with the parties?

3 A Right. But we don't have a mother and a
4 father.

5 Q If we were looking at Parent A being the
6 McGrews, Parent B being the Luceros, would you
7 recommend joint custody?

8 A No.

9 Q And is that because of their inability to work
10 together?

11 A Correct.

12 Q Based upon your work with the parties for the
13 three months, you indicated you tried to work with
14 them, are you aware of anything you, as a professional,
15 can recommend to the parties to help them get to a
16 situation where they can co-parent Paisley?

17 A Yes. If the knowledge that I gained this
18 morning, that Kristin is sober and is working a good
19 program and hopes to reunify with her child, I would
20 say let's all work towards that and support Kristin in
21 that endeavor.

22 But again, healing relationships here, because
23 it's not going to work if Kristin isn't supported by
24 Mr. and Mrs. Lucero in having a healthy relationship
25 with Mr. and Mrs. McGrew, and likewise. So maybe a lot

1 more therapeutic intervention, less court time.

2 Because this -- how many times did I ask you as
3 parents, Please, let's not go to court and continue
4 this dissension, numerous times, as grandparents. If
5 we could avoid that and try to support relationships
6 and build those relationships, that would be my best
7 case scenario, for Kristin and Paisley.

8 Q Ms. Anderson, are you aware, from your work
9 with this family, that there was a period of time where
10 Kristin resided with the Luceros, a period of time
11 where she resided with the McGrews, where there was
12 back and forth, who was supporting Kristin at various
13 times?

14 A Yes.

15 Q So historically, they have the capacity to do
16 that, correct? "They" being both sets.

17 A Yes.

18 Q If the pattern continues that is set up today
19 with the high conflict, the continued disparagement,
20 it's true, is it not, that that creates an emotionally
21 unsafe situation for Paisley?

22 A That is true. And you're right, even if I have
23 two parents, but I have extended family that keep the
24 conflict and the disparaging and all of that alive,
25 it's still very, very difficult and emotionally

1 damaging for that child, if the whole family will not
2 pull together.

3 Q When you have -- in your private practice, if
4 you have a situation where you have this continued
5 animosity and stress, what do you recommend to the
6 parents to get past that?

7 A I would recommend more individual counseling.
8 I think there's a lot of grief and loss here that still
9 needs to be tended to. Kristin needs to be in an
10 aggressive program to maintain her sobriety. Or
11 intense, not aggressive. Excuse me.

12 Q One of the issues that continue to come up,
13 well, since the guardianship started, was Paisley's
14 health, her weight, and her overall health.

15 Did you explore that avenue at all with the
16 parties?

17 A Yes, we did.

18 Q Were you able to make any headway and come to
19 some type of resolution so the parties can simply look
20 at what's best for Paisley's health?

21 A Not really, no.

22 Q Can you explain what -- what prevented the
23 parties from coming together just on Paisley's
24 well-being?

25 A Well, again, different viewpoints. You know,

1 is it genetics? Is it bone structure? Is it diet? Is
2 it this, is it that. And if we could have gotten past
3 that, I would have tried to get us to, Let's simply
4 support her, get her outside, let her play a lot, and
5 she'll probably outgrow it, and grow with healthy
6 self-esteem.

7 But with everybody having their opinions about
8 everything being somebody else's fault, that's not
9 healthy.

10 Q When you originally started testifying, you
11 said Ms. Pamela Lucero was upset. Why was she upset
12 when she came in? Do you recall?

13 A Yeah. I mean, here we have parents that have
14 apparently known each other for a long time. They have
15 children that obviously love each other. It's hard to
16 say this delicately. And the McGrews have lost their
17 child. And at the time, the Lucero's granddaughter was
18 involved with drugs, so that's a huge loss. And nobody
19 seemed to, you know -- Pam seemed to have a lot of ill
20 will about TJ's, Mr. McGrew and Ms. McGrew's son's
21 involvement with their daughter, and who is at fault.

22 Again, it's just -- it was a long history of
23 probably a lot of mistakes. And coupled with the -- or
24 overlaid with just enormous grief.

25 Q So Ms. Lucero was blaming the McGrews' son for

1 Ashley's drug use?

2 A Basically.

3 Q Without any ongoing interaction with
4 therapeutic intervention, you don't think it's in
5 Paisley's best interest to continue this situation?

6 A No. Not without therapeutic intervention.

7 Q And based upon the time that you worked with
8 the parties, do you believe that they will engage in
9 appropriate therapeutic intervention for Paisley's best
10 interest?

11 A Yes.

12 Q And then why did it stop in October?

13 A Why did it stop in October? Because it was --
14 even though Mr. and Mrs. McGrew had tried to take
15 responsibility for the things they had done wrong, and
16 Mr. McGrew had tried to say, Hey, can we settle this,
17 find some sort of mediation without returning to court,
18 we just couldn't get anywhere. And it was not healthy
19 to continue to subject four loving and caring
20 grandparents to that.

21 MS. RODRIGUEZ: Thank you.

22 Thank you, Judge.

23 THE COURT: Ms. Amens.

24 MS. AMENS: Yes, Your Honor.

25

CROSS EXAMINATION

BY MR. LOREMAN:

Q Some of what I was going to ask you, Ms. Rodriguez did ask you. But just so I get an idea, you worked with them from July to October.

How many times did you meet with them?

A I think we met for a total of five to six hours.

Q Okay. And was that all together, or did you meet individually with the family, the families?

A A combination.

Q Okay. When Paisley was present, how many times did you meet with Paisley and the grandparents?

A Once with each set of parents.

Q And was that on the same -- the same time? Were you able to observe Paisley when all of the grandparents were present?

A No. Nor would I have attempted that.

Q So it wasn't like one left and one came in?

A No, each set of parents had their own time.

Q Okay. All right. So this is a guardianship, which is a little bit different than, kind of, a co-parenting situation; would you agree?

A Yes.

Q And -- but the problem that you were presented

1 with was, especially given the situation that we have a
2 co-guardianship, it was more like a co-parenting type
3 of issue?

4 A Very much so.

5 Q Okay. And I appreciate the fact that you
6 recognized that maybe continuing on past October was
7 just going to cause potentially more damage. Is that a
8 correct understanding from what you said?

9 A Yes.

10 Q Okay. And that's why you stopped it, correct?

11 A Correct.

12 Q You're aware how long this co-guardianship has
13 been going on?

14 A Yes.

15 Q Okay. The fact that it's gone on for the most
16 part on a week-on/week-off basis, does that provide any
17 evidence to you that they were able to kind of at least
18 work on some of the basic issues, in terms of
19 co-parenting?

20 A True. That's correct.

21 Q Okay. And it's unfortunate -- now, did you
22 have a prior involvement with the McGrews on any other
23 kind of situation? Did you do any counseling with them
24 previously?

25 A With them, no.

1 Q So this was the first time that you've met
2 them?

3 A Correct.

4 Q Had you met the Luceros before?

5 A Yes.

6 Q And had you worked with them? How long had you
7 worked with them prior?

8 A Gosh, it was probably a long time.

9 Q Okay. And from that, you know, obviously you
10 have an experience with them, in that regard.

11 How did you understand their parenting? Were
12 they good parents?

13 A Well, correct. As I described it, you know,
14 lenient, less structured, more laissez-faire.

15 Q And I don't know -- what's the time frame that
16 you worked with them previously?

17 A I can't remember that.

18 Q Okay. Okay. Did you see some consistency
19 between -- when you worked with them before and how
20 they were approaching their parenting of Paisley?

21 A Well, they have a fluid home, a lot of people,
22 a lot of family members coming in and out and gathering
23 a lot, trying to raise grandchildren. Because I
24 believe I was working with one of their grandchildren
25 at that time prior. So it's -- probably needs more

1 structure, but it seemed to work for them.

2 Q Okay. Now, it seemed to me, and it was
3 unfortunate that potentially that they weren't able to
4 continue with you on some of these issues, that some of
5 the basics of making sure the focus is on Paisley and
6 kind of her needs, and some consistency and things like
7 that, really you weren't able to address much of that,
8 is that correct, because you got -- I'll just leave it
9 at, "is that correct"?

10 A Right. Because I think that more of the
11 underlying focus was always on the final custody
12 decision for Paisley. So that seemed to consume,
13 particularly the Luceros. So we weren't able to get
14 down to other issues like, you know -- and I tried to
15 make it clear, when we're in co-parenting, I'm not
16 there, as you know, I'm not there to determine custody.
17 I'm there to get you to all work together, regardless
18 of how the custody shakes out. And I just never could
19 get down to that. I think they're capable of it, for
20 sure.

21 Q And it also seemed like you were running in to
22 other individual issues. You mentioned grief a number
23 of times and so forth.

24 Was that a hindrance in your ability to move
25 forward on the co-parenting side?

1 A Quite frankly, I mean, it didn't need to be a
2 hindrance. I was hopeful that everybody could
3 recognize the shared grief and find some common ground
4 there.

5 Q Okay.

6 A You know, as parents, grandparents.

7 Q So did you approach it that way, like let's --
8 let's have kind of a moment that we're all going to
9 recognize this grief?

10 A Yes.

11 Q And it seems to me that that kind of backfired.

12 A Yes.

13 Q It became -- the parties became defensive, at
14 least either the Luceros did or the McGrews did.

15 But did that cause some of the issue of being
16 able to kind of make some forward steps trying to get
17 them to have a shared moment?

18 A Right. Because when you -- when one party
19 thinks that the other party is responsible for the
20 reason that there's grief, nobody is -- that preempts
21 understanding that we're all grieving for the same
22 things, the same losses.

23 But when you're saying, I'm grieving because it
24 was your fault, or the fact that you didn't parent
25 well, and so that --

1 Q It became a barrier?

2 A Thank you. Yes.

3 Q Was it a barrier in each session? It sounded
4 like -- how many joint sessions were there?

5 A I think we spent about five hours together.

6 Q Okay. Was it a barrier in every session? Did
7 it get brought up in every session?

8 A I wouldn't say it was brought up in every
9 session, because then we just hit barrier after
10 barrier.

11 Q Okay. Okay. In terms of some of the focus on
12 the needs of Paisley, you talked about trying to have
13 some consistency in parenting styles around structured
14 things like bed times.

15 Did you end up feeling like they were far apart
16 on that?

17 A No.

18 But may I return to your question on grief?

19 Q Sure.

20 THE WITNESS: May I?

21 THE COURT: Absolutely.

22 THE WITNESS: You know, if you can turn our
23 shared grief in to healing, and particularly healing
24 for a little child, whose lost a parent, and at that
25 time had a mom who wasn't present in her life, that

1 would have been my ideal situation, to take your own
2 grief, heal, and work towards healing Paisley, and work
3 towards healing all of the relationships. And that's
4 where I was consistently trying to go.

5 Q BY MS. AMENS: Just to follow up on that -- I
6 was going a different way. But just to follow up on
7 that, did you feel that the parties had been able to
8 deal with their own grief? Do you know what I mean?

9 A Certainly. I think they're working on it. I
10 mean, I think they're -- yes, they're working towards
11 dealing with their own grief.

12 Q Were you given any background on what
13 individually they were doing to kind of deal with their
14 own grief?

15 A Yes.

16 Q Okay. It just seems to me that, you know,
17 these are major issues in terms of huge grief, right?

18 A Right.

19 Q You weren't set up to be the counselor on
20 grief?

21 A Well, no. I mean, not intensive, one-on-one,
22 we're going to do grief counseling. I was set up to
23 try to work this family through it to come -- for the
24 best interest of Paisley.

25 Q But actually, you were set up, you know -- and

1 I'm not trying to be -- I can't even think of the word.
2 But you were set up to do co-parenting counseling,
3 correct?

4 A Correct.

5 Q Not -- nobody said that, you know, we're gonna
6 send these parties over to Ms. Anderson to deal with
7 their grief, in the hopes that they can be co-parents,
8 right? That wasn't the mission?

9 A Right.

10 THE COURT: Ms. Amens, I think she testified
11 this was the process of bringing the parties back
12 together. So if you would move on.

13 MS. AMENS: I will move on.

14 Q BY MR. AMENS: I was at the point of kinda
15 talking about co-parenting issues, and I asked if the
16 parties were far apart on things like bed times.

17 A No. I think they agreed on things like that.

18 Q Did they agree on discipline?

19 A No.

20 Q Can you provide some examples of where they
21 didn't agree on discipline?

22 A Well, we had the wooden spoon incident, which
23 we talked about. And Maria was very open and honest in
24 stating, Yes, I understand I made mistakes. It wasn't
25 appropriate. I'm willing to work with you. I'm

1 willing to take suggestions. I'm willing to come in
2 to -- come to the middle and try to figure out how we
3 can get consistency and we can learn how to be
4 consistent together.

5 I mean, I think we went in to that pretty
6 deeply and honestly to -- to try to have all parties
7 feel as if -- that the discipline was going to be
8 appropriate and consistent.

9 Q So what was the recommendation in terms of how
10 the discipline going forward was going to be? I mean,
11 so you're saying she had recognized that what she was
12 doing was maybe counterproductive. What was
13 recommended?

14 A I don't know. Did I go -- I have a couple -- I
15 might have said, Do the be-nice chair.

16 THE WITNESS: Did I do the be-nice chair?
17 Thank you.

18 The be-nice chair works very well. I tried to
19 set up something that's nice and easy; you weren't
20 nice, so you're going to go to the be-nice chair. And
21 not being nice, you didn't share your toys, you hit the
22 cat, you know.

23 So if you can establish that in each home, it's
24 really effective, where each home has a be-nice chair,
25 or however they want -- we came -- you try to come upon

1 a consistent name for it. And where you set the child
2 in the be-nice chair pursuant to how many -- three
3 minutes if you're three years old. And then it really
4 helps. And if the child knows, oh, I'm going to go in
5 to the be-nice chair at this grandma and grandpa's,
6 that's consistent.

7 So I think I tried to establish that. And
8 people felt it was a good tool or skill.

9 Q BY MS. AMENS: So when I asked you if you had
10 made any progress in terms of the area of discipline
11 and kind of getting those in line, and maybe I didn't
12 actually use those, but that's where I was going.

13 Did you make progress in getting them a little
14 closer in terms of how they discipline?

15 A I would say, yes.

16 Q Okay. But you also said that that was an area
17 where you didn't move things forward. So -- I mean,
18 were the Luceros open to the be-nice chair?

19 A Yes and no. You know, everybody is open to the
20 be-nice chair. I think my problem was, I couldn't even
21 get anybody to talk about how the be-nice chair was
22 working in our house, because another barrier would
23 come up.

24 Q So at the next time you got everyone together,
25 you had to deal with a different barrier, you couldn't

1 continue to make progress; is that correct?

2 A Correct. When one person is so adamantly
3 opposed, they take the air out of the room and you
4 can't just say, Hey, calm down. Let's have some
5 reasonable discussion about the be-nice chair, about
6 diet, exercise, bedtime.

7 And so there was just so much -- I was running
8 so much interference on all of this anger and animosity
9 that it was very difficult to get down to some of the
10 simple concepts.

11 Q Okay. Were you able to make any progress, you
12 know, in some of the simple concepts around diet and
13 exercise?

14 A You know, I know that they participate in
15 medical appointments together, and so I know they must
16 hear the same thing that the doctor recommends, or
17 states, or his opinion. And I felt that was good.
18 And, you know, each party has to initiate what the
19 doctor recommends.

20 Q Did you think that was happening?

21 A I was never sure about that. We just couldn't
22 have really healthy conversation about that.

23 Q Okay. So you indicated -- you indicated if
24 this was a co-parenting kind of situation, you would
25 not recommend a joint physical custody kind of

1 arrangement, correct?

2 A It would be pretty tough with a child trying to
3 go between people that are angry.

4 Q And that's where we've been at for the last
5 two-and-a-half years?

6 A Correct.

7 Q Okay. Were you able to kind of -- were you
8 aware of some of the transition problems that were
9 going on for Paisley when she would go from one week to
10 the next week?

11 A Yes.

12 Q And how were you -- I mean, just the parties
13 talked about it?

14 A They did. And I think that they came up with
15 the agreement that Mr. Lucero would handle the
16 exchanges. Because there's a lot less contention
17 between him and the McGrews. And that's how they
18 decided to manage it.

19 Q Do you know -- I mean, I know you weren't able
20 to meet with them for a long period of time. Do you
21 know whether that helped or not?

22 A They seemed to think so.

23 Q Okay. But that's a little tweak on a drive to
24 an exchange, correct? That's not necessarily a fix for
25 how different the two families are. So even -- well,

1 I'll stop there. And I'll ask a follow-up.

2 Would you agree with me?

3 A That that's just a fix --

4 Q That's a fix for the drive, for the actual
5 physical logistics of doing an exchange, correct? In
6 your opinion, would that have fixed the transition
7 problems that Paisley was going to experience given the
8 two different styles of homes?

9 A What would fix the transition problem is what
10 we set out to do, where you can be respectful. You
11 know, you don't have to like one another, but where you
12 can be respectful and kind and civil at exchange so the
13 child doesn't feel all the tension.

14 Q So it did fix that?

15 A It did fix that.

16 Q Okay. But -- all right. Did you provide any
17 referrals for individual counseling to any of the
18 members of either the McGrews or the Luceros?

19 A I might have talked about it with Maria. But
20 no, not really in front of one another. No.

21 Q Okay. Did the animosity that you saw -- I
22 mean, did you equate it with the same thing as warring
23 parents?

24 A Can you be more specific?

25 Q You talked about the issues between the two

1 parties, right, and that's one of the reasons that you
2 stopped. There was a discussion about, with
3 Ms. Rodriguez, about what happens when they're warring
4 parents. Did you equate those two as --

5 A Well --

6 Q Was this just like a warring parent situation?

7 A No. Actually, that's -- because the McGrews
8 were always reasonable. They weren't -- they tried to
9 take responsibility. They tried to find solutions.
10 They tried to be reasonable, even though there's still
11 issues they disagree on.

12 So -- because -- when you say "warring
13 parents," I mean, I have parents that -- you represent
14 many of them. Both parents are really actively engaged
15 in their own selfish agendas. I wouldn't call these
16 warring parents. But the whole idea of custody was --
17 just kind of took -- and the animosity that had been
18 created kept us from getting to civil conclusions.

19 Q You indicated that you had some new information
20 today in terms of how Kristin is doing.

21 During the time that you spent with the McGrews
22 or the Luceros, were you aware of any visitation that
23 was going on between Kristin and the kids?

24 A I believe at that time, to Pam's credit, she
25 had taken a hard line that if you're doing drugs,

1 you're not going to be in my home and you're not going
2 to be visiting the children. So my belief at that time
3 was that there wasn't contact going on, occurring.

4 Q Okay. The fact that Kristin is now trying to
5 be more active in the kids' -- in her children's lives,
6 does that kind of change anything for you in terms of
7 the co-parenting work that you would have been doing
8 with the McGrews or the Luceros?

9 A Well, you mean how -- certainly, I would have
10 probably had Kristin part of the process. I would have
11 been trying to heal relationships and encourage healthy
12 relationships. Again, every child has a solution
13 focus, and would have been a much broader concept to
14 support Kristin and support healthy relationships.

15 Q So more in line with the guardianship than some
16 kind of custody battle, correct?

17 A Can you ask me that again?

18 Q Okay. Well, a guardianship is -- and for sure
19 this one has been a temporary one for multiple years,
20 right? It's different than a custody -- like a
21 parenting custody, which parent is going to have
22 custody, wouldn't you agree in terms of how you
23 approached your work?

24 A Right. I mean, in general, I've always thought
25 guardianships were meant to offer a safe haven for a

1 child until a parent or parents can resume healthy
2 parenting.

3 MS. AMENS: I don't have any further questions.

4 THE COURT: Ms. Stone, do you have any
5 questions for the witness?

6 MS. STONE: I don't.

7 THE COURT: Mr. Gerber, any follow-up?

8 MR. GERBER: No, Your Honor.

9 THE COURT: Thank you for your testimony,
10 Ms. Anderson.

11 THE WITNESS: Thank you.

12 THE COURT: Can this witness be excused?

13 MR. GERBER: Yes, Your Honor.

14 MS. RODRIGUEZ: Yes.

15 THE COURT: Thank you for coming today.

16 THE WITNESS: You're welcome. Thank you.

17 (The witness left the stand.)

18 THE COURT: Mr. Gerber?

19 MR. GERBER: I will rest my case for the sake
20 of time, Your Honor, to allow Ms. Amens to present her
21 case.

22 THE COURT: Thank you.

23 Ms. Amens?

24 MS. AMENS: Yes, Your Honor. I would call
25 Kristin Stone.

1 THE COURT: Ms. Stone, next time you come to
2 court, you need to dress appropriately. Holey jeans
3 and a T-shirt is not appropriate.

4 If you'd please face the court clerk and raise
5 your right hand.

6 (Witness sworn.)

7 THE COURT: State your name and spell your name
8 for the record.

9 THE WITNESS: Kristin Stone. K-r-i-s-t-i-n.
10 S-t-o-n-e.

11 THE COURT: Thank you.

12 Ms. Amens.

13
14 KRISTIN STONE,
15 the witness herein, being first duly sworn, testified
16 as follows:

17
18 DIRECT EXAMINATION

19 BY MS. AMENS:

20 Q Ms. Stone, where are you currently living?

21 A At my grandma's.

22 Q And can you -- is that Pamela Lucero and
23 Michael Lucero?

24 A Yes.

25 Q Okay.

1 THE COURT: Ms. Amens, hang on just a moment.
2 So I would ask you to wait until she gets finished with
3 her questions before you answer it. We have a court
4 reporter here today that's trying to take down all of
5 the testimony. And so when you're talking over each
6 other, it's really difficult for her to do her job like
7 she's supposed to.

8 Go ahead.

9 MS. AMENS: Okay.

10 Q BY MS. AMENS: Kristin, you know why we're here
11 today, correct?

12 A Yes.

13 Q Okay. And you understand that there are
14 competing guardianships for your children, Paisley and
15 Carter, correct?

16 A Yeah.

17 THE COURT: And I'm also going to need you to
18 answer "yes" or "no" instead of yeah, uh-huh, or
19 huh-uh.

20 Q BY MR. AMENS: Can you tell the Court how this
21 got started in terms of these guardianships?

22 A Well, it got started because TJ passed away.
23 And so I kind of panicked, freaked out, I don't know.
24 So I asked Vicky and I asked Maria if they would watch
25 my babies. And they said we would need to inform of --

1 just in case if they needed to go to the emergency room
2 or whatever, to get signed and notarized.

3 Q Can I interrupt just a moment there?

4 So do you -- during that time, were you living
5 with either the Fergusons or the McGrews?

6 A No.

7 Q Have you lived with either of them before?

8 A I've lived with Vicky before. Vicky.

9 Q Did you ever live with the McGrews?

10 A No.

11 Q Were you staying at all with the Luceros at
12 that time, your grandmother and grandfather?

13 A I don't remember.

14 Q Okay. All right. And did you specify when you
15 asked them to watch them for a while, how long you were
16 thinking what you needed to do?

17 A Well, I asked them to watch them because they
18 were all accusing me of being on drugs. So I -- and I
19 was going through a hard time, because TJ died. And I
20 just got out of the hospital because I had sepsis. So
21 I believed I was a drug addict. And so I -- I don't
22 know. I panicked. I left.

23 Q Okay.

24 A I've had all of these -- this -- my family and
25 then the other grandparents, I had them all fighting,

1 no one would get along.

2 Q So before you did that, you said they asked you
3 to sign something. How did that come about?

4 A They asked me to sign a paper. So we went to
5 Travis Gerber's, and Travis Gerber told me it was
6 nothing but a paper, that if I was not there, that they
7 can still get medical care for my babies.

8 Q Okay. All right. How many people were in the
9 room?

10 A There was Vicky, Donny, Daniel, Tyler, Maria,
11 John, and me and Travis.

12 Q Okay. Did he -- did he suggest that you have
13 someone else review that?

14 A No.

15 Q Did you -- did you sign it?

16 A Yes, I signed it.

17 Q Did you know what you were signing? Did you
18 read it carefully?

19 A I asked him over and over what is this that I'm
20 signing and what does it mean.

21 Q Okay. Did you feel like you understood what
22 you were signing?

23 A No.

24 Q Okay. Then what happened?

25 A Then after it was signed, I went to California.

1 Q How did you go to California?

2 A I asked Maria to buy me a ticket. And Donny --

3 Q A ticket, like transportation of some type?

4 A Yeah, a train ticket.

5 Q Okay. Did she do that?

6 A Yes. And Donny gave me a ride to the train

7 station. And I went to California.

8 Q Was that the same day?

9 A I think it was the next day after --

10 Q Okay.

11 A -- that I actually went.

12 Q Where were you going?

13 A Stockton, California.

14 Q Why were you going to Stockton?

15 A I have no idea. I don't know.

16 Q Did you know anyone in Stockton?

17 A No.

18 Q Okay. Had anyone set up, like, a rehab

19 facility or anything like that for you?

20 A No.

21 Q Okay. How long were you there?

22 A For a week. And then my grandma picked me up.

23 Q Why did she pick you up?

24 A Because she thought I was crazy.

25 Q Did you ask for -- did you ask for her to come

1 get you?

2 A I don't remember if I asked her to, but she
3 found where it was.

4 Q Okay. Were you glad to be coming back to Elko?

5 A Yes.

6 Q Okay. And is that -- so then did you end up
7 signing a consent for --

8 A To take --

9 Q -- for your -- let me finish -- your
10 grandparents to have guardianship?

11 A Yes.

12 Q Did you try and revoke the other one?

13 A Yes, I tried to.

14 Q Okay. All right. How long have you been
15 living with your grandparents now on a daily basis? Is
16 that what's happening, or are you there every day?

17 A Yes.

18 Q Are you there every night?

19 A Yes.

20 Q How long has that been occurring?

21 A For a few months now.

22 Q Okay. And what's the benefit of being over at
23 your grandma's house?

24 A That I get to be around Paisley, Carter, and
25 Mayce.

1 Q Who is Mayce?

2 A My other daughter.

3 Q Okay. How old is she?

4 A Nine months.

5 Q Okay. And she's living with the Luceros, also?

6 A Yes.

7 Q Okay. I'm sorry. Keep going. Instead of
8 calling them your grandparents, it sounds formal.

9 And why is that important to you, that you can
10 be around the children?

11 A Because I love them, and I don't want to give
12 them away.

13 Q Okay.

14 A And I want them in my care. I made a mistake.
15 I don't know if that's an excuse, a mental break down
16 and the stress, all kinds of fighting going on around
17 me. But it was happening, and I didn't know what to
18 do. I'm only 23. I'm trying to be a mom. I'm trying
19 to do everything right.

20 Q When you are there, who is taking care of the
21 children?

22 A Me.

23 Q Okay.

24 THE COURT: I'm sorry, what was your answer?

25 THE WITNESS: Me. Kristin.

1 THE COURT: Okay.

2 THE WITNESS: I've always taken care of them,
3 even before the guardianship.

4 Q BY MR. AMENS: Okay.

5 A I just try to get the two families to get
6 along, because I was working two jobs. And I've tried
7 the -- letting Paisley go every other Saturday. And
8 the next week, they go to Granny's house. And it
9 was -- it wasn't working. I couldn't get them to get
10 along still.

11 So they started getting real vicious about who
12 is the better grandma, or who is the better -- not
13 really Vicky, but just Granny Maria, I couldn't get
14 them to get along. And I was working the two jobs.
15 And TJ -- I found out TJ died, so I quit my jobs. I
16 was told that I was a drug addict at the time, so I
17 called everybody and said -- I wasn't on drugs at the
18 time, but I told them all I was a drug addict. And I
19 was going through a hard time. I couldn't take all of
20 their mental abuse.

21 Q Okay. So today, today, can you describe your
22 relationship with Paisley and Carter?

23 A Our relationship is still the same as it was
24 before. We're very close.

25 Q Okay. Has there been an impact because of the

1 guardianships to your relationship?

2 A Yes.

3 Q What is that impact?

4 A Because if one is mad or -- because I can't
5 always go to their house. I can't always be -- I
6 can't -- if they're mad at me, then I have to stay
7 away.

8 Q So when you say "they," are you talking about
9 your grandparents?

10 A Both. Both.

11 Q Have you had visits over with the McGrews?

12 A I think one.

13 Q Have you had any visits with the Fergusons and
14 Carter?

15 A Yes.

16 Q Okay. All right. Is it safe to say that the
17 majority of your visits have happened at your
18 grandparents' house?

19 A Yes.

20 Q Have you asked for visits with the other two
21 grandparents?

22 A Maria, Vicky, I have asked for visits, but it's
23 not always -- I just felt like they don't -- wouldn't
24 prefer me to come in their home.

25 Q Okay. All right. How would you describe the

1 relationship between Paisley and Carter and Mayce? Is
2 that how you say her name?

3 A Yes.

4 Q Okay. What's their relationship like?

5 A When they're all together, they're happy. But
6 I feel like it's hard on Paisley, and it's hard on
7 Carter. And every time they have to split and go --
8 Carter has to go to Donny and Vicky's, and Paisley has
9 to go to Maria and John's, and then Mayce is at the
10 house. And Paisley loves her brother and her sister.
11 And Carter loves his baby and his -- his sister. And
12 every time that they have to be split apart, they cry.
13 They don't want to go.

14 And the grandparents think it's because one or
15 the other are causing it. But they just want to be
16 home with their mom and with their other brother and
17 sisters.

18 Q Okay. All right. Is that -- so are you saying
19 that's currently what's happening during these -- these
20 exchanges? This is recent?

21 A Yes. I think it's really causing emotional
22 damage to my -- especially my daughter and Carter. And
23 it doesn't allow them to have the bond they should
24 have, being when they have to split and go to -- and my
25 daughter is in school now, so...

1 Q Do you think it's having any impact on her
2 schooling?

3 A Yes.

4 Q Okay.

5 A Because she has to go to two different homes.
6 Well, she has -- every other week she's being split
7 from her mom, grandma, and her brother and sister. And
8 another week, she has to go to Maria and Vicky's. And
9 then she has to go to school. And then she has to
10 figure out whose picking me up, what am I going to do.
11 You know, it's really causing her problems.

12 Q So I heard you say that you're there because
13 you can be with your children, right?

14 A Yes.

15 Q Okay. Assuming that this -- these
16 guardianships are going to go forward, what is it that
17 you want? What do you want to have happen for your
18 children right now?

19 A What do you mean? Without a guardianship?

20 Q No.

21 So we're here in a guardianship hearing, right?
22 So just assuming that there's going to be some kind of
23 guardianship going forward, what is it that you want to
24 see --

25 A If I had to have a guardianship, then I would

1 want them with my grandparents, because I could be
2 there at all times. And if I want to go to college, I
3 could go to college and Granny would be right there so
4 I could come home to them.

5 MS. AMENS: I don't have any further questions.

6 THE COURT: Thank you.

7 Mr. Gerber?

8 MR. GERBER: Thank you, Your Honor.

9 I have no questions of this witness at this
10 time, Your Honor.

11 THE COURT: Ms. Rodriguez?

12 MS. RODRIGUEZ: Just a couple.

13
14 CROSS EXAMINATION

15 BY MS. RODRIGUEZ:

16 Q Ms. Stone, who lives with you at your
17 grandparents' home?

18 A Well, my kids do, at least until they split.
19 And then my little sister, Laken, and my little brother
20 Timmy. And Granny, my Papa, and Shanna.

21 Q And who?

22 A And Shanna. And my mom comes every other -- I
23 don't know. She comes and visits.

24 Q I'm sorry. You said your kids, Laken, Timmy,
25 grandma, grandpa, Shanna?

1 A Yeah, Shanna.

2 Q Who is Shanna?

3 A My grandma's daughter.

4 Q So your aunt, your great aunt?

5 A Yes, my aunt.

6 Q How long has she been living there?

7 A Like a month.

8 Q And you said your mom comes once a week?

9 A I believe so.

10 Q How many bedrooms is that?

11 A Six bedrooms.

12 Q So do your kids get to stay in your room when

13 they come to stay the night?

14 A They have their own, their own room.

15 Q Are you working?

16 A No.

17 Q Do you plan on going to work?

18 A Yes.

19 Q When is that?

20 A Well, I was gonna look in to college before I

21 started to look in to work.

22 Q Did you graduate from high school?

23 A Yes.

24 Q What do you want to go to college for?

25 A Law enforcement.

1 Q When do you plan on looking in to that?

2 A As soon as this court is over, when we get it
3 figured out what everybody wants to do.

4 Q Okay. Do you have your driver's license?

5 A No.

6 Q Do you remember being in court before with
7 Judge Porter when we were in the courtroom next door?

8 A Which time?

9 Q Tell me what you remember being in court with
10 Judge Porter.

11 A We just kept talking about the same thing.

12 Q Do you remember having to walk out because it
13 was too emotionally upsetting for you?

14 A Yes.

15 Q Do you feel as though you're in a better place
16 today than you were then?

17 A I feel I was in the same place as I was in as
18 now. It's actually -- it's mentally and emotionally,
19 and it messes me up because I have to do this
20 guardianship that I don't even want to do. And I have
21 to have all of these grandparents fight for custody.
22 And if I -- you know, I don't understand it.

23 Q And if you had your preference, would you have
24 the kids in your care full time?

25 A Yes.

1 Q How would you care for them? How would you
2 provide for their needs?

3 A Like I did before. I would see to it that they
4 had everything they needed, they would have their
5 schedules. It would just go back to how it was before.

6 Q How would you see that they had everything they
7 needed if you don't have a job? How would you provide
8 for their needs?

9 A I would get a job right after this court.

10 Q And you said you were working two jobs before?

11 A Yes.

12 Q What were those jobs?

13 A Subway, I was an assistant at subway, and shift
14 leader at Domino's.

15 Q And you said you have a new daughter, Mayce?

16 A Yes.

17 Q Who is Mayce's dad?

18 A Jeff Williams.

19 Q Okay. And is Mayce in your care?

20 A Yes.

21 Q Do you, in fact, have a guardianship over --
22 for Mayce? Do your grandparents have custody over her?

23 A No.

24 Q So you believe that Mayce is in your full care?

25 A Yes.

1 Q Ms. Stone, when is the last time you used any
2 type of illegal substance?

3 A Before TJ.

4 Q So you haven't used since TJ passed?

5 A Yes.

6 Q Have you gone to any kind of mental health
7 treatment?

8 A No.

9 Q Do you think that would help with your grief
10 and loss?

11 A I think so.

12 Q Do you have insurance right now? Medicaid?

13 A Yes.

14 Q And you said you've been back at your
15 grandparents' home for about three months?

16 A Yes.

17 Q Where were you before that?

18 A Staying with Jeff Williams.

19 Q How come you moved out of Jeff's home?

20 A Because I had asked my grandma if I could come
21 back.

22 Q How long had you been living with Jeff?

23 A Kind of ever since this court has started.

24 Q When is the last time you had a full-time job,
25 Kristin?

1 A 2018.

2 Q And that was before --

3 A Before what?

4 Q That was before you quit both of those jobs,

5 right? It was the Subway and the Domino's?

6 A Yes.

7 Q How come you've never had a job since then?

8 A I've been trying to deal with this court, and I

9 have been trying to see my kids. I'm so worried. I

10 can't get them in one house. And I'm stressed out, and

11 Corona.

12 Q Do you remember that the Court appointed

13 Mr. Loreman to represent you?

14 A I'm not sure what that means.

15 Q Do you remember the Court appointed David

16 Loreman to be your attorney in this case?

17 THE COURT: The Court gave you a lawyer. Do

18 you remember that?

19 THE WITNESS: I remember it. I'm just not sure

20 why. I didn't know --

21 Q BY MS. RODRIGUEZ: Did you ever follow up with

22 Mr. Loreman to help you in this case?

23 A No.

24 Q Why not?

25 A I haven't really been involved in the case.

1 It's been all about them and the grandparents.

2 Q When you were living with Mr. Williams from the
3 beginning of this case until three months ago, what
4 kind of contact were you allowed to have with the kids?

5 A When I was there with my grandma, I could go
6 there every day. Whenever I call, she'll pick me up.
7 And I've always been -- even when I haven't been
8 involved on this side with the McGrews and the
9 Fergusons, I've always been involved on this side with
10 my grandparents.

11 Q Have you asked the Fergusons or the McGrews if
12 you could see the kids when they're at their homes?

13 A Yes.

14 Q When is the last time you asked if you could
15 visit either of the children at their homes?

16 A I don't remember.

17 Q Since you had Mayce, have you asked the
18 Fergusons if you could come to their home with Mayce to
19 see your children?

20 A No. I just stayed with my grandma, staying
21 home with Granny. I don't feel like I should -- I
22 didn't feel like I should have to do that, if I'm at my
23 grandma's and the kids -- you know, I don't feel like I
24 should have to go over to their house, also, with the
25 kids. It doesn't make sense.

1 Q So ideally, you would like to have the kids
2 with you, wherever you're at, correct?

3 A Yes.

4 MS. RODRIGUEZ: Okay. Thank you, Judge. I
5 have nothing further.

6 THE COURT: Ms. Amens?

7 MR. AMENS: Just a few follow-ups.

8
9 REDIRECT EXAMINATION

10 BY MS. AMENS:

11 Q So currently -- I'm going to call you
12 "Kristin," if that's okay. I didn't ask you that
13 before.

14 Kristin, you're seeing the children almost
15 daily during the week that the Luceros have them, or
16 every day?

17 A Yes, I've always got to.

18 Q Okay. And currently your grandparents, they're
19 supporting the kids and you? Are you having to pay any
20 rent?

21 A No. Not at the moment.

22 Q Have you had to pay rent with the Luceros
23 before?

24 A They want me to start working.

25 Q Okay. So they're -- they're wanting you to go

1 get some kind of employment?

2 A Yes. And they want me to go to school. They
3 want me to get my life together.

4 Q Okay. All right. Were you -- based on how all
5 of this started, has that impacted your relationship
6 with the Fergusons and the McGrews?

7 A Yes.

8 Q Okay. You said that you've asked. Have they
9 ever offered for you to come over and see the kids?

10 A Vicky and Donny, they -- they allow me to, and
11 they don't mind. But it's just mainly the McGrews.
12 And it was a fine relationship, but it's just, I can't
13 get them to get along.

14 Q Okay. And Ms. Rodriguez had asked you about
15 Mayce in regards to a guardianship. You're aware that
16 the -- that your grandparents have filed for a
17 guardianship, correct?

18 A Yes. And I don't want to do a guardianship
19 with Mayce, just -- this is enough.

20 Q Okay. And your comment is based on kind of the
21 experience that you've had here --

22 MS. RODRIGUEZ: I object. So during her direct
23 testimony, Ms. Amens has asked leading questions the
24 whole time. I didn't object then. But she continues
25 to ask leading questions of her own witness.

1 Q BY MS. AMENS: Let me rephrase.

2 Why are you opposed to the guardianship for
3 Mayce?

4 A Why don't I want the relationship?

5 Q Why don't you want a guardianship for Mayce?

6 A Because I am -- there is no reason. I am not
7 an unfit mother, and I do not want to give guardianship
8 to Mayce away, because she's my daughter. And I don't
9 know why they want to do guardianship on her, too.

10 Q Okay. All right. Mayce -- where has Mayce --
11 well, strike.

12 MS. AMENS: I don't have any further questions.

13 THE COURT: Ms. Stone, if you would like to
14 take a seat back at the table.

15 (The witness left the stand.)

16 THE COURT: Ms. Amens, your next witness?

17 MR. AMENS: Yes. I would call Ms. Goddard.

18 THE COURT: Ms. Goddard, if you would please
19 face the court clerk and raise your right hand.

20 (Witness sworn.)

21 THE COURT: Please state your name and spell
22 your name.

23 THE WITNESS: It's Geri Goddard. G-e-r-i.
24 G-o-d, as in "David," D, as in "David," a-r-d, as in
25 "David."

1 THE COURT: Go ahead, Ms. Amens.

2
3 GERI GODDARD,
4 the witness herein, being first duly sworn, testified
5 as follows:
6

7 DIRECT EXAMINATION

8 BY MS. AMENS:

9 Q Ms. Goddard, I know you have testified before
10 in this case and your CV has been admitted as an
11 exhibit. Can you just briefly review your credentials
12 and what you do for the Court?

13 A I'm a licensed marriage and family therapist in
14 the State of Nevada. My specialty is working with
15 children, adolescents.

16 THE COURT: Ms. Goddard, can you slow down a
17 little bit? We have a court reporter that is trying to
18 get everything down.

19 THE WITNESS: I'm sorry.

20 A licensed marriage and family therapist, State
21 of Nevada. I've worked in inpatient and outpatient.
22 But my specialties is working with children,
23 adolescents, and families.

24 Q BY MR. AMENS: Okay. And you have been working
25 with Paisley in this matter, correct?

1 A I have.

2 Q Okay. How long have you been working with her?

3 A I met Paisley in November of 2019.

4 Q Okay.

5 A Around there.

6 Q And you have provided some reports in terms of
7 your work with Paisley, correct?

8 A Verbal reports, I have.

9 Q Okay. And you briefly testified in August,
10 also, correct?

11 A I did.

12 Q Okay. Have you continued to see Paisley since
13 that time?

14 A Obviously, with COVID things changed a little
15 bit. But, yes, I've been seeing her through our
16 FaceTime calls.

17 Q Okay. And that's a continuing kind of
18 arrangement?

19 A It is.

20 Q Okay. Can you give this Court an update, a
21 verbal report, on how Paisley is doing?

22 A Well, when I first met Paisley and her maternal
23 grandparents, the greatest difficulty was transitioning
24 between the grandparents' homes. And then I actually
25 met the paternal grandmother briefly, as well, and we

1 did some FaceTime so I could watch the exchanges.

2 And at the beginning, Paisley was very
3 distraught and emotional and tantrumming (phonetic) and
4 whatnot. And since -- I would say even over the last
5 several months, she is resistant to wanting to go, but
6 the tantrumming has really subsided. And she's
7 matured, I would say, to just kind of accepting and
8 knowing that this is just kind of her -- what she's
9 doing.

10 So I think she would prefer not to have to go
11 back and forth. But, again, like I said, she's a
12 little resigned to say, Okay, this is what we're doing.

13 Q What is the relationship that you have with the
14 Luceros?

15 A Well, I mean, they're the guardians, so she's
16 in their care. And then recently I've been conversing
17 with Kristin, too, the mom. And so, you know, just an
18 active -- kind of, how things are going from the adults
19 that Paisley is around, as well.

20 Q Okay. You said that you had observed some of
21 the transitions with both families. Have you been able
22 to observe some of the interactions when Paisley is
23 just with the McGrews?

24 A Not recently. I had that brief -- it was
25 probably a month or two that I actually had some

1 contact with Maria, when Paisley was going to go with
2 her. And then when Paisley would come back to the
3 Luceros.

4 But since, I would say, August, there's been
5 none, no interest. I've been more than welcoming to
6 have them involved, but I just haven't.

7 Q So you're really only working with the Lucero
8 family. Does that --

9 A Yes.

10 Q How does that impact your view of this case?

11 A Well, I mean, I'm Paisley's therapist. And I'm
12 all about the more inclusive that people that are
13 involved with her, the better off, you know, treatment
14 is all the time, anytime. That's just a universal
15 protocol for me; when I have a child, they don't --
16 they're not in a vacuum.

17 So whenever they were with anybody else is very
18 helpful, which is why it's been helpful to me,
19 Paisley's mom. Actually, that's been life changing for
20 her, for Paisley.

21 Q For Paisley?

22 A Uh-huh.

23 Q How would you describe that?

24 A Well, Kristin has been in the picture for over
25 two months. And Paisley has a maturity about her now,

1 but she's also very verbal about her mama and wanting
2 to be there, and wondering why she still has to go to
3 grandparents. And it's not about a bad thing, you
4 know, it's a better thing you're there. She just
5 really wants to be settled with her mom and her sister
6 and her brother.

7 She doesn't like being -- I don't even know
8 what the word is, because it's not separated. But when
9 she and Carter go to respective grandparents, she sees,
10 my word, but she sees that as very disruptive. She
11 has -- her little words are, I don't understand why I
12 have to do this. I don't understand why I have to do
13 this. Why does Carter have to go there? Why do I have
14 to go here?

15 Q And you're aware of the current arrangement?

16 A Yes.

17 Q How is this current arrangement affecting
18 Paisley? You indicated she's questioning it.

19 A Well, the -- probably the status that has
20 remained the most, or remained the same, is the
21 differences in parenting, and the differences in how
22 Paisley is, you know, structured with rules and how
23 things are defined for her in each household.

24 You know, I've joked that it's like she should
25 just go to Germany when she goes to the other

1 grandparents, because it's that different with what she
2 experiences with the Luceros.

3 Q Okay. How old was she when you first started
4 working with her?

5 A Well, she's going to be five in May. So three.
6 She was little. I mean, she's still little. She was
7 super little. But she's just become -- the
8 exponential -- the development between three and five
9 is exponential. For an adult, that would be like five
10 years. Because she's changed language, she changed her
11 physical, she changed her emotional. You know, her
12 growth in that period of time is exponential.

13 Q What would a typical session look like with
14 Paisley today?

15 A Well, she takes the phone and just walks around
16 with me. And she showed me where Mayce is. She showed
17 me -- well, she walks around. So we talk about
18 everything that's going on, and what she's been doing,
19 how Mayce is doing. And she kisses her baby sister.
20 She showed me to Carter, because I haven't met Carter
21 before. He was rambling. He's a little more active.
22 He's now two. So it's a group play session. She just
23 talks to me about different things.

24 Q Has there been anything recently that concerns
25 you in regards to this guardianship?

1 A Well, I -- I mean, I'm an adult. And I
2 question why she has to do this, too. I absolutely
3 question this. Her mom is there. And that's where she
4 belongs. And that's where all children belong, with
5 their parents. When that can happen, she is no
6 different. And I absolutely support her in having that
7 steady relationship with her mom. She already lost her
8 dad, she's been through enough. She's been through
9 enough.

10 Q Okay. What's the -- what's the next steps that
11 you have with Paisley's plan?

12 A Well, I mean, certainly continuing the stuff
13 that she's got going on with her mom, just to be there,
14 just to have a steady relationship with her mom would
15 be the goal. That started. That was a nice surprise
16 that Kristin came in when she did. I certainly didn't
17 anticipate or expect that. But it happened. And
18 Paisley has benefitted from her mom being there.

19 Q I was actually kind of more referring to your
20 continued work with Paisley going forward, what your
21 thoughts were on that.

22 A Well, she's -- again, she's going through a lot
23 of transition. So just continued support so that she
24 can verbalize and learn to -- I mean, I'm a therapist,
25 but I believe almost everybody should be in therapy by

1 age three to learn the skill sets that are required by
2 emotional development, and about expression, and how to
3 take care of ourselves emotionally, and how to have
4 better emotional connections with anybody in our life.
5 So that's just what I do with children. So she's just
6 learning what I do.

7 Q Over this period of time, have you seen --
8 obviously, we talked about maturity. But are there
9 other things that have gotten better or worse?

10 A Well, again, mother nature is on her side, so
11 she's learning coping and what to do when she's
12 distressed. My biggest concern is that there's a sense
13 of indifference about her that I don't -- I don't want
14 that to solidify in her, you know, where she just kind
15 of resigns herself to this plot, that she has a voice.
16 I told her she has a voice. I want to make things
17 better for her. And I want things to make her happy
18 and whole. And happy and whole means being with mom.

19 Q Okay. You said resigned. What is she resigned
20 to? What are you afraid she's resigned to?

21 A That she has no voice in how she wants her life
22 to be. And that at this age, of course, it's not her
23 decision. You know, we don't do that to little
24 children. But we want to hear when things are out of
25 balance for them. We need to listen to them and hear

1 where it's out of balance or where it's not working for
2 them.

3 And this -- the shifting between the households
4 is a lot for her. I tell parents all the time, you
5 think it's easy because parents get divorced all the
6 time, kids are shoveled around all the time. Try
7 shuffling between two houses. Try it. You'd be sick
8 of it in a month.

9 Q There's been issues with regards to Paisley's
10 physical health, eating habits, that kind of thing.
11 Has any of that come out in your sessions?

12 A A little bit. I know that she went and saw a
13 nutritionist a few weeks back. And the only concern
14 that I have about that being such a focus is she's
15 going to develop, and actually I think she already has
16 developed a real body shame. You know, she is very
17 conscious at age four of how much food or calories are
18 in food. That is disturbing.

19 I don't think a four-year-old should have to
20 live like that. I think the nutritionist reaffirmed
21 that. I didn't get that report. But in talking to Pam
22 after the visit, she did say that there is certain
23 language that should not be used with a child like
24 this.

25 Q You said body shaming. How has body shaming

1 come out in your discussions?

2 A Her word is -- what is her word? She's
3 concerned about how she looks. There was concern about
4 how she looks. And I cannot remember her words. But
5 she had a concern about how she was looking.

6 Because in FaceTime, what she does is take a
7 lot of pictures of me. So (indicating) -- so we had
8 her take a picture of her. And she was very conscious
9 about how she looked and appeared.

10 To some degree every kid is like that because
11 of all the cameras and screen time that we have. But
12 her's was not a positive. It wasn't positive, I guess
13 is what I would say.

14 Q Okay. Are you gonna be visiting her while
15 you're here locally?

16 A I hope so. I hope so.

17 MS. AMENS: No further questions.

18 THE COURT: It's three minutes to noon right
19 now. Is an hour long enough for lunch?

20 Okay. We are going to break for lunch. We'll
21 be back at one o'clock.

22 Ms. Goddard, I would ask you not to discuss
23 your testimony with anybody, obviously, except for the
24 attorneys in this case. And then we'll resume at one
25 o'clock.

1 THE WITNESS: Thank you.

2 THE COURT: All right. We'll be adjourned.

3 (Recess.)

4 THE COURT: We are back on the record in cases
5 PR-GU-56, 49 and 67.

6 Ms. Amens, you just finished with your direct
7 examination of Ms. Goddard.

8 Mr. Gerber?

9 MR. GERBER: I have no questions, Your Honor.

10 THE COURT: Ms. Rodriguez?

11

12 CROSS EXAMINATION

13 BY MS. RODRIGUEZ:

14 Q Just very briefly, Ms. Goddard. Since August
15 of '20, how often have you been able to continue your
16 FaceTime with Paisley?

17 A Just the time she's with the maternal
18 grandparents.

19 Q Every other week?

20 A Yes.

21 Q What happened when the contact with the McGrews
22 happened?

23 A There was just the court hearing.

24 Q Okay. You said that you have had the benefit
25 of working with Kristin a little bit, Kristin Stone,

1 sorry --

2 A Yes.

3 Q -- while Paisley has been there.

4 How has that interaction gone?

5 A Between myself and Kristin?

6 Q Yes.

7 A Just kind of everyday, just easy, just
8 conversation.

9 Q And how is Kristin doing with Paisley and
10 Carter?

11 A Just watching Paisley with her mom, just nice
12 and smooth. It's clear they're connected and bonded,
13 the stuff I always look for.

14 Q When you have the Zoom visits every two weeks
15 with Paisley, is she in the living room, in the --
16 where is she at in the home?

17 A Everywhere. I mean, I've done it outside, I've
18 done it in the garage. I probably could point out
19 their house.

20 Q So Paisley is basically leading --

21 A Paisley is -- yeah, she holds the phone.

22 MS. RODRIGUEZ: I have nothing further. Thank
23 you for clarifying those few questions.

24

25

EXAMINATION

BY THE COURT:

Q Ms. Goddard, I'm new to this case, and I haven't had the opportunity to watch all the previous hearings yet. Did you always meet with Paisley in person, or was it the interactive video?

A They would come to Reno. So December, January, February, they were coming every two weeks, so I was in person. It did start in person.

THE COURT: Okay. Thank you.

Ms. Amens?

REDIRECT EXAMINATION

BY MS. AMENS:

Q Just to follow up, that wasn't November, December, January of this last year --

A A year ago.

Q So November 2019, December 2019, January '20, and then COVID?

A Yes.

MS. AMENS: Okay. Nothing further.

THE COURT: Mr. Gerber or Ms. Rodriguez, any follow-up on the Court's questions?

MS. RODRIGUEZ: No, Your Honor.

MR. GERBER: No, Your Honor.

1 THE COURT: And, Ms. Stone, do you have any
2 questions for Ms. Goddard?

3 MS. STONE: No.

4 THE COURT: May this witness be excused?

5 MS. AMENS: Yes.

6 THE COURT: Thank you for your testimony,
7 Ms. Goddard.

8 (The witness left the stand.)

9 THE COURT: If you'll give me just a second.

10 Ms. Amens, your next witness?

11 MS. AMENS: I will call Pamela Lucero.

12 THE COURT: Ms. Lucero, if you would come
13 forward, please. I'll have you face the court clerk,
14 raise your right hand.

15 (Witness sworn.)

16 THE COURT: Please have a seat.

17 State your name and spell your name.

18 THE WITNESS: Pamela. P-a-m-e-l-a. Lucero.
19 L-u-c-e-r-o.

20 THE COURT: Thank you, Ms. Lucero.

21 Ms. Amens.
22
23
24
25

1 PAMELA LUCERO,
2 the witness herein, being first duly sworn, testified
3 as follows:
4

5 DIRECT EXAMINATION

6 BY MS. AMENS:

7 Q Is it okay if I call you Pammy?

8 A Yes, ma'am.

9 Q I have to move over a little so we're not
10 looking at each other through -- so, Pammy, can you
11 tell the Court what you do?

12 A I'm a full-time grandma. And mom.

13 Q How many -- how many children do you have?

14 A I have 13.

15 Q You have 13 of your own children?

16 A Five of them were grand babies.

17 Q Okay. That you raised?

18 A Yes, ma'am.

19 Q Okay. How many total grandkids do you have?

20 MR. LUCERO: 20 --

21 THE WITNESS: 28.

22 Q BY MS. AMENS: How many?

23 A 28.

24 Q You have 28 great grandchildren, or
25 grandchildren?

1 A Grandchildren, great grandchildren, all
2 together.
3 Q So --
4 A And two coming.
5 Q And two more coming.
6 So we heard that your house is busy. Do all
7 of -- does all of this family live close by?
8 A Yes, ma'am. They sure do.
9 Q Okay.
10 A I have them down the street. I have them over
11 in the trailer section. I have them drive from
12 Colorado every two weeks to see about us and visit the
13 family. I have a very tight-knit family.
14 Q Okay. And then I know this question has been
15 brought up a couple of times. Who all lives in your
16 house?
17 A Myself, my husband, my son, Timmy, my grand
18 daughter, Laken, Paisley and Carter. And my daughter
19 Shanna has come to visit me.
20 Q Okay. We heard that she's been here for about
21 a month?
22 A She's been here for about a month.
23 Q All right. But is she expected --
24 A She's going back home. She's got grand babies
25 in Colorado.

1 Q Okay. So she's visiting?

2 A Yeah.

3 Q Can you -- well, one of the exhibits that we
4 had premarked previously, I would like to show you. It
5 was previously marked as Exhibit -- let me see if I can
6 find it -- K.

7 MS. AMENS: May I approach?

8 THE COURT: Of course.

9 Q BY MS. AMENS: I don't want you to go in to the
10 details, but what is this packet of?

11 A This is a packet of my house.

12 Q What -- what's the address on there?

13 A 786 Buckskin Lane. This was a gift from my
14 husband and my son.

15 Q Okay. The house, you mean?

16 A Yes, ma'am.

17 Q Okay. How long have you lived there?

18 A I've lived there going on three years now.

19 Q So what is in the -- if you could just not --
20 not describe the -- what's in there, but what are they?
21 What are the pages?

22 A These are pictures of the inside of my house.

23 Q And who took them? Who took the pictures?

24 A Timmy.

25 Q And Timmy lives there?

1 A Yeah, that's my son.

2 Q Okay. All right. And do you recall when those
3 were taken?

4 A Right after we first moved in.

5 Q Okay.

6 A Let's see. There's Timmy's room. That's the
7 hallway.

8 Q Well, don't describe them.

9 A Oh, what do you want me to do?

10 Q About when they were taken. You don't recall?

11 A No, I really don't.

12 MS. AMENS: Okay. Your Honor, I move for the
13 admittance of the photos of her home.

14 MS. RODRIGUEZ: And what exhibits are they?

15 MS. AMENS: It was marked as Exhibit J on --

16 THE WITNESS: It says K on here.

17 MS. AMENS: It was provided at the last
18 hearing. Do you want to see it real quick?

19 THE COURT: Ms. Lucero, do these photos
20 accurately depict your home?

21 THE WITNESS: Yes, ma'am.

22 THE COURT: And fairly depict your home?

23 THE WITNESS: Yes, Your Honor.

24 THE COURT: Is there any objection to Exhibit
25 K?

1 MS. RODRIGUEZ: Judge, if I may voir dire? If
2 I may ask a question?

3 THE COURT: Please.
4

5 VOIR DIRE EXAMINATION

6 BY MS. RODRIGUEZ:

7 Q Ms. Lucero, do you have any idea when these
8 pictures were taken in Exhibit K?

9 A I think Debra asked me for them just like right
10 after this stuff started; y'all needed to know what my
11 home looked like and what was in it.

12 Q So has it been since this matter has been
13 pending?

14 A Yeah.

15 MS. RODRIGUEZ: Thank you.

16 MS. AMENS: You have a copy?

17 MS. RODRIGUEZ: Yes.

18 MS. AMENS: Okay.

19 MS. RODRIGUEZ: I don't object at this point,
20 no.

21 THE COURT: Ms. Stone, do you object?

22 MS. STONE: No.

23 THE COURT: Mr. Gerber?

24 MR. GERBER: No objection.

25 THE COURT: Exhibit K will be admitted without

1 objection.

2 (Exhibit K admitted.)

3
4 DIRECT EXAMINATION (Continued)

5 BY MS. AMENS:

6 Q As you look at these pictures, can you describe
7 how many bedrooms there are?

8 A I have six bedrooms. This was Carter's room
9 when we first took the pictures.

10 Q Is there some numbers on the bottom of the
11 pictures?

12 A I'll just start at the front page. I just
13 picked that up. That's -- you walk in the front door,
14 and that's the entryway.

15 MS. AMENS: Your Honor, can I just --

16 Q BY MS. AMENS: So can you read these numbers,
17 or just the last numbers there?

18 A This says 35, 0035.

19 Q So just say "35," and explain what it is.

20 A That's 35, that's walking in the front door.

21 Q Do you know how many square feet, or how big
22 your house is?

23 A 2,800, something like that. It's big. The
24 downstairs is as big as the upstairs.

25 Q Okay. I'm gonna come back over here.

1 So you said Buckskin. And that's where?

2 A Buckskin Lane in Spring Creek, Nevada.

3 Q Okay. And so you said what number 35 is.

4 What's the next?

5 A Let's see.

6 Q What's the next picture?

7 A That's the stairwell to the downstairs.

8 Q Okay.

9 A It's got a --

10 Q So is it an upstairs/downstairs?

11 A Oh, yeah. Oh, yeah. There's three bedrooms

12 upstairs, a living room, a dining room and a kitchen,

13 and a three-car garage. And then downstairs there's

14 three bedrooms, a bathroom, a big exercise area, den,

15 TV area.

16 Q Okay. So would that technically be a basement,

17 then? Is that a basement?

18 A I don't know if they consider it a basement or

19 not, but it's fully -- I mean, it's like the upstairs.

20 Q It's fully -- okay. All right.

21 A Yeah. This is Timmy's room.

22 Q What is the number?

23 A 37.

24 Q Okay. So he has his own room?

25 A Of course. He's 17, he's got to have room.

1 38, that's the dining area.

2 Q Okay.

3 A I don't know what this one -- 39 is the hallway

4 for the laundry room. These are kind of unorganized.

5 But 40 is my kitchen. And then 41 is the bathroom and

6 looking down into the area downstairs, in to the den.

7 And there's my little Paisley Grace's room. It's

8 number 42. And this is the garage and the driveway for

9 toys.

10 Q Which number are you on?

11 A I don't see -- I don't know what this one is,

12 but it's this picture right here (indicating).

13 Q Okay. So let's go back to what's numbered as

14 number 43.

15 A I've got 42, this must be 43. The toys in

16 the -- I've got 42 is Paisley's room.

17 Q Okay.

18 A And then I've got toys.

19 Q And is there a number on there?

20 A I don't see one anywhere. Oh, maybe down here

21 in the corner. But I can't read what it says. I

22 believe that's 43.

23 Q Okay. Is that marked --

24 THE WITNESS: What does that say right there?

25 THE BAILIFF: I can't tell you. But just make

1 sure you don't hit that.

2 THE WITNESS: And this is the toy box.

3 Q BY MS. AMENS: What is the number on that one?

4 A 47.

5 And then 48 is their slip-and-side swimming
6 pool out in the backyard, and that's 48. And this is
7 my little Carter's room. He's got a regular bed now.
8 It's 43. And 44, that's my bedroom. And then this is
9 my back patio, and my little Pais is out there playing
10 and Carter.

11 Q Okay. I'm going to collect those now and give
12 them back to the court clerk.

13 Do you have any acreage that goes with that?

14 A Yeah, I got almost three acres that they can
15 run and play on.

16 Q Okay. Thank you.

17 Okay. So since those pictures were taken,
18 there's an additional child there, right?

19 A Uh-huh.

20 Q Who is that?

21 A Laken -- oh, Mayce.

22 Q And where is she staying?

23 A Well, for right now my bedroom was the bigger
24 one, so I put her bed in my room. But it's -- Krissy,
25 we're gonna build on the back of the house and build

1 her a bigger room so she can have her baby right there.

2 Q So at the time those pictures were taken --

3 A Mayce wasn't born.

4 Q And Kristin wasn't actually living there at
5 that point, correct?

6 A No. No.

7 Q So does Kristin have her own room?

8 A Yeah.

9 Q Okay.

10 THE COURT: Ms. Lucero, if you could answer
11 "yes" or "no."

12 THE WITNESS: I'm sorry. Yes, ma'am.

13 THE COURT: Thank you.

14 Q BY MS. AMENS: So the comment was made that you
15 have a lot of people coming in and out of the home.
16 How -- would you agree with that?

17 A I do. They're my children, and I would never
18 tell my children they're not welcome in my home. My
19 door is always open to them.

20 Q Okay. Is that primarily who visits you?

21 A Yes, ma'am. That's primarily who comes to my
22 house, my children.

23 Q Okay. It's not -- it's not other people?

24 A No.

25 Q Okay. So it's family?

1 A Once in a while, the Bishop will come by or the
2 missionaries.

3 Q Okay. All right. And I know it's been a while
4 since we were here taking testimony, but do you recall
5 Mr. Gerber bringing up some difficulties that you've
6 had with DCF?

7 A Yes, ma'am.

8 Q And who does that relate to?

9 A That related to my daughter Alysia Sue Lucero.
10 She was 16 years old.

11 Q Okay. And we don't need to get in to the
12 details of it.

13 A Yes, ma'am.

14 Q I think something was submitted.

15 What was the outcome there?

16 A Alysia came home to her mama.

17 Q To her mama?

18 A Me.

19 Q Okay. So she -- okay. So she came home. How
20 is she doing?

21 A She's amazing. I have one granddaughter with
22 her, and one on the way. She's amazing. She calls me
23 every day.

24 Q Okay. You are also seeking guardianship over
25 Mayce, correct?

1 A Yes.

2 Q Why are you seeking guardianship over Mayce?

3 A Well, Kristin is not working yet, and I need to
4 put her on our insurance. And to help Kristin
5 financially do the things that she needs to do. But my
6 goal is for Kristin to have her children back with her,
7 getting her education, and working and being a
8 productive mom.

9 Q When did Mayce move in with you?

10 A When she was born.

11 Q Okay. Was there any involvement with the
12 Division in regards to Mayce?

13 A Well, they called me and asked me would I come
14 pick the baby up at the hospital, that she had
15 something in her system. And I said, Yes, ma'am, I
16 will. That's my grandchild.

17 Q So from that point on?

18 A She's been in my home.

19 Q Okay. How is Kristin doing?

20 A Amazing. She's backed by the book. She's
21 trying her best. She does everything she can do for
22 her children. She's good.

23 Q So she described, during her testimony, that
24 she's caring for the children. Is that what's
25 happening while --

1 A Yes, ma'am, she sure is. She gets up in the
2 night with the baby. She gets -- she takes care of
3 him. She gets up and feeds them breakfast, lunch, and
4 dinner. She plays with them, does activities with
5 them. I'll encourage that as long as I live.

6 Q So we also heard testimony from Ms. Anderson
7 that said that you have not allowed Kristin to be
8 around the children.

9 A I don't. If I think she's on drugs, or she's
10 on something, I will never let her come to that house
11 and see those children. But when she's clean, I'll do
12 anything in my power to help her. And that girl, I can
13 promise you, she's clean.

14 Q Tell me about Paisley. How is she doing?

15 A Oh, that's my heart. She's an amazing little
16 girl. Granny and Papa's baby, one of them. We have
17 many. She's just so full of joy and happiness.

18 It makes me sad, though, when she -- I have to
19 make her leave. She thinks I'm being mean, but I try
20 to encourage her to go and have fun with her other
21 cousins and do things. I want her to be happy and
22 healthy and know that she's the best.

23 Q Okay. How is she doing in school?

24 A I talked to her teacher the other day. You
25 know, Paisley got to go to school to help her little

1 cousin, Haiden, that has a disability. And she's his
2 partner. And Miss Crystal said that that child is so
3 amazing and so smart that next year, when Haiden gets
4 to go to regular kindergarten, Paisley has helped him
5 so much that he may not need an IEP in place, that
6 she's a little teacher, that they love each other.

7 I ask Haiden every day when I talk to him, Did
8 you see Paisley today? I told him that Tuesday, and he
9 said, Oh, Paisley came to school, and she was so
10 beautiful. She had bows in her hair. And --

11 MS. RODRIGUEZ: Judge, I object at this point.
12 We're clearly getting in to hearsay, and I don't know
13 if that's relevant --

14 THE WITNESS: Well --

15 THE COURT: Okay. You need to wait until the
16 attorney responds.

17 Ms. Amens, response?

18 MS. AMENS: I will withdraw that.

19 THE COURT: Objection sustained.

20 Q BY MS. AMENS: So you need to testify to your
21 personal knowledge. Okay?

22 So do you know how she's doing academically in
23 school?

24 A Yes, ma'am. She's doing good.

25 Q So do you -- tell me about her health, her

1 physical health.

2 A She's good. She's short, she's stocky like the
3 rest of us in our family. And she was, when she was
4 between two and three, she was still on the bottle. We
5 were afraid to just take it from her, because she had
6 lost so much.

7 Q When you say she "lost so much," what are you
8 talking about?

9 A She lost her father, her mother. She lost. I
10 mean, nobody understands, she was sad about that.

11 Q Okay. So go on.

12 A And so now, we went back to the doctor, and I
13 went to the dietician --

14 Q Wait. Wait.

15 A Okay.

16 Q I mean, is this recent? I'm trying to put some
17 context in it. What time frame are you talking about?

18 A Well, Maria and I took her to the doctor, and
19 they told us just to be careful with what we feed her,
20 and don't give her a lot of juice, give her lower
21 percent milk and vegetables and things like that, keep
22 her on a diet.

23 Q When was that? When was that?

24 A That's been months ago.

25 Q And you guys went together?

1 A Yes, ma'am. We went together.

2 Q And since then, have you followed up in regards
3 to any other comments that the doctor had made?

4 A Well, I didn't go because the doctor said, I
5 went because it was concerning Maria so much about her
6 weight. And I look at her as a -- she runs, she jumps,
7 she's a happy, healthy, little girl. She's never
8 hardly sick. And she was worried about her weight.

9 And I thought what more could we do? And so I
10 called, and I tried to get us both in with the
11 dietician, but they said because of the COVID that we
12 couldn't. And so I went --

13 Q When was that?

14 A That was just about two weeks ago, four weeks
15 ago. And I took Paisley, and the dietician --

16 Q What -- yeah, yeah. Let me show you what's
17 been premarked as -- hold on just one second -- Exhibit
18 L, I think.

19 Don't say what it says, but can you explain
20 what it is?

21 A This is the dietician's assessment.

22 Q Okay. And who picked that up?

23 A Well, I met you at the hospital, and I picked
24 it up the other day.

25 Q Okay. So you picked it up from them?

1 A Yeah.

2 Q And had you received a report previously? Is
3 that the only --

4 A No. This is the only report. This is the
5 first --

6 Q Okay. And do you recall when you picked it up?

7 A Yeah.

8 Q When?

9 A Oh, you called me and asked me if I could get a
10 copy of it, and I said I hadn't even got the first
11 copy. So I called, and I asked could I get one. And I
12 picked it up. It's been about a week ago.

13 MS. AMENS: Okay. All right.

14 Your Honor, I do believe that the other
15 attorneys have copies of this, and I would move for the
16 admittance of the dietician report.

17 THE COURT: It's L?

18 MS. AMENS: It's been premarked as Exhibit L.

19 MS. RODRIGUEZ: Is it the report from Courtney
20 Nalivka?

21 MS. AMENS: Yes. It's a one-page report.

22 THE COURT: Mr. Gerber, any objection?

23 MR. GERBER: No, Your Honor.

24 THE COURT: Ms. Rodriguez?

25 MS. RODRIGUEZ: No, Your Honor, thank you.

1 THE COURT: Apparently, Ms. Stone has left.

2 MS. RODRIGUEZ: She asked if she could use the
3 restroom.

4 THE COURT: Okay. I'll admit it. Exhibit L is
5 admitted.

6 (Exhibit L admitted.)

7 Q BY MS. AMENS: Okay. Now, you can look at the
8 report and refer to it.

9 You were trying to describe this appointment
10 and trying to get it as a joint appointment. Who were
11 you trying to get to go to the appointment?

12 A Well, I was trying to see if Maria and I could
13 go together, but the lady -- they wouldn't let us.
14 They said only one person and the child. And so I went
15 with her.

16 Q And the reason that they gave you for that?

17 A Because of the COVID.

18 Q Okay. All right. Have you been able to have
19 a -- have you provided this directly to Ms. McGrew?

20 A No. I haven't seen her since I got it.

21 Q Okay. Have you talked with her about the
22 results?

23 A Yeah. Last week when I dropped Paisley off, I
24 told her about it. And I said I tried to get us both
25 in, and she asked me did I have a report. And I said,

1 no, I hadn't got it yet. But when I do, I'll see to it
2 you get one.

3 Q Okay. All right. So from this, can you tell
4 the Court what day you went in and saw the dietician?

5 A February the 5th.

6 Q Okay. And -- and it says here your main goals
7 and concerns. Can you read that section?

8 A Oh, yeah. Grandma brings Paisley today to make
9 sure she is showing Paisley the right types of food.
10 She will present the information to that from today's
11 consult to the lawyers that will present it to
12 Paisley's other grandma.

13 Q Okay. And then there's some intervention
14 steps. Were those what you discussed with Ms. McGrew?

15 A I just -- yeah, pretty much. It's just telling
16 her that we need to be consistent and watch what we
17 say. And I think they do that.

18 Q Okay. Okay. And there was some words that she
19 didn't want.

20 A Yeah. They said that we don't need to be
21 talking about how big she is and things like that.
22 Just positive, you know, and showing her -- she helps
23 us -- we -- she told me about teaching her to help with
24 serving food. So I -- we put the plates out, and we
25 did portions. And so she -- she doesn't -- I don't

1 want her to feel bad, so she just does them all, all
2 the little kids is her job. And so she helps with the
3 portions.

4 Q There's a -- what does number 2 say?

5 A That's about the My Plate. That's what we're
6 talking about.

7 Q My Plate is what?

8 A My Plate is showing her not to overload her
9 plate, portions. A child can always have more, but you
10 don't overload a child's plate. And that's teaching
11 them about overloading.

12 Q Is it something that's on a computer? Is it a
13 book?

14 A No. It was just a printout that was -- that
15 she gave me.

16 Q Okay. All right. And have you implemented
17 that? It sounds like you have.

18 A Yes, ma'am.

19 Q All right. There's another recommendation,
20 number 3.

21 A Yes, ma'am. We're supposed to switch to one
22 percent milk, which we do that anyway.

23 Q Okay. And number 4?

24 A Lots of play. At least 60 minutes of play
25 every day. But she likes to play and play and play.

1 Q Does she play outside?

2 A She plays outside, and she plays on the
3 exercise equipment. She loves to get on Papa's -- he's
4 got a table that you sit in, and it starts you sitting
5 up, and you can turn upside down, and you go forward.
6 And she likes to play on that a lot. She likes to jump
7 on the trampoline. She likes to swing. They like to
8 run. They run that whole property out there playing
9 and running races. That's a big thing with them. They
10 like to play dodge ball. They like to play.

11 Q So was this recommendation difficult for you to
12 implement?

13 A Not at all.

14 Q All right.

15 A We're regular.

16 Q And number 5, what does number 5 say?

17 A Water and one percent milk should be mostly and
18 commonly -- a common drink for them. She loves water.
19 She likes milk, too, but she gets that. Sometimes she
20 gets it for breakfast in her cereal, or she likes it
21 for dinner. We put a lot of flavors in it for --

22 Q Okay. So -- and you went over, at least
23 verbally, this with Ms. McGrew?

24 A Well, I didn't line it out. I said, She's
25 good.

1 Q I'm gonna take this back.

2 A Okay.

3 Q What does a typical day look like for you and
4 the kids?

5 A Oh my goodness, Paisley Grace is the first one
6 up every day. She's running to look for Papa and
7 telling him what she wants her day to be about. And
8 Carter is right under me. Whatever I do, Carter wants
9 to do. And they play with Mayce. They have breakfast.
10 They play.

11 We do a lot of different arts and crafts with
12 them. They have a little table that we set at. Like
13 last night we did crafts with ice cream and cones. But
14 we do a lot of stuff. We made a volcano one time.
15 They like the art and stuff.

16 Q And now has it changed with Kristin being
17 there?

18 A They're so happy their mama is there. They are
19 so happy.

20 Q And what's the relationship between Paisley and
21 Carter?

22 A Paisley and Carter love each other to death,
23 but they don't understand why they've got to -- when it
24 comes time to go, why she's got to go with Papa to one
25 house, and he's got to go to another house with me.

1 And Mayce has to stay home. They don't understand
2 that. They want to be together.

3 Q Okay. Okay. Now, Mayce is quite a bit
4 younger. What's the relationship between Mayce and the
5 other kids?

6 A Well, Ms. Paisley, she is motherly as can be.
7 And she likes to love her baby sister. And Carter, he
8 loves her to death. But, you know, he doesn't try to
9 hold her, but Paisley, she'd hold her 24-7 if you let
10 her. She thinks she knows everything; how to change
11 the diaper, how to do this. And I let her help. But
12 she and Kristin, it's such a joy for me to get to watch
13 them be together.

14 Q So when Janell was here, she indicated that she
15 had to stop co-parenting classes because some of the
16 barriers that were being presented. And I think there
17 were some real direct things related to you.

18 A Yes, ma'am, there was.

19 Q Okay. What barriers have you been putting up?

20 A One of the main barriers is taking my little
21 child.

22 Q Who are you talking about?

23 A Kristin Nicole down to an attorney's office.
24 My granddaughter had an IEP in place her whole life,
25 and I tried to explain that to all of them. She did

1 not -- they took her down there, Donny, Vicky, Daniel,
2 her husband, John, and Maria, took my granddaughter
3 down there, knowing she didn't -- I called the school
4 and asked, is Kristin capable of understanding what she
5 signed?

6 MS. RODRIGUEZ: I'm going to object.

7 THE COURT: Ms. Amens?

8 MS. AMENS: I'll withdraw that. Strike that,
9 please.

10 THE COURT: Objection sustained.

11 Q BY MS. AMENS: This is to be on your personal
12 knowledge. Right? So you're trying to explain why you
13 were upset, what the barrier --

14 A She hurt my family.

15 Q Who is "she"?

16 A Maria.

17 Q Okay. So you were talking about all of these
18 people being there.

19 A They took her there to Travis Gerber's office.
20 She signed a paper, that I know from experience that
21 Kristin Nicole did not understand.

22 Q Okay. Were --

23 A And she had no representation, no one from her
24 family, and had her sign that paper with her
25 understanding -- I asked her --

1 Q Okay. No.

2 So there was that incident. . Right?

3 A Yes, ma'am.

4 Q Is that where this all stems from?

5 A It just -- when Kristin was trying to share
6 Paisley with them, it always had to be Maria's way or
7 no way. Paisley -- or John works one shift, Michael
8 worked another. Michael has been the father figure for
9 Paisley Grace ever since her dad died; Papa. They have
10 a bond that can never be broke.

11 Q Okay. Were -- so you understood that when you
12 were with Janell, you were supposed to be working on
13 co-parenting issues, correct?

14 A Fixing things so that we could co-parent.

15 Q Okay. Has that gotten any better through --
16 through either Janell's --

17 A Well, I don't know that Janell has really done
18 that much, but Michael has done most of the taking back
19 and forth. And that's made everything better. I've
20 had to go a few times, and it was civil both times.
21 Last -- and I took her back last week and went in and
22 visited with her. I mean, I didn't stay long, but I
23 thought it was pretty civil.

24 Q Okay.

25 A I want it to be.

1 Q Okay. What do you want to have happen here?
2 What is -- what are you looking for?

3 A I want Carter and Paisley to come home, be with
4 their mother. We'll guide her, help her. I'll support
5 her, and I'll do anything in my power to influence good
6 things for them. This separation -- children -- I may
7 be nothing but a grandma, but I have five of them that
8 thank me every day.

9 I could have took one of them, I could have
10 took two, but I chose all five of them. Until this day
11 they tell me they're close, they love each other,
12 they're there for each other. And they thank me every
13 day for what I did. And I didn't even know I did it.
14 But keeping them together as brother and sisters, those
15 children need each other.

16 Q Okay. What do you see -- let's start with
17 Paisley. What do you see Paisley's relationship like
18 going forward with the McGrews?

19 A I want them -- I've always wanted them to love
20 her and be there -- her grandma. I want that for her.
21 But don't take them from Krissy.

22 Q Okay. Do you think that this time during the
23 guardianship, and I know you mentioned struggles, has
24 been good for Paisley to get to know the McGrews
25 better?

1 A I've always wanted them to know her.

2 Q Has this time -- have -- has she been able to
3 bond with the McGrews?

4 A I think so.

5 Q Okay.

6 A I hope so.

7 Q Do you envision ongoing contact?

8 A Well, that's her grandparents. Yeah, I do.

9 Q Okay. And you would be supportive of that?

10 A Always.

11 Q So what do you -- what do you envision for
12 Carter?

13 A The same thing. I love Vicky and Donny. This
14 has tore my heart out, because she's my friend. And
15 she's a good grandma, and he's a good grandpa. They're
16 good.

17 Q I asked a lot about how Paisley was doing. How
18 is Carter doing?

19 A Carter is my partner, and he loves Papa and I
20 to death. He loves his sisters. He's good. He's a
21 good boy, but he wants to be with his sisters.

22 Q Have you ever had Carter assessed in terms of
23 how he's doing?

24 A Yes, ma'am, I did. I got worried about him,
25 because when he would -- before, he was running and he

1 would -- his feet -- he's got big feet, his dad's got
2 big feet. And when -- Kristin is pigeon-toed. So with
3 his feet being big and pigeon-toed, I got worried. So
4 I had Early Intervention come out. And I didn't know
5 which way to turn really to try to get him some help.

6 So I called them, and they come out and
7 suggested that I took him to Shriners. And I took him
8 to Shriners, and they said he should outgrow what's
9 going on. They'll check him again. They'll check him
10 once a year, but they won't do anything about it until
11 he's 12. But it seems that the shoes that we've all
12 been putting on him are a higher top shoe. And --

13 Q A higher top? Can you describe that? What do
14 you mean by a higher top shoe?

15 A Like up closer around the ankles. But he seems
16 to be doing way better. I watch him run all the time.
17 He'll wear you out running. And he's doing much
18 better. And so --

19 Q Have you had --

20 A The Early Intervention came back out, and they
21 tested him on what he could do. I haven't got the
22 report. But they said he's great, he's right in line
23 with where he should be.

24 Q Have you shared that information with the
25 Fergusons?

1 A Yeah. I told her he was doing great, but this
2 has been quite a while back.

3 Q Did you ever get a report?

4 A I never have got it.

5 Q Okay. All right.

6 A I'm just thankful when the doctors call and say
7 they're good, they're good.

8 MS. AMENS: Okay. Your Honor, may I have a
9 moment just to look at some of my other notes?

10 THE COURT: Sure.

11 Q BY MS. AMENS: Ms. Anderson was asking about a
12 routine. Do you have a regular routine with the kids?

13 A Yeah. We get up about seven o'clock and have
14 breakfast. And I'll either bathe them the night
15 before, or I bathe them early in the morning, get them
16 dressed, get up and play, and do what we do. Run
17 around outside. They like to sled. They like to do
18 all kinds of things.

19 And then we have lunch. And then after lunch,
20 they don't really like to take naps anymore, but they
21 have quiet time where they can read a book, or watch a
22 movie, or something like that. They have quiet time.
23 And then they play, and we have dinner. And they go to
24 bed about eight o'clock every night.

25 Q Okay. Have you been able to have any

1 discussions about how -- there was a discussion about a
2 be-nice chair.

3 A We've always had the be-nice chair. I've got
4 about ten of them.

5 Q You have about ten be-nice chairs?

6 A I do. We call them the timeout chairs, though.

7 Q Okay. And have you and the McGrews had any
8 discussions about coordinating how -- how you
9 discipline?

10 A Well, I don't whip my children. I think
11 there's other things to do other than whip them. So I
12 think there's enough things right now that you can take
13 away from them or not let them do. That's your last
14 resort.

15 Q Okay.

16 A And I think we all agreed on it.

17 Q Who is "we all agreed on it"?

18 A Michael and I and the McGrews.

19 Q Okay. So there has been some discussion on --

20 A We had it in her office.

21 Q In Janell's office?

22 A In Janell's office.

23 Q Has there been any follow-up discussion after
24 that?

25 A Not really.

1 MS. AMENS: Okay. Your Honor, I have no
2 further questions.

3 THE COURT: Mr. Gerber?

4 MR. GERBER: Thank you, Your Honor.
5

6 CROSS EXAMINATION

7 BY MR. GERBER:

8 Q Ms. Lucero, you take issue with the fact that
9 Kristin signed a consent to this adoption in my office,
10 correct?

11 A It's not an adoption.

12 Q A guardianship. I misspoke.

13 A Yes. With no representation, I absolutely
14 think it was wrong.

15 Q So you resent the fact that she did that,
16 correct?

17 A I don't resent her, I resent the fact that the
18 others knew about Kristin's learning disability and
19 they did it anyway, without her having representation.

20 Q So who are "they"? Who is at fault in that
21 matter?

22 A I feel like that Michael and I went to their
23 home, and we tried to tell them about Kristin's
24 disability, that she doesn't always understand things,
25 like you and I might. She's had an IEP in place. She

1 was on Social Security for years. And she -- she has a
2 learning disability.

3 Q Okay. Do you believe that Kristin lacks
4 competency?

5 A No, not at all. But I do feel like in legal
6 matters, she needs representation. I definitely do. I
7 think I would need it.

8 Q Okay. Now, you're aware that she signed a
9 consent in my office on May 25th?

10 A I definitely am.

11 Q And you agree that that occurred on May 25th,
12 2018?

13 A Yes, sir.

14 Q And in this matter, there's a document filed in
15 open court on August 2nd, 2018, that's called a Consent
16 to Establishment of the Guardianship of the Minor's
17 Children by Great Grandparents.

18 A That's me.

19 Q Yes. And did Kristin sign that on May 31st of
20 2018?

21 A She sure did.

22 Q Okay. And do you agree that she was competent
23 to sign that one?

24 A I think -- I explained mine to her.

25 Q Okay. And did she have an attorney at the time

1 that she signed the one over to you?

2 A No. But she knows that I would never lie to
3 her, and I would always do what I had to do to protect
4 her.

5 Q Do you see that you're setting up a double
6 standard, that in one instance, she's not allowed by
7 you to sign a consent with other family members --

8 A In an attorney's --

9 THE COURT: Ms. Lucero, please let Mr. Gerber
10 finish his questions, and then you can answer it.

11 THE WITNESS: Okay.

12 Q BY MR. GERBER: So in the one instance you took
13 exception that she is not properly represented to sign
14 a document in an attorney's office when she's with
15 other family members of Paisley's, but when she's with
16 you, it's okay. Is that your case today?

17 A My case is that my granddaughter -- I was her
18 guardian for all of these years. I represented her. I
19 stood up for her. I protected her.

20 Q So somehow --

21 A And I'm not trying to steal her kids --

22 Q Are you somehow trying to say that you're more
23 important to her?

24 A Well, definitely. I'm her grandmother.

25 Q Okay. But what if she chooses to place the

1 children somewhere else, are you going to interfere
2 with that?

3 A She didn't choose that. She didn't understand
4 the paper.

5 Q And who is judging that today, you or this
6 Court?

7 A The woman who knows her and raised her.

8 MR. GERBER: Let me show you another document.

9 May I approach, Your Honor?

10 THE COURT: Yes.

11 MR. GERBER: May I approach the witness, Your
12 Honor?

13 THE COURT: Yes.

14 Q BY MR. GERBER: I'm showing you a document.
15 Can you tell whose handwriting that is in?

16 MR. GERBER: I have an extra copy, Judge, if
17 you would like to see it.

18 THE COURT: Thank you, Mr. Gerber.

19 THE WITNESS: For medical help.

20 Q BY MR. GERBER: I asked you, do you know whose
21 handwriting that is? Do you recognize your daughter's
22 signature on that page?

23 A I definitely do.

24 Q Okay. And in that document, what is Kristin
25 requesting? Can you read it to the Court?

1 MS. AMENS: Objection, Your Honor. I don't
2 know if she's at all seen this before.

3 THE WITNESS: I've never laid eyes on this.

4 MR. GERBER: Ms. Rodriguez just told me she's
5 seen it before. I don't know if it's in the record
6 from the past hearings, but it certainly has been --

7 THE WITNESS: Well, I've never laid eyes on it.

8 THE COURT: Ms. Lucero, wait your turn, please.

9 MS. RODRIGUEZ: It's attached, Your Honor.

10 THE COURT: What is your objection?

11 MS. AMENS: He's asking her about a letter that
12 she has never seen. Recognizing the -- recognizing the
13 signature is one thing, but she doesn't know what's in
14 here or, you know -- and I'm not -- I mean, it's not
15 admitted in to the record.

16 MS. RODRIGUEZ: It's attached to the original
17 Petition filed in April of 2018, Judge. It's Exhibit A
18 to said Petition.

19 MS. AMENS: But that's not the same --

20 MS. RODRIGUEZ: It is the Petition, April 13th
21 of 2018, Petition for appointment of general guardians
22 by -- over Carter.

23 MS. STONE: It's not for Paisley.

24 THE WITNESS: That's what it says.

25 THE COURT: Ms. Lucero, please wait.

1 Mr. Gerber, any response to Ms. Amens'
2 objection?

3 MR. GERBER: To Ms. Amens' objection?

4 THE COURT: Yes.

5 MR. GERBER: What is her objection?

6 MS. AMENS: This is not admitted in to
7 evidence. I know it was an exhibit in the Petition,
8 but there hasn't been a foundation. You could have
9 brought this in through Kristin when she was
10 testifying.

11 So you're going to ask my client to testify
12 about something that somebody else wrote up. And --

13 (Counsel conferring.)

14 MS. AMENS: She recognized the signature.

15 MS. STONE: I wrote that.

16 MR. GERBER: I don't know why this is so
17 complicated, Your Honor. This has been identified as a
18 written document signed by Kristin Stone. And I'm
19 going to admit it in to evidence. It's part of my
20 Petition. I don't know why this is being made so
21 complicated.

22 MS. RODRIGUEZ: In addition, when Ms. Ferguson
23 was testifying, that was discussed on -- in open court.
24 And Ms. Ferguson talked about it in open court, that
25 she received this document from Ms. Stone.

1 THE COURT: Objection overruled.

2 Go ahead, Mr. Gerber.

3 MR. GERBER: Thank you.

4 Q BY MR. GERBER: In this document, what did
5 Kristin direct? Can you please read it to the Court?

6 A "I, Kristin Stone, give Vicky permission to get
7 Carter medical help he needs and to be able to attend a
8 doctor's appointment when in her care."

9 Q Okay. That was signed by Kristin?

10 A Yeah.

11 Q And at that time, had she placed Carter with
12 the Fergusons?

13 A I don't know anything about this document.

14 Q Okay. Okay. Fair enough.

15 What does the next paragraph read?

16 A "I left Carter Ferguson in Vicky and Donny
17 Ferguson's care while I was out of state."

18 Q Okay. Do you believe that that was done by
19 Kristin uncoerced?

20 A No. I don't believe it was uncoerced.

21 Q What proof do you have that it was coerced?

22 A I just believe that there was more to the story
23 than Kristin just saying, Here you go, have my kids,
24 I'm in and out of here.

25 Q But she didn't place the child with you at that

1 time, correct?

2 A No. He was over with Vicky, and Kevin was
3 still over there then.

4 Q My question is, she didn't place Carter with
5 you and give you that permission at the time, she gave
6 it to the Fergusons, correct?

7 A They had took her out of my house.

8 Q Who is "they"?

9 A Well, John is the one that picked her up.

10 Q We're talking about Carter right now. I don't
11 want you to change the subject.

12 A I'm not trying to change anything.

13 Q Well, we're talking about Carter. Who placed
14 Carter in the Fergusons' home?

15 A Vicky was always a part of Carter's life.

16 Q But who placed Carter --

17 A Kristin did.

18 Q Okay. Thank you.

19 Do you believe that this letter was signed
20 before I became a part of this case or after?

21 A I don't have any idea.

22 Q Okay. But it doesn't look like an attorney
23 wrote it, correct?

24 A Not this one. This doesn't even look like
25 Kristin's writing down here. The top one -- this looks

1 like Kristin, this does not.

2 Q Okay. Why didn't you say that originally when
3 I asked you whose signature was on it?

4 A You didn't ask me; I told you.

5 Q So is it fair to say that you want to dispute
6 this document as an authentic statement of your
7 daughter?

8 A Well, I believe that this right here is Kristin
9 Nicole's signature. This right here, I've never seen
10 her write like that.

11 Q So you believe --

12 THE COURT: Ms. Lucero, just so we're clear,
13 you're pointing to the top signature as being an
14 authentic signature, and the bottom signature as --
15 you're disputing the authenticity of that?

16 THE WITNESS: Yes, ma'am, I am. This is how
17 Kristin writes, this is not (indicating).

18 THE COURT: We're just trying to create a
19 record for future reference.

20 THE WITNESS: Yes, ma'am. Yes, ma'am.

21 Q BY MR. GERBER: Okay. When did you -- when did
22 you and your husband move to Elko County? What year?

23 A I think -- we lived here before, and I moved
24 back in 2003.

25 Q Okay. So you've been here continuously since

1 2003?

2 A Uh-huh.

3 THE COURT: Is that a "yes"?

4 THE WITNESS: Yes, ma'am. I'm sorry.

5 Q BY MR. GERBER: Within your time here in Elko
6 County, have you had involvement with law enforcement?
7 You, personally.

8 A Yeah.

9 Q Okay. What has --

10 A Yes.

11 Q What has been your involvement with law
12 enforcement?

13 A My little granddaughter Laken had a little
14 girlfriend that she had brought home with her, and we
15 were going to town to get Laken a belly button
16 piercing. And the little girl's mother brought her
17 over with her money. And she said her mama said she
18 could go with us and she could do it. And the little
19 girl fibbed. And I had to do a year of unsupervised
20 probation.

21 And then somebody broke in my house and stole
22 my washing machine, and somebody told me where it was
23 at. And I drove in the driveway. I didn't see a "No
24 Trespassing" sign anywhere on the property. And I
25 knocked on the door, and I was gonna ask the lady about

1 my washer and dryer. And she opened up the back door,
2 and there sat my washer and dryer. And I told her I
3 was gonna go call the police. And she said she was
4 going to get me arrested for being on private property
5 or trespassing or something.

6 Q And, in fact, you did enter her home without
7 permission, correct?

8 A No, I never.

9 Q Were you ever convicted of that?

10 A No, I never did. She was -- opened up the back
11 door. I was standing on the back porch. My
12 children -- I had my son with me and two other
13 children. I never walked through the door. I walked
14 on the back porch. She opened up the door. The washer
15 and dryer were sitting there. I said, I'm going to
16 call the police. And the next thing you know, my
17 washer and dryer were sitting in the middle of Spring
18 Creek Parkway where she threw it out.

19 Q The incident where you talk about the belly
20 button piercings with the juveniles, what were you
21 charged with in that situation?

22 A I don't even remember.

23 Q Okay. Do you disagree with the way that was
24 handled?

25 A Well, I kind of do, because I was under the

1 impression that the little girl's mother let her do it.
2 Because I was taking my granddaughter, and she said
3 that she brought her child over and had her money and
4 all of that stuff. So she said her mother said it was
5 okay. I believed the little girl. I don't believe her
6 now.

7 Q Did that investigation also have something to
8 do with you buying vape --

9 A I never did.

10 Q But it did involve allegations that you had
11 purchased vaping supplies for these children, correct?

12 A Yes, but I didn't do it. I would never do it
13 for my own, and I wouldn't do it for someone else.

14 Q To this day, you don't know what you were
15 convicted of?

16 A I really don't.

17 Q You spent a year on informal probation for
18 that, and you can't remember what that was for?

19 A Actually, I don't, because I didn't do anything
20 but take the little girl and get her belly button
21 pierced. And it was dismissed.

22 THE COURT: Mr. Gerber, do you have any
23 certified convictions, or other certified copies of
24 court documents?

25 MR. GERBER: I've got a large stack here, Your

1 Honor. I mean, I don't know how much time we have
2 today.

3 MS. AMENS: And I'm kind of trying to get an
4 idea of relevancy.

5 MS. RODRIGUEZ: Well --

6 THE COURT: I think this is highly relevant.

7 MR. GERBER: Most of what I have here are
8 booking sheets or police reports that were subpoenaed
9 from the Elko County Sheriff's Office. And I think
10 that it -- I can admit these in to evidence, but I
11 think it's also relevant just to ask Ms. Lucero about
12 her understanding of these incidents for the record.
13 Because it goes to her ability to care for children.

14 MS. AMENS: But, Your Honor, he also -- nothing
15 has been produced to us in regards to any of that.

16 THE COURT: Ms. Rodriguez?

17 MS. RODRIGUEZ: So, Judge, I don't believe it
18 needs to be produced. It's evidence that was
19 discovered through due diligence and through
20 investigation. I, myself, have the same -- I assume
21 the same -- I have a set of documents, as well.
22 Whenever I have a guardianship, I do my due diligence,
23 and I subpoena records on all parties. I have them on
24 Kristin. I have them on both of the dads.

25 I use them for impeachment purposes, is what I

1 use them for. I question people on them, because I
2 have that right to question them. A lot of these, the
3 ones that I have, some of them are from the Division of
4 Child and Family Services, which I would never share
5 with any other party, which I obtain through my court
6 order allowing me to obtain such things.

7 But I believe the Rules of Evidence allow you
8 to question. And if they disagree, or if they're
9 untruthful, they can get admitted for impeachment
10 purposes.

11 THE COURT: And that's why I asked if there
12 were any certified convictions of -- or other certified
13 court documents.

14 MS. AMENS: Your Honor, the rules in regards to
15 subpoenas also require that notice be provided to the
16 other counsel. We have received no copies of any
17 subpoenas that have been issued by Mr. Gerber or
18 Ms. Rodriguez. I mean, usually you have to send it to
19 the other counsel per rule --

20 THE COURT: Information you intend to use in
21 your case in chief.

22 MS. RODRIGUEZ: Actually, my order allows me to
23 obtain this information without any notice to the
24 parents or the guardian.

25 MS. AMENS: And I know with the child's

1 attorney, it's part of the appointment, but it is not
2 part of the appointment in terms of private counsel.

3 THE COURT: Mr. Gerber, do you have certified
4 court copies?

5 MR. GERBER: I don't have certified copies of
6 convictions. No, Your Honor. But I would like to ask
7 the witness about her involvement with law enforcement.

8 THE COURT: Proceed.

9 Q BY MR. GERBER: In 2015, were you stopped in a
10 traffic stop and subsequently arrested for an
11 outstanding warrant?

12 A Sure was. I got a traffic ticket, that my
13 granddaughter didn't have -- that was 21 years old --
14 didn't put her seatbelt on.

15 Q Okay. How old was the child without the
16 seatbelt?

17 A She was 18.

18 Q And what was the warrant that you had
19 outstanding?

20 A Because I didn't -- he handed that -- he was on
21 the -- we were on the Lamoille Highway, and he was
22 on -- he handed the ticket in the car through the
23 driver's -- or the passenger window to Ashley. And
24 Ashley just held onto it. I didn't -- I forgot all
25 about it.

1 Q Okay. And --

2 A But I paid it and did what I needed to do.

3 Q In --

4 A Mr. Gerber, I'm not some bad, wicked person.
5 I'm a grandma that loves my family with all my heart.

6 Q Okay. And I don't dispute that, ma'am.

7 A And I've never teached (sic) my kids to do bad
8 things. I teach them to abide by the law, be
9 respectful, and love family, all other family. And you
10 paint me to be some kind of outlaw.

11 MS. RODRIGUEZ: Your Honor, I object.

12 THE COURT: Ms. Lucero, there's been an
13 objection.

14 MS. RODRIGUEZ: This is nonresponsive.

15 THE COURT: Agreed.

16 Ms. Lucero, you need to answer the question
17 asked of you. Your attorney will have an opportunity
18 to flush out any details that she deems appropriate.
19 But you need to answer the questions asked.

20 Mr. Gerber, your client has asked if we can
21 take a restroom break.

22 MR. GERBER: Okay.

23 THE COURT: So can we take a ten-minute recess?

24 MR. GERBER: Yes.

25 THE COURT: We'll be off the record.

1 (Recess.)

2 THE COURT: Mr. Gerber, please proceed with
3 your cross examination of Ms. Lucero.

4 MR. GERBER: Thank you, Your Honor.

5 Q BY MR. GERBER: Ms. Lucero, in October of 2015,
6 did you make a report to police of theft of your
7 prescription pills?

8 A Yes.

9 Q And who did you allege was taking your pills?

10 A I didn't really know. I thought my
11 granddaughter did; not Kristin.

12 Q At the time, what prescriptions did you have
13 that went missing?

14 A Well, I had had back surgery, and I have a lot
15 of back problems. And they had me on morphine. But
16 guess what? I don't take anything. I've got a pump in
17 my stomach that I don't even take a baby aspirin.

18 Q And in July of 2018, did you make a report that
19 you had found drug paraphernalia in your home?

20 A And I gave it to the police officers. It
21 wasn't mine.

22 Q On August -- in August of 2018, one month
23 later, did police come to your house?

24 A I don't remember.

25 Q Do you know an Oddie Noble, a person by the

1 name of Oddie Noble?

2 A No.

3 Q Has Oddie Noble ever been in your home?

4 A I don't remember.

5 Q Okay. On August 21st of 2018, did the police
6 come to your door looking for an Oddie Noble?

7 A They could have.

8 Q Okay. And was he, in fact, in your home at the
9 time?

10 A I didn't know who he was, if he came there. If
11 they came -- I don't know this person. The kids had
12 friends. I have no idea who he was.

13 Q Did the police ask you, Is Oddie Noble in your
14 home?

15 A They came and asked me about some guy like
16 that, yeah.

17 Q And what did you tell them?

18 A I said, There's some kid in here. I don't know
19 who he was.

20 Q And isn't it true that you told them that he
21 was not there?

22 A I didn't know at the time.

23 Q So you, in fact, told the police that he was
24 not there, correct?

25 A Yeah. The first time, yeah, I sure did.

1 Because I didn't know.

2 Q And then they actually entered the home and
3 arrested him in your home, correct?

4 A Yes. I remember this. Darian, it was one of
5 her friends.

6 Q Is it common for you to allow people in your
7 home --

8 A I had no idea he was in there.

9 Q I was going to finish my question.
10 Is it common to have people in your home whom
11 you don't know?

12 A No.

13 Q Okay. So would you claim this was an isolated
14 incident?

15 A Well, it was weird, yes.

16 Q All right. The following one, September of
17 2018, did the police come to your home for a domestic
18 dispute?

19 A Sir, I don't remember all this.

20 Q Okay.

21 A The good -- not for me. My husband's never
22 laid a hand on me. Did it say my husband and I?

23 Q Did one of the children allege that your
24 husband was abusing them physically?

25 A I don't recall any of that.

1 Q Did anyone ever accuse your husband of physical
2 abuse?

3 A My husband doesn't abuse anybody.

4 Q That's not the question. The question is, has
5 anybody ever accused him?

6 A No. Not that I know of.

7 Q In February of 2019, did you make a report that
8 Darian Stone had stolen your cell phone to the police?

9 A She did.

10 Q Okay. And did the police come to your
11 residence to investigate?

12 A Yeah. They arrested her.

13 Q Okay. And was Paisley present when they
14 handcuffed Darian?

15 A No.

16 Q Are you certain of that?

17 A I don't think so.

18 Q So you're not certain?

19 A I don't like to advertise my children. They
20 probably didn't see it, if they did.

21 Q And in March of 2019, were the police -- did
22 the police come to your home for another report of
23 domestic dispute?

24 A I don't recall.

25 Q Did one of your children allege that Darian

1 Stone's boyfriend, Eric Little, had raped her three
2 times?

3 A I don't know what those two do. What does
4 that -- I don't know.

5 Q So you don't know what happened?

6 A No, I don't.

7 Q But these people were living in your home,
8 correct?

9 A They have their own home. They came there
10 looking for them.

11 Q But your daughter was living with you at the
12 time, correct?

13 A My -- which one?

14 Q The daughter that's name starts with an "L."

15 A Laken?

16 Q Do you have any other children that start with
17 an "L"?

18 A No.

19 Q Was Laken residing with you at the time?

20 A She might have been.

21 Q Where else would she have been residing if she
22 wasn't with you?

23 A She had her -- she had a little trailer over on
24 Bullion. Her and her boyfriend and her baby.

25 Q Was that in 2019?

1 A Yeah. Last year.

2 Q That would be two years ago, right, 2019?

3 March of 2019?

4 A Yeah.

5 Q When did she turn 18?

6 A December.

7 Q Of which year?

8 A '19.

9 Q Okay. So in March of '19, she still would have
10 been a juvenile?

11 A She might have been living there. I don't
12 know. I'm not aware of --

13 Q But she would have been in your custody at the
14 time, correct?

15 A When she turned 18, I am no longer her
16 guardian.

17 Q But we just established that she was a juvenile
18 in March of 2019, correct? She didn't turn 18 until
19 December of 2019?

20 A Yeah.

21 Q So while she was a juvenile, she was still in
22 your custody and care, correct?

23 A Yes.

24 Q Okay. You testified previously that, in your
25 words, Kristin was trying to share Paisley with -- with

1 the McGrews and with you, correct? Is that your
2 testimony?

3 A With everybody.

4 Q Did you try to interfere with that sharing?

5 A If I called Kristin and I said, Papa is off,
6 can he do something with Paisley on one of Maria's
7 days, it was out of the question.

8 Q Okay. The question was, have you sought to
9 interfere with Kristin's attempts to share her child
10 between her grandparents and great grandparents; you?

11 A Yeah. I told her, I said, Kristin, she does
12 not run your children. She was telling Kristin, I'm
13 gonna have them these days, because she was cleaning
14 houses. And she wanted them on Tuesdays and
15 Wednesdays. Well, sometimes Papa was off on Tuesdays
16 and Wednesdays, and he wanted to get to see them, too.
17 He works different shifts from what John did.

18 So if I called Kristin and said, Krissy, Papa
19 is off, can you have the baby? And she would say,
20 Yeah. And sometimes she would forget she was coming to
21 get her, or whatever. But, boy, Maria didn't forget.
22 She had to track us down, and she would follow us to
23 the bank or whatever. She would find that baby.

24 Q Do you think Maria has been inappropriate?

25 A I think hiding her. I think that things could

1 work out real good if everybody would let Krissy be the
2 mom. And that's including me.

3 Q Has Maria ever hit Paisley?

4 A We had to get the sheriff to come threaten to
5 put John in jail, because Kristin sent her mother to
6 pick up her child, and Maria had hit her, over at her
7 daughter's house, and the sheriff went and told Maria
8 to hand that baby over to my daughter. I wasn't --

9 Q Was the child actually hidden?

10 A Well, as far as -- none of us knew where she
11 was at. Kristin didn't know where she was at.

12 Q Well, I'm just asking you for facts, why you
13 believe the child was, quote, hidden. And if you don't
14 know where the child is at, that's different than
15 somebody concealing her.

16 A We went and asked. We went and asked, and they
17 wouldn't tell. Kristin had sent her mother to pick up
18 the child.

19 Q Okay. And so then you went and got Kristin and
20 the sheriff so --

21 A No, I did not. Don't accuse me of something --

22 Q Well, I'm not accusing you. I'm stating the
23 facts. You went and got Kristin and the sheriff to go
24 get the child, correct?

25 A No, I did not. My daughter went and got the

1 sheriff. And my daughter took them over to her
2 daughter's house, and she got Paisley. Wasn't me.

3 Q Okay. And you had nothing to do with that?

4 A No, I did not.

5 Q Okay. Do you believe that you should have more
6 control and say with what Kristin does with her
7 children than, say, the McGrews?

8 A I think Kristin needs all the control of her
9 children. And if she needs some advice, she'll come
10 ask one of us. She doesn't need to be told how -- she
11 went -- she was by-the-book mom. She tried. She did
12 good until all of this started. And she's doing good
13 again. And I'm gonna encourage her to keep doing good.

14 I've never told her not to let those people see
15 the babies, never. I would never do that to Vicky. I
16 love her. The McGrews, I still -- no matter what my
17 feelings are, those children need to be a part of their
18 life. I would never encourage her not to let them see
19 the kids. I was the one that encouraged her to even
20 tell them about the baby being born. I was. I want to
21 be her friend, but I run my house one way, she runs
22 her's another.

23 MR. GERBER: No further questions, Your Honor.

24 THE COURT: Ms. Rodriguez?

25 MS. RODRIGUEZ: Thank you, Judge.

CROSS EXAMINATION

BY MS. RODRIGUEZ:

Q Ms. Lucero, I want to go back to the beginning of your direct testimony. You said you have 13 children?

A Yes.

Q And five grandkids that you raised?

A In the 13, the 5 grandchildren were included in the 13.

Q So eight children, five grandkids?

A Uh-huh. Yes.

Q Tell us the eight children.

A Ricky, Canda, Lisa, Jessica, Sean, Shanna.

Q Shonna --

A Shanna. Timmy and Alysia.

Q So Alysia is your biological daughter?

A No, ma'am. I adopted that child.

Q And who are her -- who was her biological parents?

A His name was Ray Ray Lopez.

Q And her mother -- were either of them your children?

A No.

Q Okay. How about Timmy, is your biological son?

1 A He might as well be. He's hooked on my hip.

2 Q Is he your biological child?

3 A No.

4 Q How did he come to be your child, under your
5 definition?

6 A My children were all grown, and I was so sad.
7 All I had ever done is be a mom. And I used to watch
8 this lady walk past my house every day with a little
9 girl. And she was pregnant. That little girl was
10 Alysia. She was only a year old. It was cold outside,
11 and all she had on was a diaper and some flip-flops.

12 And my daughter lived across the street from
13 me. And I had asked her, Sister, what is that woman
14 doing with that little girl? I don't understand. She
15 has no clothes on. I just felt so bad.

16 Well, my daughter had a friend that knew who
17 the family was. And she told us about it. And the
18 mama was going -- she had been in prison. And she had
19 got out. And she violated her probation or something.
20 I don't know.

21 Q Is this Timmy's mom?

22 A It's Timmy and Alysia. They're brother and
23 sister.

24 Q So they're biological siblings, and you adopted
25 them from these people?

1 A I took -- I told my daughter, See if they need
2 anything, if I can help in any way. So my daughter had
3 a friend that knew them. And the mama was going to try
4 to borrow people's phones, she was going to turn
5 herself in so she could go to prison. And she left
6 those children with that dirty old man. And he passed
7 Alysia around like she was --

8 Q And then you came to adopt the two of them,
9 correct?

10 A I fought with everything I had to get those
11 kids. Ms. Lucy, the CPS lady, had came in, and I went
12 to the home they come out of. And I wanted to die. My
13 heart -- Timmy was just weeks old. He had nothing. He
14 would just lay in a blanket. My daughter took what she
15 had from her babies down there, and we went and
16 bought -- but Ms. Lucy and I went in the house. Alysia
17 was only one. And there was old, dirty, bloody
18 syringes laying around in there. There was a hole in
19 the floor that all of us couldn't get in. You could
20 see the dirt.

21 They had touched Alysia. Alysia's little
22 bottom looked like raw hamburger meat. And I --

23 Q Ms. Lucero, I understand that this is emotional
24 for you. I'm just trying to clarify for the Court how
25 all of these children came to be in your care. I do

1 understand that's very emotional.

2 A I adopted them. The mother -- I fought for
3 those kids. We gave everything we had, and we got
4 custody of them. And the day that it was final, the
5 mother just happened to have gotten out of prison. And
6 she showed up at the court. And she said -- told us --
7 asked -- the Judge asked if anybody had anything to
8 say. And she said, I might have had these children --
9 and she didn't know me from anybody, but she had it for
10 me. Because she knew I loved them, and I would die for
11 those kids.

12 Q So the next child you mentioned was Shannon.
13 Is she your biological child?

14 A Yes, ma'am, she sure is.

15 Q And Shonna is your biological?

16 A Shonna is my biological baby girl.

17 Q And Jessica?

18 A She's my husband's daughter, but we raised her.
19 She's wonderful. And Lisa, she's my daughter, too.

20 Q So --

21 A These are Papa's kids before we got married.

22 Q So these are your stepchildren and Michael's
23 biological children, correct?

24 A Yes, ma'am.

25 Q Shonna, Lisa, Candy --

1 A Canda.

2 Q Canda. I apologize.

3 A And Ricky. My big son.

4 Q And then you also testified that you had raised
5 five grandkids. What five grandkids did you raise?

6 A Brother. That's -- he's amazing; Jason.

7 Q Okay.

8 A And Kristin, Ashley, and Darian.

9 Q And did you also raise Laken?

10 A Well, of course I did. That's my baby
11 granddaughter.

12 Q And whose parents are Jason's?

13 A My daughter sitting there in the room back
14 there. Shonna Stone is her mother.

15 Q Thank you.

16 And Kristin?

17 A Shonna Stone is her mother.

18 Q Ashley's parents?

19 A The same. They're all the same.

20 Q All five of those grandkids are --

21 A Yes.

22 Q Okay. Why is it that you came to raise these
23 five grandchildren?

24 A I came to raise my five grandchildren, first of
25 all, because I love every one of them with everything

1 in me. My daughter was a young girl having children.
2 And their dad -- I'm so sorry, Kristin -- he was a
3 drunk and a drug addict. And he left my daughter
4 penniless with not nothing, and I took her children in.
5 She was a kid.

6 Q Okay. And so --

7 A So she could get a life and go forward and be
8 the young lady she is right now.

9 Q How old was Jason when he came to live with
10 you?

11 A Jason Travis was two years old.

12 Q How old was Kristin when she came to live with
13 you?

14 A They're a year or two apart -- or four. Three
15 or four.

16 Q How old was Ashley when she came to live with
17 you?

18 A Oh, Ashley, my little angel. She's always
19 fought to be at my house, always. Ashley and Laken, no
20 matter if they was with their mom or dad or not, those
21 two, from the time they was little bitty, they've been
22 coming back and forth to my house.

23 Q So how old was Ashley when she came to reside
24 with you?

25 A She was -- Shonna and her came as a newborn.

1 And then they went back -- she tried to make her family
2 work.

3 Q And then how about Darian?

4 A Darian was about five or six.

5 Q And Laken?

6 A Laken, Sister had her when she left -- when she
7 went in the house, since she was born. Shonna tried to
8 take her home, and she would fight to come back.

9 Q How old is Jason now?

10 A Jason is a grown-up. He's a fine, young man.

11 Q And we know how old Kristin is now. Is Ashley
12 also a grown adult?

13 A Yeah. She's over in Idaho. And Darian is
14 here, and she's got four boys.

15 Q And Laken?

16 A Laken's got a darling little one-year-old.

17 Q What is Laken doing? Did she graduate from
18 high school?

19 A You bet she did.

20 Q Did Darian graduate from high school?

21 A She was working on it. She didn't get
22 finished. She tooted the mama horn. She wants to
23 raise babies.

24 Q Did Ashley graduate from school?

25 A No. She was at the point of graduation, and we

1 moved to Elko. And her life just went sideways.

2 Q How about Kristin, was she able to graduate
3 from high school?

4 A You bet she did.

5 Q And Jason, was he able to graduate from school?

6 A He's got his GED.

7 Q Did Timmy graduate?

8 A You bet he did.

9 Q Did Alysia graduate?

10 A Alysia moved to Idaho, and she's a mommy.

11 Q So she didn't graduate either?

12 A No. But she was right there at it.

13 Q And there was a period of time, was there not,
14 when Alysia had ran away from your home?

15 A Yeah. She got in trouble.

16 Q There was also a period of time, was there not,
17 when Laken ran away from your home?

18 A Laken has never run away from my home, that I
19 know of.

20 Q And you indicated that Laken has one child and
21 is pregnant now?

22 A No; Alysia.

23 Q Alysia. I apologize.

24 A I know. Alysia.

25 Q And what is Laken doing?

1 A Laken is working on getting her business
2 started.

3 Q Here in the Elko County area?

4 A Yeah.

5 Q And you don't recall the police report when the
6 sheriff's department came out to your house on or about
7 September 24th of 2018 for a domestic involving Laken
8 and Michael?

9 A Papa and Laken? No, I don't.

10 Q You don't recall that.

11 Do you recall --

12 A I know she matched wits with him.

13 Q Pardon?

14 A Oh, they're tight.

15 Q Do you recall at that time that Laken was
16 attempting, allegedly, to take Paisley and Carter out
17 of the home?

18 A Huh-uh.

19 THE COURT: Is that a "no"?

20 THE WITNESS: Oh, yes, ma'am.

21 Q BY MS. RODRIGUEZ: You also testified on direct
22 that you want a guardianship over Mayce, Kristin's new
23 child, because Kristin isn't working and doesn't have
24 insurance, correct?

25 A Yeah. We just want to help her and provide

1 insurance for her.

2 Q It's true, is it not, that when Kristin was
3 pregnant with Mayce, she was on Medicaid?

4 A I don't know. Yeah, I guess. But she's never
5 been off our insurance. She's always been on our
6 company insurance. I don't know what she did when she
7 was out of the house. But we've always kept it for
8 her.

9 Q So if Kristin was on Nevada Medicaid when she
10 had Mayce, Kristin provided that medical care for her,
11 correct?

12 A I don't know what insurance she used. I
13 provide her with a card.

14 Q Did she ask, or did you ask Kristin, if she
15 needed help with medical insurance?

16 A I've had it since she was a kid.

17 Q That wasn't my question, ma'am.

18 Did you ask Kristin if she needed help with
19 medical insurance?

20 A No.

21 Q Did you ask Kristin if she needed help for
22 medically providing for Mayce?

23 A We've been paying for everything --

24 Q That's not my question I asked.

25 Did you --

1 A No, I didn't.

2 Q You also testified that Kristin is doing a very
3 good job right now --

4 A I sure did.

5 Q -- with her children while they were at your
6 home. You then testified with Mr. Gerber that you
7 think that Kristin needs all control of her children.

8 So, Ms. Lucero, if you believe that, why have
9 you not withdrawn your Petition for guardianship over
10 Paisley and Carter?

11 A I am not gonna stop until my granddaughter gets
12 her children back.

13 Q Do you --

14 A Kristin can be --

15 Q Do you think these children need to be in a
16 guardianship?

17 A I think the children need to be with their mom.

18 Q Do you believe that these children need to be
19 in a guardianship?

20 A Not against Kristin, no. I think Kristin needs
21 to be raising her own children. And if we want to help
22 her, we can help her.

23 Q And, Ms. Lucero, you testified you've always
24 been there and always provided for not only Kristin,
25 but all of your grandkids when they need it, correct?

1 A You bet I will.

2 Q So why not withdraw your guardianship Petition
3 if you believe that Kristin can raise them and you can
4 provide that support?

5 A I will withdraw my stuff when everybody else
6 gives Kristin her kids back. Because at my house,
7 Kristin can live there. We will support her in any way
8 she needs supported financially, mentally. We'll all
9 help. I'm not trying to keep her from her children.

10 Q When you were going over Exhibit L, which your
11 attorney presented to you, the evaluation from Courtney
12 Nalivka, the dietician from the hospital, you stated
13 this says Paisley is okay. Is that what it says?

14 A Well, I asked the lady, Is she okay? And she
15 said, Yes, she's okay.

16 Q Ms. Lucero, your attorney also marked other
17 exhibits, although she didn't admit them. But we do
18 have medical information within the court file and the
19 records that shows she is at 95 percent or above of the
20 weight for a child her age, and between 34 and 38
21 percent -- percentile for her height.

22 A Excuse me --

23 Q Excuse me. May I please ask the question?

24 A Yeah.

25 Q It also says her BMI is above 95 percent. Do

1 you believe that that documentation from a doctor says
2 that Paisley's health is okay?

3 A I went with Maria, and she said she was not
4 concerned --

5 Q Who is "she"?

6 A Dr. Hernandez. She has -- I've read all
7 through her documents. I don't see anywhere where she
8 says that Paisley is in danger. Between two and three,
9 she was in a high percentile. Now, I just looked at it
10 a few weeks ago. She said that she's getting taller,
11 she's more active, she's doing good.

12 Q Yet Paisley's BMI is still above the cutoff
13 range, is it not, significantly?

14 A Well, I'm not exactly skin and bones, and
15 Kristin isn't either.

16 THE COURT: Ms. Lucero, please answer the
17 question that was asked.

18 THE WITNESS: Well, my understanding is she's
19 okay. We just need to let her grow and run and play,
20 not make a big deal out of it; just be conscious of
21 what we feed her and give her to drink and activities.

22 Q BY MS. RODRIGUEZ: And, Ms. Lucero, this has
23 been an issue since the original guardianship was
24 filed, Paisley's health?

25 A I never had her sick. She's not sickly. I

1 don't -- I guess I'm saying, she's not sickly at my
2 house. She's happy, she's healthy, she runs, she
3 plays, she loves everyone. The only one that has ever
4 complained about her weight, her anything, is
5 Ms. McGrew.

6 And I've done everything I know to do to please
7 her. I've been to dieticians. I've been to the
8 doctor, whether I buy vegetables, fruit, I don't give
9 her soda, I give her water. I try to do everything.

10 Q Ms. Lucero, please answer my question.

11 Do you recall when the Petitions were
12 originally filed in, sorry, 2018, one of the concerns
13 was Paisley's weight being above, significantly above,
14 the percentile she should be at for a child her age?

15 A At that time, she was.

16 Q And, Ms. Lucero, you provided today, as Exhibit
17 L, a document from the dietician at the hospital,
18 Courtney Nalivka --

19 A Yes.

20 Q -- indicating that you came to see her, I
21 believe, on February 8th of this year.

22 A 5th.

23 Q February 5th of 2021, correct?

24 A Yes, ma'am.

25 Q Can you explain to the Court why the concerns

1 have been brought forth for almost three full years
2 before you sought the assistance of a dietician for
3 Paisley?

4 A I talked to the dietician beforehand and asked
5 them, what am I supposed to be feeding -- it was a
6 friend of mine. I talked to her. And I did everything
7 she said. I mean, I'm sitting here, I don't understand
8 what you're accusing me of.

9 Q I'm simply asking questions.

10 A I do my best to love and care for my
11 grandchild.

12 Q You also indicated that you were upset because
13 Maria hurt your family. When you said that Maria hurt
14 your family, are you referring to when Maria had
15 Kristin sign the consent for guardianship?

16 A That's part of it. She sent my granddaughter
17 to Stockton, California, with a candy bar and a soda
18 pop and \$20. And I had a lady call me on the phone and
19 tell me my granddaughter was down there staying in a
20 garage.

21 I was frantic. I called my husband at work. I
22 borrowed money. And my granddaughter and I jumped in
23 the car and went and got her. She was alone down there
24 by herself with people she didn't even know.

25 Q So you were upset at Maria McGrew because of

1 that incident and how it brought stuff forward?

2 A Of course. Wouldn't you be? She's never been
3 out of -- away from us.

4 Q At that time, what has changed since you being
5 upset at Ms. McGrew for -- for that incident? We'll
6 call it that one whole incident. Has anything changed
7 with your relationship with Ms. McGrew?

8 A Well, I tried sending them flowers -- or not
9 sending them, taking her and Vicky flowers for
10 Valentine's or one of the holidays. I've tried
11 Mother's Day, something. I try to encourage Paisley.

12 Q Yet, Ms. Lucero, you would agree, would you
13 not, that you refer to Ms. McGrew as "that woman," and
14 you tell Paisley not to worry, she won't have to go to
15 that woman's house much longer?

16 A I said that.

17 Q How is that facilitating the relationship? Do
18 you recall the testimony from the previous hearing?

19 A No, I don't recall that. I recall her saying
20 that, but I don't recall saying it.

21 Q Okay. You also testified that NEIS came out
22 and evaluated Carter. And then you took him to
23 Shriners in Salt Lake, and they said he would grow in
24 to his large feet.

25 Did you let the Fergusons know that you were

1 having NEIS come out to evaluate Carter?

2 A I told Vicky about it. And I said I would give
3 her a copy, but I never got it.

4 Q Did you let them know before NEIS came out?

5 A No. What happened is I had another grandchild
6 that -- Haiden, and they saw him. And I just asked
7 them, could they evaluate Carter. They were out to see
8 Haiden.

9 Q When you said that you took Carter to Shriners
10 in Salt Lake, did you notify Fergusons that you were
11 taking him prior to taking him?

12 A I sure did. They let me use one of their days.

13 Q And did you tell Kristin about either NEIS
14 coming out to evaluate Carter or about the visit to
15 Shriners?

16 A No. She wasn't all together at the time.

17 Q Okay. Prior to taking Carter, or asking --
18 excuse me. Prior to asking NEIS to evaluate Carter or
19 taking him to Shriners, did you discuss your concerns
20 at all with the Fergusons about his feet?

21 A Several times I said something about his feet.

22 Q Mr. Gerber asked you about some of the criminal
23 things that you have been involved in. Who did you
24 think took your morphine pills in 2015?

25 A I thought it was Ashley Dawn. I sure did.

1 Q Okay. And she was residing with you at that
2 time?

3 A No. She was residing at her own place. But --

4 Q Did Ashley have some -- some substance use
5 issues at that time?

6 A You bet. She was a mess. But she's good now,
7 too.

8 Q Also in July, excuse me, of 2018, you said that
9 that there was some drug paraphernalia in the home.
10 Whose was the drug paraphernalia that you turned over
11 to the cops?

12 A I don't know whose it was, but I found it. We
13 moved in a rent house, and it could have been there
14 before. I don't know. But it wasn't mine. And I
15 called the police immediately and had them come out,
16 and I handed it to them. I said, This is not mine, I
17 don't want it in here, get it out.

18 Q And it's true, is it not, that there was a
19 period of time when Alysia also had some substance
20 abuse issues?

21 A That's when she was acting out, yeah.

22 Q And did Darian also have some substance abuse
23 issues?

24 A Oh, yeah. But they were grown when they were
25 having their issues. Not in my house, they don't.

1 Q Has Laken had any substance abuse issues?
2 A No.
3 Q How about Timmy?
4 A Never.
5 Q And I believe everyone is aware that Ashley had
6 struggled for a little bit, but is doing very well
7 right now?
8 A Very well.
9 Q You testified that at one point you had to call
10 the sheriff to get Paisley from the McGrews. When was
11 that?
12 A My daughter -- I testified that my daughter had
13 to call the sheriff -- Kristin had told Sister, they
14 work across the street from each other, she had told
15 Sister that she needed -- she had to work late, to go
16 pick up the baby.
17 Q Okay.
18 A And Shonna went to get the baby, and she was
19 nowhere to be found. John said, I don't know, I don't
20 know. And I wasn't there.
21 Q When was that, Ms. Lucero?
22 A Oh, gosh. That was -- I don't even remember
23 the date. I just know that it happened.
24 Q Was Carter born by then?
25 A He might have been over at Vicky's or --

1 Q You don't recall?

2 A No, I don't recall.

3 Q And do you recall if at that time Kristin was
4 still working two jobs?

5 A She sure did. She worked two jobs.

6 Q And she was living with Kevin at that time?

7 A Yeah.

8 Q Kevin Ferguson?

9 A Yeah, trying to.

10 Q Ms. Lucero, do you recall signing a consent for
11 Maddie Neff to have a piercing done without her
12 mother's permission?

13 A I signed it, but Maddie is the little girl that
14 come over to visit Laken. And her mom dropped her off
15 with us. We told her what we were doing. And her mom
16 dropped her off. And she had the \$60 that it's
17 supposed to cost to get her belly button pierced.

18 I didn't agree with that that much, but I said,
19 Well, you girls are goofy. But, anyway, both of them
20 did it.

21 Q And did you ask Madeline Neff's mom before you
22 signed --

23 A I told Laken to ask her or tell her. She told
24 her what we were doing, that we were going to get
25 Laken's belly button pierced --

1 Q Ma'am, my question is, did you ask her?

2 A No, I did not. I would never do that again.

3 Q Do you recall December of 2016 where
4 Mr. McAnany had brought you in to the school because of
5 concerns that you were harassing some children?

6 A I never done that, that I know of. I'm friends
7 with him.

8 Q Do you recall purchasing a vape for a child --

9 A That's Maddie Neff's -- that's saying all of
10 that stuff, and I never did. I don't even mess with
11 that. That was all in that one day.

12 Q Do you recall the following year, of 2016, when
13 there was an issue with you buying the E-cigarettes for
14 the children --

15 A The what?

16 Q The E-cigarettes.

17 A I know nothing about it.

18 Q Do you recall January 31st of 2017, the issue
19 with you buying E-cigarettes for children?

20 A No, I don't buy that stuff.

21 Q Okay. Ms. Lucero, is it true that there was a
22 divorce filed in 1993, wherein you and Mr. Lucero
23 divorced, and thereafter you and he re-married?

24 A Absolutely not. You better look your records
25 up, because he and I have never been divorced.

1 THE COURT: Judge, I would ask the Court to
2 take judicial notice of Case No. DR-MD-93-0025426.

3 THE WITNESS: That's the year we got married.

4 THE COURT: Ms. Lucero.

5 I'm sorry, Ms. Rodriguez, can you tell me that
6 case number again?

7 MS. RODRIGUEZ: Yes DR-MD-93-0025426.

8 THE COURT: 426?

9 MS. RODRIGUEZ: Yes, Your Honor.

10 THE COURT: Judicial notice will be taken.

11 MS. RODRIGUEZ: Thank you.

12 Q BY MS. RODRIGUEZ: Ms. Lucero, you're aware,
13 are you not, that Mr. Ferguson, Mr. Kevin Ferguson, had
14 his issues with the law and with drug usage?

15 A Oh, yes. Still does.

16 Q Do you believe he's a fit parent to care for
17 his son at this time?

18 A I love Kevin to pieces --

19 Q But do you believe he's a fit parent?

20 A No, I do not.

21 Q Is it because of his historic issues and --
22 well, is it because of his issues with drug usage?

23 A He's with a girl right now that's fixed to be
24 having another baby. He doesn't do nothing for Carter,
25 only his parents do. You rarely see him around.

1 Q In fact, Ms. Lucero, do you have any concerns
2 with how the Fergusons are caring for Carter at this
3 time?

4 A I worry about Vicky's health real bad. I worry
5 every day.

6 Q Is Carter mistreated at the home?

7 A They would never mistreat him.

8 Q And they're providing for all of his needs
9 during the week that they have him, correct?

10 A The week they have him, they take care of their
11 stuff. The weeks I take care of him, I have it.

12 Q Ms. Lucero, do you recall receiving any kind of
13 child support or assistance with medical bills for
14 either Paisley or Carter while they have been in your
15 care?

16 A Huh-uh.

17 THE COURT: Is that a "no"?

18 THE WITNESS: No. I'm sorry.

19 Q BY MS. RODRIGUEZ: Prior to Paisley's dad
20 passing away, it's true, is it not, that Kristin was
21 doing very well?

22 A Yes.

23 Q She was working. She was providing for
24 herself?

25 A Yes.

1 Q Providing for her children?

2 A Yes.

3 Q She was living on her own -- well -- well, with
4 the father of her children?

5 A Yes.

6 Q And that incident almost set off a --

7 A A bomb.

8 Q -- a catapult for the whole family, for your
9 family, the McGrews, and the Fergusons, did it not?

10 A That was -- it was Paisley's first birthday.

11 Q It was very difficult for everyone, correct?

12 A I tried to go look for him. We loved that kid.

13 Q Ms. Lucero, you testified that Kristin had been
14 on Social Security her whole childhood. Why would she
15 be on Social Security disability?

16 A Kristin was diagnosed as a little kid with a
17 severe learning disability. Kristin didn't start
18 walking until she was about three.

19 Q Yet she was able to, as an adult, able to
20 become self-supporting and carried two jobs and did a
21 great job raising children, correct?

22 A She sure did.

23 Q So at what point did the Social Security
24 disability end?

25 A When she turned 18.

1 Q So when she left your home, she no longer
2 needed disability?

3 A She's tried to get it again, but I don't know
4 what -- they said that it was because she had a
5 learning disability. And so that's how she got it.

6 Q Okay.

7 A But when she turned 18, she tried to get it
8 again, and I tried to help her with what I knew to do.
9 But they never gave it to her, as far as I know.

10 Q Ms. Lucero, for the past two-and-a-half years,
11 almost three years, you and Mr. Lucero have been able
12 to essentially co-parent with the McGrews and the
13 Fergusons.

14 Do you believe that that relationship is no
15 longer in the best interest of Paisley and Carter?

16 A I feel like that we should all think about
17 those children. Do you believe --

18 Q What about the relationship is not in the best
19 interest of the children?

20 A I absolutely don't.

21 Q So you don't believe it's in their best
22 interest?

23 A I don't feel like they need it. They got their
24 mom.

25 MS. RODRIGUEZ: Okay. I have no further

1 questions.

2 THE COURT: Ms. Stone, do you have any
3 questions of Ms. Lucero?

4 MS. STONE: I don't.

5 THE COURT: Ms. Amens, any follow-up?

6 MS. AMENS: Your Honor, and maybe this is an
7 issue I have with my memory, I understood that at one
8 point we had stability, because we were having such
9 time issues with regards to the criteria for a
10 guardianship, felony background, all of those kind of
11 things. And I thought that we had done that with the
12 other parties. But Ms. Rodriguez had indicated that
13 she had asked those questions. So I did not ask her
14 those questions going forward.

15 If you would allow some leeway, I would ask her
16 some of those questions and a few follow-up.

17 THE COURT: That's fine.

18 MS. AMENS: Okay. Thank you.

19
20 REDIRECT EXAMINATION

21 BY MS. AMENS:

22 Q So, Pammy, I know you have been a guardian a
23 number of times, but there are some requirements with
24 regards to being able to be qualified for a
25 guardianship that was put in to our Petition. I just

1 want to ask you, for the Court's sake, with regards to
2 those.

3 So have you ever lost a license, any licensed
4 position, because of veracity, truthfulness? Have you
5 ever been denied any employment because of issues with
6 regard to that?

7 A No. I worked for the man that built this town.

8 Q Have you ever held a license that has been
9 revoked?

10 A No.

11 Q Or misconduct?

12 A No.

13 Q Have you ever been involved in a profession
14 regarding management of money, investment securities,
15 real property --

16 A No.

17 Q Okay.

18 THE COURT: Can you give your attorney the
19 opportunity to finish her question before you answer,
20 please?

21 Q BY MS. AMENS: Okay. That requires license in
22 Nevada, or any other state, have you lost a license
23 because of untruthfulness --

24 A No.

25 Q -- or misconduct?

1 Have you ever been convicted of a felony?

2 A 50 years ago, I took the blame -- my ex-husband
3 gave me a car for Christmas, and I didn't know that it
4 wasn't legal. So I did probation for that, 50 years
5 ago.

6 Q And that's in your Petition, as well, correct?

7 A I never hid it from anybody.

8 Q Okay. Have you ever filed for bankruptcy?

9 A One time.

10 Q Do you recall when that was?

11 A It was a few years ago.

12 Q And the bankruptcy, what was it based on?

13 A Medical.

14 Q Medical for who?

15 A Myself. It was severe.

16 Q Okay. Have you ever been granted guardianship
17 prior?

18 A Yes.

19 Q Okay. And we talked about that with your
20 grandchildren and so forth?

21 A Yes.

22 Q Okay.

23 THE COURT: Ms. Amens, may I interrupt you?

24 Was that bankruptcy within the last seven
25 years?

1 THE WITNESS: No.

2 THE COURT: You may proceed.

3 MS. AMENS: Okay. Thank you.

4 Q BY MS. AMENS: When you filed for guardianship,
5 did you understand that the children were in need of a
6 guardianship and were unable to care for themselves?

7 A Yes.

8 Q Okay. Unable to handle financial issues?

9 A Yes.

10 Q Okay. And at that point, you were of the
11 understanding that Kristin, their mother, was unable to
12 care for those?

13 A Yes.

14 Q Okay. So you requested to be a guardian of
15 both the estate and the person --

16 A Yes.

17 Q -- of the children, correct?

18 A Uh-huh. Yes.

19 Q All right. Some of the questions that
20 Ms. Rodriguez asked you about, one of them was related
21 to Paisley's weight. So at the time that the Petition
22 was granted, she was outside the range of a child, the
23 charts that they have, correct?

24 A Yes.

25 Q Okay. This didn't occur while you were her

1 guardian, right?

2 A No.

3 MS. RODRIGUEZ: Judge, I object to the leading
4 questions. Ms. Lucero is her client and her witness.

5 MS. AMENS: I am also trying to get through
6 this so that we don't have another day.

7 MS. RODRIGUEZ: We still have to follow the
8 minimum requirements of court.

9 THE COURT: Agreed. Please rephrase your
10 question.

11 MS. AMENS: I'll move on.

12 Q BY MS. AMENS: Mr. Gerber had you go through a
13 series of law enforcement issues. So let me
14 understand, have you ever spent a night in jail?

15 A No. No.

16 Q Okay.

17 A I said when they took me down to the jail, I
18 sat at the sergeant's desk and waited for my daughter
19 to come get me.

20 Q And that particular time -- so that was an
21 arrest. That's what you're talking about with this
22 traffic ticket?

23 A A traffic ticket for a seatbelt.

24 Q Okay. So Ms. Rodriguez asked you about whether
25 you felt the co-parenting relationship currently was in

1 the best interest of the children, and whether -- and
2 that you had been able to do this for the last
3 two-and-a-half years.

4 Has the last two-and-a-half years been good for
5 the kids?

6 A The pushing them back and forth, no, I don't
7 think so.

8 Q Okay. There was some discussion about some of
9 the drug use that some of your grandchildren -- and I'm
10 sorry, I kind of lost track -- maybe your own
11 children had. Did that happen while they were minors?

12 A No.

13 Q And, in fact --

14 A Alysia did it once or twice, but --

15 Q Okay. And did I understand that you had also
16 actually, when you found paraphernalia in your house,
17 you called --

18 A I called the sheriff.

19 Q Is there any tolerance for drug use at your
20 home?

21 A No. I hate drugs so bad. They had me on
22 medication for my back. I had had some -- I've had 21
23 major bladder surgeries. And they ended up setting my
24 bladder to my tailbone, so it bothers me sometimes, not
25 any more. I never encouraged drugs. I never liked it.

1 I love kids. And I try to discourage every kid that I
2 know.

3 So I went and found out that they had this
4 machine that I could get put in my body that would make
5 it where I never even had to take as much as a baby
6 aspirin. And, ma'am, I've got that in my stomach. And
7 for years, Dr. McIntire -- in fact, I went and saw him
8 the other day -- said that I'm amazed that I was one of
9 the first patients that ever did that, and he was proud
10 of the fact that I've never had to have a --

11 MS. RODRIGUEZ: Judge --

12 THE COURT: Ms. Amens, I don't see how this is
13 relevant.

14 THE WITNESS: I don't believe in drugs.

15 THE COURT: Unless you want to continue to
16 another day, move it along and stick to things that are
17 relevant.

18 Q BY MS. AMENS: You indicated that you never
19 purchased vapes --

20 A No.

21 Q -- for children. Do you vape?

22 A No.

23 Q Do you smoke?

24 A I smoke a cigarette. I sure do.

25 Q Have you ever purchased E-cigarettes?

1 A I don't even know what it is. No.

2 Q Okay. I don't understand what this divorce
3 proceeding --

4 A I can explain. My husband was divorced in 1993
5 from Pat Lucero. And in 1993, in September, he married
6 me. There was never a divorce between me and my
7 husband.

8 THE COURT: Sir, I would ask you to not -- to
9 refrain from any hand gestures or comments. You'll
10 have your opportunity to testify.

11 THE WITNESS: My name is Pamela, her name is
12 Patricia.

13 Q BY MS. AMENS: Okay. Hold on. I'm just going
14 through my notes real quick.

15 Ms. Rodriguez asked if you're believing that
16 Kristin is doing really well right now, why you haven't
17 withdrawn your Petition for guardianship. Why is that?

18 MS. RODRIGUEZ: Judge, I asked that question,
19 and Ms. Lucero answered it.

20 THE COURT: So asked and answered?

21 MS. RODRIGUEZ: Yes.

22 MS. AMENS: Let me rephrase the question.

23 THE COURT: Objection is sustained.

24 Q BY MS. AMENS: In regards to your current
25 request here for guardianship of Paisley and Carter,

1 why -- why do you feel like it's important that you get
2 guardianship if you're believing that Kristin is doing
3 better?

4 A I believe that with Kristin, she needs her
5 children, and they need to be with her. And I can
6 provide any home she needs, any vehicle she might need,
7 any medical, any anything that her and her children
8 might need. I expect her to work and be a mother to
9 her children. But I could meet all their needs, and I
10 can help her. And I will protect her.

11 Q What are you afraid of if you withdraw your
12 Petition?

13 A They'll go after Kristin and keep on --

14 Q Who is "they"?

15 A Maria will go after Kristin. She is expecting
16 my granddaughter to have a home, a car, her diapers
17 have never been good enough, her clothes have never
18 been good enough. Nothing that Kristin has ever done
19 have been good enough. And I can provide all of that
20 and more. And will.

21 MS. AMENS: No further questions.

22 THE COURT: Ms. Lucero, you can have a seat
23 next to your attorney.

24 THE WITNESS: Thank you.

25 (The witness left the stand.)

1 THE COURT: Your next witness?

2 MS. AMENS: Yes, Your Honor. I will call
3 Michael Lucero.

4 THE COURT: Come forward, Mr. Lucero. Please
5 face the court clerk and raise your right hand and be
6 sworn.

7 (Witness sworn.)

8 THE COURT: You can have a seat.

9 Please state your name and spell it for the
10 record.

11 THE WITNESS: Michael Lucero. M-i-c-h-a-e-l.
12 L-u-c-e-r-o.

13 THE COURT: Go ahead.

14

15 MICHAEL LUCERO,
16 the witness herein, being first duly sworn, testified
17 as follows:

18

19 DIRECT EXAMINATION

20 BY MS. AMENS:

21 Q Mr. Lucero, is it okay if I call you "Michael"?

22 A Yes, ma'am.

23 Q Michael, have you testified often?

24 A No.

25 Q Can you tell the Court what you currently do?

1 A Well, I'm an equipment operator at Nevada
2 Mines. But I was in an accident, in the semi/bus
3 accident on September 24th, 2018. And so --

4 Q So are you currently on disability?

5 A Yes, ma'am.

6 Q Okay. All right. And so what's a typical --
7 typical day look like for you?

8 A Right now, I'm retired.

9 Q Okay.

10 A Yeah. And fixing to go in to retirement, you
11 know. And --

12 Q So you're home?

13 A Yes. And still going through MRIs, you know.
14 And so I'm seeing a doctor in Reno.

15 Q Okay. All right. So you're getting some
16 therapy and --

17 A Yes, ma'am.

18 Q All right. So what does a typical day look
19 like for you?

20 A Hold the couch down.

21 Q Okay. You hold it down?

22 A Oh, I sit on it and I hold it down, unless I
23 have to go to the restroom. And then I come back, and
24 I sit down in my recliner and hold it down again. Hard
25 job. Hard job.

1 Q All right. So what does it mean being home and
2 having the kids there?

3 A Well, I love it. They're my babies. I raised
4 them since they were babies, all of them.

5 Q Okay. How would you say -- how would you say
6 the kids are doing? How is Paisley doing?

7 A Oh, she's wonderful, you know. Me and her are
8 like that (indicating). I've been her daddy since she
9 was born. I have over 1,100 pictures of her and me
10 doing everything, you know. Same with all of them, you
11 know.

12 Q Tell me about Carter.

13 A He's right there with Papa. And pretty soon,
14 if I correct him, I'm doing something, he said, I want
15 Nanny. And so he goes with his Nanny, because Papa got
16 mad at him; I want my Nanny.

17 Q So Ms. Lucero, or Pammy, was talking about all
18 of these kids that you guys have raised, including
19 grandkids. Has that been part of your life's work?

20 A You bet. That's the biggest part of my life.
21 That's what I worked for. I did a lot of overtime for
22 my family, because that's what I work for is my family.
23 And when this happened, oh, man, it just shot
24 everything all to heck, you know. But we still -- I'm
25 still glad they're home.

1 Q When you talk about "this," you're talking
2 about the accident. You're not talking about the
3 guardianship, correct?

4 A No.

5 Q So this guardianship has been going on for
6 quite a while.

7 A Oh, yeah. It's -- it shouldn't have been going
8 this long. They should be with their parents.

9 Q Okay. And we've heard today both from Kristin
10 and then also from Pammy, that she's doing really well.

11 A Yeah.

12 Q Are you expecting that she'll stay at the house
13 for --

14 A Yeah.

15 Q Okay.

16 A That's what we're hoping for. And so far, the
17 last two months, she's been doing really good.

18 Q All right. But prior to that, if she wasn't
19 doing good, was she at your house?

20 A No.

21 Q Has that been kind of a standard rule for all
22 of the kids?

23 A I don't allow it at my house. I don't allow
24 that. They have to tow the mark and walk the line.

25 Q We've had testimony from several folks that you

1 and Mr. McGrew and Mr. Ferguson have a good
2 relationship. In fact, I think some of the exchanges
3 have been set up around you guys doing the exchanges.

4 Has that been helpful?

5 A Yeah. I just -- I just take care of the part
6 of the girls that don't get along. That's when I said,
7 I'll do it. I'll take Paisley over to John and
8 Maria's, and the wife will take Sonny Boy over to Don
9 and Vicky.

10 Q Sonny Boy would be --

11 A Carter.

12 Q -- Carter.

13 Okay. And they have a little sister.

14 A Oh, yeah. They adore her.

15 Q Do they?

16 A Oh, man. Oh, yeah.

17 Q So who is it -- what is it like on the day of
18 exchanges?

19 A Well, on my part, we have a little bag. We
20 have to tell her about an hour before she goes. She
21 bathes most of the time. But if we take her at 1:30
22 that day, then she doesn't. She fusses. But I said,
23 This is what you got to do.

24 So, you know, at first she don't like it, but
25 then you got to go. So I've had a lot of times where

1 we fight back and forth where she doesn't want to get
2 dressed, but we coach her along and help her in.

3 Q Okay.

4 A Me and her auntie and her uncle and the wife
5 and her mom.

6 Q So is there -- we heard that there's been
7 testimony that Pammy will talk of Ms. McGrew as "that
8 woman." Is there talk about the McGrews around Paisley
9 at your house?

10 A No. We just tell them, You got to go to your
11 grandma and your grandpa's. And this is the way it
12 goes. This is what the Court order, you know -- you
13 know, you don't like it, you still got to do it.

14 Q Okay. I mean, does she express that she
15 doesn't like it?

16 A Yeah, she sure does.

17 Q All right. Do you try and help her? Has it
18 gotten any better?

19 A You know, sometimes, a couple of times it's
20 been okay. And then sometimes they just don't want to
21 go. But I say, You have to.

22 Q So where do the exchanges take place today?

23 A Well, I take Pais over to John and Maria's
24 house. And usually Pamela and Chico, which is Timmy,
25 Jr., take Sonny Boy back to Vicky and Donald's house.

1 And that's how we do it.

2 Q Okay. And then when you get the children?

3 A They bring them over. Sometimes Donny goes and
4 picks up -- I mean Maria goes over to Donny's house,
5 and then they bring them both over in one vehicle.

6 Q Okay. All right. And that's a change, right,
7 since August? Has that helped where you're doing the
8 exchanges at each other's house?

9 A Yeah. It's all right. You know, just instead
10 of doing them both, three different ways, we got to do
11 what we got to do.

12 Q So we've heard a lot about Paisley's health and
13 weight and so forth. How is she doing? How is she
14 doing now?

15 A She's doing great, always has done great. You
16 know, she comes and she says -- she'll tell you how
17 much a portion is. And I look over there like -- I
18 guess she's been taught this is only so many grams of
19 that and so many grams of that.

20 Q Does she say "grams"?

21 A She says all kinds of stuff; this portion right
22 here, you know, and all of that stuff.

23 Q So she's focused on it?

24 A Yeah.

25 Q And you saw the dietician report?

1 A Yeah.

2 Q Do you feel like she's overeating at your
3 house?

4 A No. And the dietician said there's nothing
5 wrong with her. She said -- she's cut off of milk at
6 that house. And when she comes to the house -- she
7 said they need milk for vitamin D for their bones. And
8 I said, That's right. So we got the one percent. I'm
9 good with that. If she wants that milk, I'll give her
10 that milk.

11 I don't -- they don't want to give her that. I
12 mean, her bones, you need vitamin D for your bones to
13 grow.

14 Q So currently, both you and Pammy are home and
15 can take care of the children?

16 A Absolutely.

17 Q Okay. And --

18 A Yes, ma'am.

19 Q Now, you have Kristin?

20 A (Nodding.)

21 Q So those kids have lots of supervision,
22 correct, at your house?

23 A Oh, yes. We have baby Dylan, and the boys come
24 over all the time. And then Jackson is right up the
25 street, Brother's little boy. And there's another

1 little brother.

2 Q How do the cousins get along?

3 A Of course they bicker back and forth. They're
4 kids. And if they do, time out, you got to go out in
5 that corner over there, face the wall. Two years old,
6 two minutes. Three years old, that's three minutes.
7 And that's what we've been doing to them.

8 Q Okay. So these are some of the questions that
9 I need to ask you. Have you ever had a felony
10 conviction?

11 A Me?

12 Q Yes.

13 A Way back in 1985. I got in trouble and thrown
14 in jail for drunken disorderly.

15 Q Was that a felony?

16 A No. That's the only time I've been arrested.

17 Q Okay. You heard some of the -- the law
18 enforcement -- where law enforcement was called out on
19 domestics, domestic violence kind of issues between
20 you, and I think it says Laken.

21 Do you recall anything like that?

22 A No.

23 Q Okay. Has there ever been a situation where
24 law enforcement came and talked to you about a domestic
25 violence with any of your children?

1 A No.

2 Q Grandchildren?

3 A No. All I do is work, you know. I always say
4 the four S's, which I can't say it here right now. All
5 I did was work, come home. And then now that I haven't
6 been working, you know, until you brought up all of
7 these malarky that I didn't know about. Because I've
8 always worked a lot of overtime.

9 Q Okay. Okay. You're doing okay?

10 A Yeah.

11 Q Okay. Do you see any reason why if Carter or
12 Paisley would need anything, that you couldn't provide
13 it financially?

14 A Anything they need, I would provide it.

15 Q Okay. Is there any -- any reason why you
16 wouldn't be able, in your household, to allow them to
17 participate in extracurricular events, or school
18 events, or anything like that, any of those kind of
19 things?

20 A No. I like them to get in to those events.
21 They want to play soccer, I said, All right. I want
22 you to get in to soccer.

23 Q And that's something that you can support?

24 A Yeah, my big boy, and my little boy, all of the
25 kids when they were all growing up.

1 Q So school is going to start daily again pretty
2 soon. Do you see any issues related to being able to
3 support her fully in school? Carter is not in school,
4 correct?

5 A Carter is not in school. Paisley is.

6 Q Any restrictions that are going to cause you
7 issues with supporting her in school?

8 A No.

9 Q Okay. I know -- why do you want to be awarded
10 guardianship of Carter and Paisley?

11 A I want their brothers and sisters to all be
12 together like they're supposed to be. They're not a
13 sack of tators and some get thrown over here and one
14 over there. They're a family. Families stay together.

15 Q Okay. They have more family than just your
16 side of the family?

17 A Oh, yeah. They do that.

18 Q And do you see any reason why you can't be
19 supportive of their paternal grandparents?

20 A No. I can support them with everything, you
21 know.

22 Q Okay. And you can communicate and cooperate
23 with everybody?

24 A Oh, yeah. Yep.

25 MS. AMENS: No further questions.

1 THE COURT: Mr. Gerber?

2 MR. GERBER: I have no questions, Your Honor.

3 THE COURT: Ms. Rodriguez?

4 MS. RODRIGUEZ: Just two follow-up.

5

6 CROSS EXAMINATION

7 BY MS. RODRIGUEZ:

8 Q Mr. Lucero, did you say that Laken is living at
9 your house with her child?

10 A Yes, she is.

11 Q And Ms. Amens was talking about your ability to
12 support the kids. Are you on worker's comp because the
13 injury occurred while you were at work?

14 A Yes, I am.

15 Q And either you'll go back to work or --

16 A I think they'll buy me out and retire me.

17 Q So you'll be able to financially support the
18 family?

19 A You bet.

20 Q Whichever way it goes?

21 A Yes, I am. And I spoil them rotten anyways.

22 MS. RODRIGUEZ: Thank you, Judge.

23 THE COURT: Anything else, Ms. Rodriguez?

24 MS. RODRIGUEZ: No.

25 THE COURT: Ms. Stone, did you have any

1 questions?

2 MS. STONE: No.

3 THE COURT: Ms. Amens, follow-up?

4 MS. AMENS: No.

5 THE COURT: Thank you, sir. You can take a
6 seat next to your attorney.

7 (The witness left the stand.)

8 THE COURT: Ms. Amens, next witness?

9 MS. AMENS: I don't have any other witnesses.
10 I rest.

11 THE COURT: Ms. Rodriguez, do you have any
12 testimony or evidence?

13 MS. RODRIGUEZ: No, Your Honor.

14 THE COURT: Ms. Stone, do you have any
15 testimony or evidence to present?

16 MS. STONE: No.

17 THE COURT: Any more evidence from any party?

18 MR. GERBER: No, Your Honor.

19 MS. RODRIGUEZ: Judge, I would ask that Your
20 Honor do an in camera review of any and all cases from
21 DCFS involving all of the petitioners in this matter.

22 THE COURT: And those have already been marked,
23 correct?

24 MS. RODRIGUEZ: No. No. Not the in camera
25 from DCFS. We've had a couple of reports come in from

1 DCFS. However, I'm asking for Your Honor to review any
2 and all reports from DCFS involving any of the
3 petitioners in this matter in camera.

4 MS. AMENS: Your Honor, the reason I might
5 object to that, one, I don't know the scope of what is
6 potential that you might have to look at in camera. I
7 don't know what she's referring to.

8 And I'm also concerned that there's been
9 testimony about DCFS's informal communication with my
10 client, like come pick up the other child and all of
11 those kind of things, that I don't know if those would
12 be included. So I do know -- and I would hate to add
13 to the burden.

14 I know there's unit notes and so forth, that
15 that might have the information of kind of like their
16 thinking in terms of subsequent actions, that if you're
17 only looking at the reports that Ms. Rodriguez is
18 talking about, it may give you a skewed view of how the
19 Division is looking at -- because I'm assuming -- well,
20 at least for my client. I have no idea about the other
21 clients. I'm concerned that you might get a skewed
22 view if you're looking at those reports.

23 MS. RODRIGUEZ: Your Honor, I believe the DCFS
24 records are very pertinent in this matter. We're
25 talking about two very young children. If there's been

1 DCFS involvement involving other children, that should
2 be taken into consideration when Your Honor makes the
3 decision.

4 And I'm asking that it be on all six of the
5 petitioners, not just the Luceros, not just the
6 McGrews, and not just the Fergusons. I believe that's
7 essential. I have the records for each of these
8 children.

9 But Ms. Lucero testified about involvement with
10 at least one other child with their family. Because
11 that child -- I was not currently appointed to that
12 child, I was not able to purview, review, those records
13 to provide a recommendation to Your Honor based on
14 that. That's why I'm asking that Your Honor do an in
15 camera review of those records.

16 THE COURT: Mr. Gerber, would you like to be
17 heard on that?

18 MR. GERBER: Yes, Your Honor.

19 I concur with Ms. Rodriguez. These records are
20 a public record. They are sequestered.

21 THE COURT: They're not public record.

22 MR. GERBER: My understanding is that she was
23 asking you to review the court records that are in the
24 court clerk's office in --

25 MS. RODRIGUEZ: No. I'm asking that the judge

1 review the documentation from the Division of Child and
2 Family Services on each of the parties.

3 MR. GERBER: Okay. At the Division's office?

4 MS. RODRIGUEZ: The Division, when there's an
5 in camera review of the Division's report, they bring
6 them to the Court, the Court looks at them in private
7 and then returns to the Division.

8 MR. GERBER: I have no objection to that.

9 THE COURT: Ms. Stone, would you like to be
10 heard on that?

11 MS. STONE: I'm sorry, I didn't hear you.

12 (Ms. Rodriguez conferring with Ms. Stone.)

13 MS. STONE: I'm all right with it.

14 THE COURT: Okay.

15 MS. AMENS: Your Honor, my objection would
16 stand, that it's one -- I don't even know if we are
17 dealing with actual, like, 432(b) cases or anything to
18 that extent. It's one party's, potentially, side of
19 the situation. And we're not allowing any -- any of
20 the clients to even be able to refute that.

21 There have been a number of allegations that
22 have been brought up today that my client completely
23 denied -- denies. So I just think you're going to get
24 a skewed look at it. And I don't know that it's fair
25 to any of the parties here. I don't know what's in

1 there. I mean --

2 THE COURT: That makes two of us.

3 MS. AMENS: Yeah. And so I'm not -- I think it
4 would be inappropriate. I think this is the best
5 interest of those children.

6 THE COURT: And I agree with you that this is
7 in the best interest of the children. How is prior
8 DCFS involvement or allegations of abuse and neglect
9 not relevant to this situation?

10 MS. AMENS: So I think -- I work with DCSF
11 (sic). There are times when there are things in their
12 report, in their reports, that have an explanation
13 other than what they're attributing it to. And you're
14 not going to hear that part of the voice.

15 So you're going to read a report from somebody
16 who -- an author that I don't get to cross, that has a
17 point of view that -- or even Mr. Gerber gets to cross,
18 that has a point of view that potentially could skew
19 the picture where it could be easily explained.

20 So I think, one, they're all -- they are all
21 hearsay. I understand the relevance. And I understand
22 the desire to kind of have a complete picture. But
23 that's what the case is about, right? That's the
24 testimony, the period of time that we have to present
25 evidence and to be able to cross examine, you know, the

1 witnesses. And that's a huge amount of -- of evidence
2 that I have no idea, won't get to see, and I have no
3 way of defending.

4 THE COURT: Ms. Amens, your objection has been
5 noted.

6 Ms. Rodriguez, can you prepare an order for
7 that in camera review?

8 MS. RODRIGUEZ: Yes, Your Honor.

9 THE COURT: Now, with respect to argument, we
10 have roughly an hour. Before we started today, I
11 discussed with the attorneys that I was not the judge
12 for the August hearing. I have started to review some
13 of that hearing, but I have not got through both days.
14 So even if the attorneys were to present argument
15 today, I can't make a ruling. Because it's only fair
16 to review what happened back in August, as well.

17 Would the attorneys like to brief their
18 closing? Would you like to submit proposed orders
19 instead of briefing? I'm open to your suggestions.

20 MS. RODRIGUEZ: I would prefer a post order
21 with findings in the order, rather than a brief, Judge.

22 THE COURT: Mr. Gerber?

23 MR. GERBER: I would concur with that, Your
24 Honor.

25 THE COURT: Ms. Amens?

1 MS. AMENS: I'm fine with that.

2 THE COURT: Okay. What is a reasonable amount
3 of time for you to return those to the Court?

4 MS. AMENS: Your Honor, I might ask, since we
5 also have mother, and she's been made a party, that she
6 be able to submit at least a letter to you.

7 THE COURT: And that's fine, Ms. Stone. If you
8 would like to submit a letter as to your thoughts, what
9 you think the Court should do, I am fine with that.

10 MS. STONE: Okay.

11 THE COURT: It will be due at the same time
12 that the attorneys is due.

13 MR. GERBER: Your Honor, I would stipulate to
14 have these submitted by the 19th, which would be two
15 weeks and a day.

16 MS. AMENS: Your Honor, I have, between now and
17 then, at least three two-day trials. If I could get it
18 extended to the end of the month?

19 I recognize this has been going on for a long
20 time. But we have also heard testimony that, well,
21 that the parties are able to kind of deal with this
22 thing.

23 THE COURT: I have significant concerns that
24 we're almost through a year on a temporary
25 guardianship, which statutorily it should have been two

1 60-day periods. So I'm very concerned how long this
2 has gone on.

3 Would an additional week be enough time,
4 Ms. Amens, by March 26th?

5 MS. AMENS: Yes, Your Honor. I can make that
6 work.

7 THE COURT: Ms. Stone, can you have your letter
8 to the Court by March 26th?

9 MS. STONE: Yes.

10 THE COURT: And that will give me a sufficient
11 amount of time, hopefully, to review the records from
12 DCFS and to watch those two days of prior testimony. I
13 will not take long in making the decision. The parties
14 have waited far too long, in my opinion.

15 MR. GERBER: Thank you, Your Honor.

16 Rather than make a formal motion, could I make
17 a motion in court that those CD's be made available to
18 the attorneys so we can refer to the prior hearings?
19 Because that's something that's convenient and you can
20 provide.

21 THE COURT: That's fine. We can do that.

22 MS. AMENS: Your Honor, well -- that's fine.
23 And we have a court reporter. So would it be possible
24 to get transcripts from today?

25 THE COURT: Are you going to pay for that,

1 Ms. Amens?

2 MS. AMENS: Well, I was hoping that they would
3 be made available to all the parties.

4 MS. RODRIGUEZ: A transcript, you have to --

5 THE COURT: Ms. Rodriguez?

6 MS. RODRIGUEZ: I just indicated a transcript
7 is different than a simple recording. I understand
8 asking for the recording from the previous days, Judge.
9 They were asked for a minute ago. Everybody was taking
10 good notes today. And then it's recent in everyone's
11 memories. However, I understand the long-term, the
12 previous hearings.

13 THE COURT: We'll provide the court documents
14 of the August hearings. If any party wants a
15 transcript, they can make arrangements for that with
16 the court reporter.

17 MS. AMENS: For today?

18 THE COURT: Correct.

19 Anything else before we adjourn?

20 MR. GERBER: No, thank you.

21 MS. RODRIGUEZ: Thank you, Judge.

22 MS. AMENS: Thank you, Judge.

23 (Proceedings concluded.)

24 --ooOoo--

CERTIFICATE

STATE OF NEVADA)
)SS.
ELKO COUNTY)

I, Tonja Lemich, CSR No. 380, do hereby certify
that I reported the foregoing proceedings; that the
same is true and correct as reflected by my original
machine shorthand notes taken at said time and place
before the Honorable Kriston N. Hill, District Judge,
presiding.

Dated at Elko, Nevada, this
25th day of June, 2021.



Tonja Lemich
CSR No. 380

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