

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

2
3 IN THE MATTER OF THE GUARDIANSHIP
4 OF THE PERSON AND ESTATE OF
5 KATHLEEN JUNE JONES, AN ADULT
6 PROTECTED PERSON,

No. 83967

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7
8 KATHLEEN JUNE JONES,

9 Appellant,

10 vs.

11 ROBYN FRIEDMAN; AND DONNA
12 SIMMONS,

13 Respondents.

14 **APPEAL**

15
16 From the Eighth Judicial District Court, Clark County
17 The Honorable Linda Marquis, District Judge
18 District Court Case No. G-19-052263-A

19 **APPELLANT'S APPENDIX**

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APPELLANT’S APPENDIX: VOLUME VI

1 to have meet and confer on this, but...

2 THE COURT: Well, Mr. Beckstrom, you did only propose
3 your exhibits yesterday, so.

4 MR. BECKSTROM: Well, Judge, if...

5 THE COURT: It was a busy afternoon.

6 MR. BECKSTROM: And that's interesting because for the
7 record Mr. Michaelson -- it -- it's not my burden in this
8 case, and I didn't know if Mr. Michaelson was disclosing any
9 exhibits. So when he did at 9:30 at night, I had to get with
10 my client, who is managing the protected person, to assemble
11 these documents. But I understand the untimeliness, and I
12 apologize to the Court.

13 THE COURT: All right. So (indiscernible)...

14 MR. MICHAELSON: May I respond to that, Your Honor?

15 THE COURT: I -- I'm not sure that it's even relevant,
16 and I think it's a waste of time at this -- at -- at this
17 juncture.

18 So I -- it sounds like, then, there are no
19 stipulations to Mr. Michaelson's list of proposed exhibits.
20 Let's move then to the protected person's pretrial memo. It
21 has two proposed exhibits. One with e-mails between
22 attorneys and the second between attorneys and family
23 members.

24 Mr. Beckstrom, Mr. Michaelson, do you have any
25 objections; or can you stipulate to the admission of these

1 two documents?

2 MR. BECKSTROM: I -- I don't find them relevant; but to
3 the extent the Court does, I don't have an objection to the
4 admission.

5 THE COURT: Mr. Michaelson.

6 MR. MICHAELSON: Just the same objection. It's just
7 surprising that both the attorney for the protected person
8 and the attorney for the guardian filed exactly the same time
9 in concert. So we don't -- yeah, I mean, we -- we don't
10 really object to those -- those exhibits.

11 We -- we do, Your Honor, I would say to Mr.
12 Beckstrom's point. He acts like he had to gather all this
13 information since Tuesday. In fact, he claimed in an e-mail
14 it took him two days to read our filings, when the Odyssey
15 report shows that he opened it within 15 minutes of us filing
16 it. He also had the same exhibit set prepared because that's
17 what went to Ms. Carroll at the compliance office previously.
18 So it's not that he's been scrambling.

19 And -- and in terms of his burden, the NRS 159
20 actually states that it's the guardian's burden. When --
21 when you make a claim that the guardian isn't allowing
22 visitation, the burden is on the guardian to show that that's
23 NRS 159.337(c).

24 THE COURT: Thank you. It sounds...

25 MR. MICHAELSON: So he has the burden.

1 THE COURT: It sounds as though we -- we don't have an
2 objection from anyone as to Exhibits 1 or 2 other than
3 relevance. I'm not sure of the statements of attorneys are
4 necessarily relevant; however, Exhibits 1 and 2 on the
5 proposed protected -- on the protected person's list will be
6 admitted and given the weight appropriate.

7 (Whereupon Protected Person's Exhibits
8 AA and BB were admitted.)

9 Moving then to Mr. Beckstrom's proposed request, he
10 offers up 1 through 6.

11 Ms. Parra-Sandoval, any objections?

12 MS. PARRA-SANDOVAL: Your Honor, because I would like
13 completeness and fairness in terms of basically it -- there
14 will be large consequences for my client. So I will not be
15 objecting to his exhibits because I would like the Court to
16 look at the grand scale and the relationship between the two
17 sisters and, you know, the point of where it deteriorated;
18 and I think that's important and relevant.

19 THE COURT: So there's no -- I -- I'm not hearing an
20 objection.

21 MS. PARRA-SANDOVAL: No, there's no objection.

22 THE COURT: Mr. Michaelson.

23 MR. MICHAELSON: Yeah, we just object to the timeliness
24 filed and also the incompleteness. And we -- we would add
25 that we will have to supplement because we've spent a lot of

1 time showing side by side Mr. Beckstrom's exhibits that show
2 Kimberly responding and doing things and then show the true
3 exhibit that shows the other e-mails that happened at the
4 same -- the other text messages that happened at the same
5 time. So we'll have to provide that to the Court unless the
6 Court's team wants to go through it. It's pretty
7 painstaking. But we can show you exactly where a lot was
8 excluded by Kimberly, just, you know, par for the course.

9 THE COURT: All right. It sounds as though, Mr.
10 Beckstrom, and, Mr. Michaelson, that we have objections to
11 all of the text messages, those proffered by Mr. Beckstrom
12 and those proffered by Mr. Michaelson.

13 Certainly their admission would not preclude you
14 from highlighting inconsistencies or asking me to rely upon a
15 certain exhibit over another to show their completeness, and
16 you can certainly make those arguments today; but as we
17 stand, Mr. Beckstrom, and, Mr. Michaelson, we don't have a
18 stipulation to anything other than Ms. Parra-Sandoval's two
19 requests for e-mails between lawyers.

20 MR. MICHAELSON: That's right, Your Honor. And actually
21 I have what I think is an important request to make about the
22 scope of the hearing, as well.

23 THE COURT: Go ahead, Mr. Michaelson.

24 MR. MICHAELSON: So, Your Honor, if I -- unless I mistook
25 what you said, I think you were saying that the scope is

1 essentially focused on the guardians conduct and her using
2 the guardianship, kind of weaponizing the guardianship to
3 reward who she wants.

4 I would add to that, that the scope, based on Ms.
5 Parra-Sandoval and the guardians continuing strenuous
6 objections, including appeals and the like, the issue really
7 has become what is June capable of doing? I mean, I -- I
8 think a number of people have testified about this.

9 But at a certain point, June has a right under the
10 guardianship bill of rights to be heard. The Court is very
11 gentle with protected persons many times. I mean, it -- so I
12 would add that it's not simply about Kimberly's misconduct;
13 but it's about this -- this insane idea of just call June.

14 I mean, I'm not sure why when we had technical
15 difficulties this morning, we didn't just call June to set up
16 her communications for Kimberly. I mean, because according
17 to them, she can do that.

18 THE COURT: Under the...

19 MR. MICHAELSON: So...

20 THE COURT: Under -- under the statute, I do believe that
21 that is relevant as to the definition of visitation,
22 communication and interaction. The statutes particularly
23 take into consideration whether or not a protected person is
24 verbal and take into consideration medical records and other
25 things and discuss those. And so the extent to which she can

1 communicate, participate or conduct a visitation and interact
2 under the statute, I think is appropriate.

3 These considerations have to be made on a case-by-
4 case basis. I can't take and -- and cut and paste from one
5 protected person what's appropriate based on their special
6 abilities to someone else. So to that extent it is important
7 as to the definition of those -- of those things and -- and
8 how they may or may not have been restricted.

9 All right. So I -- I think that takes care of all
10 of those pending issues.

11 Mr. Michaelson.

12 MR. MICHAELSON: Yes.

13 THE COURT: Call your first witness.

14 MR. BECKSTROM: Judge, I think we need some clarification
15 on that issue. Are you saying you're gonna make a
16 determination of the extent of the competency of the
17 protected person today?

18 THE COURT: No, that's not what I said, Mr. Beckstrom.
19 What I said is, it is relevant to my inquiry as to whether or
20 not the guardian restricted communication, visitation or
21 interaction under that set of statutes to the degree at which
22 the protected person can participate in those things. So for
23 example, the statutes talk about a person who is nonverbal
24 and what the Court might consider for a person who is
25 nonverbal, whether or not a person is able to get out of

1 their bed if they are bedridden and on a ventilator; can they
2 go on vacation? No, they cannot.

3 If a person has to get intravenous medication every
4 single day, should they go camping or should they go to a
5 movie that's five-hours long? Probably not.

6 But to the extent that I have to determine some
7 reasonableness or the definition of interaction,
8 communication and visitation that applies to this protected
9 person, I will consider testimony and evidence that indicate
10 what that -- how she has been able to participate and
11 communicate and interact and visit.

12 MR. MICHAELSON: Understood.

13 THE COURT: So, yes, I do think that the -- that type of
14 testimony is relevant, yes.

15 MR. MICHAELSON: Your Honor, and we would just point out
16 that it's been alleged by the legal aid attorney that the
17 protected person is directing an appeal, knows all about it,
18 is directing. She's signing declarations in civil court.
19 She is apparently fully able to handle her schedule and
20 receive calls and make those decisions and -- and a number of
21 other things can participate.

22 In fact, the legal aid attorney has suggested at
23 times that the -- the guardianship should be done away with.
24 And so it's -- we don't want to do anything that would make
25 June uncomfortable; but when they keep making these claims

1 that are not based in reality, at a certain point, the Court
2 has to make their own determination.

3 They chose not to list any experts. We've had
4 Doctor Brown testify for -- previously in the beginning of
5 the pleadings in -- in the case. And so now to have her not
6 testify is just -- it's just counterintuitive, you know, to
7 be able to answer some questions.

8 THE COURT: We have spent...

9 MR. MICHAELSON: So we're asking...

10 THE COURT: That's all right.

11 We've spent about an hour on administrative issues.
12 So I want to move forward.

13 Mr. Michaelson, I understand. Mr. Michaelson, call
14 your first witness.

15 MR. MICHAELSON: Okay. Our first witness is June Jones.
16 And we would ask that we be able to see Kimberly while Ms.
17 Jones is testifying, including Kimberly's hands. We need her
18 to be able to -- to know that she's not right there spilling
19 something on her mom or doing something. We need to be able
20 to see her. And -- and the -- Dean's not there. And -- and
21 to go on the record under oath that -- that June is -- is
22 alone or only Kim is there and Kim's not interfering.

23 THE COURT: Ms. Parra-Sandoval, you (breaking up -
24 indiscernible) outset that you had an objection? Mr.
25 Michaelson has requested to call June as a witness.

1 MS. PARRA-SANDOVAL: So, Your Honor, you know, the
2 protected person is allowed to participate but only if she
3 wishes to. As I stated previously, if you will allow cross-
4 examination of my client, I would like the scope to be
5 limited, to nail down the questioning to what this Court
6 believes is relevant to these allegations. I mean, my client
7 will be subjected to stress at this point. And if you'll
8 recall from the settlement conference on March 30th, she was
9 unable to even speak to you.

10 THE COURT: So, Ms. Parra-Sandoval, let me be -- that I
11 understand your objection. And let me make sure to ask you,
12 this objection seems to be changing over time. So are you
13 discounting or requesting that I strike other objections you
14 have made to this? Is today a full statement of your final
15 objection?

16 MS. PARRA-SANDOVAL: So my objection is, just to clarify,
17 that my client does not wish to participate and that
18 subjecting her to cross-examination will cause emotional
19 distress. That is my final objection.

20 THE COURT: Okay. So when you indicate that subjecting
21 her to cross-examination -- and for the record, you -- let --
22 let me be clear that Mr. Michaelson is calling her as his
23 witness; and so it would be direct examination. So it would
24 be Mr. Beckstrom and you, Ms. Parra-Sandoval, that would be
25 taking her on cross.

1 So are you objecting to Mr. Michaelson asking her
2 questions of any kind?

3 MS. PARRA-SANDOVAL: I am, based on her wish not to
4 participate.

5 THE COURT: Okay. And she has communicated to you her
6 wish not to participate?

7 MS. PARRA-SANDOVAL: Yes, as of last evening, that was
8 her wish.

9 THE COURT: All right. And you indicate that it will
10 cause her emotional distress. The intention is not to get
11 into your conversation with your client or encroach on the
12 attorney-client privilege; but I -- I need to be clear that
13 your determination that it will cause emotional distress, is
14 that based on medical records or statements from a medical
15 provider?

16 MS. PARRA-SANDOVAL: That is on my prior observations of
17 June.

18 MR. MICHAELSON: And -- and I would ask, if I could of
19 the Court, Your Honor, could you ask Ms. Parra-Sandoval if
20 she has seen her client in person or are these over the phone
21 or how -- how do those visits happen?

22 THE COURT: I'm -- I...

23 MR. MICHAELSON: And how long?

24 THE COURT: I -- I considered asking that observation
25 question, but to the extent that observations may impact the

1 attorney-client privilege, and that's not my intention. Ms.
2 Parra-Sandoval can put on the record whatever she wants to
3 put on the record right now. This is what she's choosing to
4 put on the record. I've asked limited questions that I -- I
5 -- I think I -- because I have to make specific findings
6 under the rule, and that is required. So I'm gonna not ask
7 her about when those observations took place, whether those
8 took place in person, via FaceTime, on the phone. This --
9 this is her statement.

10 Ms. -- Mr. Beckstrom, any objection to Mr.
11 Michaelson calling June as a witness today?

12 MR. BECKSTROM: Yes, I join the objection; and to the
13 extent that we tried to brief this for the Court, we'd like
14 to get medical professional's opinion on this who will
15 clearly state that her current condition, it will physically
16 make her sick. She defecated herself the last hearing when
17 confronted, just trying to visit Your Honor. That was noted
18 I believe on the record after the settlement conference.

19 THE COURT: Was not.

20 MR. BECKSTROM: I'm sorry? It was not?

21 THE COURT: No.

22 MR. BECKSTROM: Okay. Well, I -- I think the Court
23 recalls that.

24 THE COURT: I know. I recall everyone telling me that,
25 yes.

1 MR. BECKSTROM: Okay. Well, and I think it's clearly
2 harassing. You know, the statute does not require her to be
3 here. She was not subpoenaed. Mr. Michaelson apparently
4 decided to -- to call her without subpoenaing her. She
5 doesn't want to be here. I think it's clear.

6 THE COURT: Mr. Michaelson, both the -- she's not
7 present, both Ms. Parra-Sandoval and Mr. Beckstrom object to
8 calling her as a witness today. I'm not inclined then to
9 order her to appear. I -- I note that you intended to call
10 her as a witness, and the record will reflect that.
11 Certainly, Mr. Michaelson, I'll allow you to argue what you
12 would have hoped to ask her and establish through her
13 testimony. Go ahead, Mr. Michaelson.

14 MR. MICHAELSON: So there's a -- a couple of issues here.
15 If we try to see Ms. Parra-Sandoval's position and Mr. -- and
16 the guardians in the best light, you have -- we look at it
17 and say, okay. Maybe the family is a threat to June. But in
18 NRS 159 it says that you can exclude notice and -- and other
19 contact with someone who's a threat. That was never
20 petitioned for. So that's out. There's no claim here that
21 any family members are a threat.

22 So then you go to the next position. You say,
23 well, maybe June doesn't want to see her family anymore. You
24 know, it's possible. I mean, it -- it is possible that --
25 that she's just tired of this, that she wants to live with

1 Kim and doesn't want to see anyone anymore.

2 But I think the Court can take judicial notice that
3 the guardian ad litem, Ms. Carroll, I -- I don't think
4 there's been any evidence. I think even Ms. Parra-Sandoval
5 would say and Mr. Beckstrom would say she wants to see her
6 family.

7 So I -- and I -- I may be stepping out on a limb
8 here, but I think that it's a safe assumption that June,
9 number one, wants to see her family; and number two, that
10 that's healthy for her, to have interaction. Her
11 interactions, and we can prove this, has gone way down since
12 -- since Kim's tenure. Her interactions with the rest of her
13 family have basically evaporated. They've gone down to
14 nothing.

15 And so then when we're left with, okay, what else
16 could it be? And then you say, okay, well, it's the just
17 call June doctor. You know, it's just call June. I don't
18 even know why June's appearing with Kimberly. I -- I
19 understand from what they say, she can appear independently
20 on this -- on this call because she can FaceTime. She can do
21 different things. So then that's a question of fact. Can
22 she operate her phone? I didn't make this here.

23 I think this whole thing is ridiculous that we're
24 having to go to this point to do this. So now we're gonna
25 have to go slogging through text messages and everything

1 because they are so in -- in -- certain that they're going to
2 do it. So -- so that's a question of fact.

3 So the problem is, Ms. Parra-Sandoval, I think
4 she's a sincere person; but the thing is, she puts herself in
5 a position where she'll go to the Court and the supreme
6 court, no one else can test her conclusions. No one can even
7 have access with Kim -- with -- with Ms. Jones.

8 So Ms. Jones tells my clients, and I think everyone
9 else is gonna say, all the grand kids, all the kids, are
10 gonna say, yeah, mom says she wants to see us. She wants to
11 -- she wants to visit, you know. So it -- it -- then when
12 you call her, you -- you don't get the interaction. She'll
13 say in a couple seconds, call me back. And you can hear a
14 voice a lot of times in the background that says how -- you
15 know, (indiscernible) back, tell 'em you'll call back. So
16 she says call back.

17 So how can we, interestingly, Your Honor, I think
18 you would -- you would note this, that in other guardianship
19 cases, there are actually protected persons where you can --
20 you could call them. You know, they have some limitations;
21 but you could call them up. I'm almost tempted to name names
22 of cases you might recognize. I'll refrain from that. But
23 you could say, hey, I'm coming over to your group home at
24 noon. You know, do you want to meet? And that would work.

25 But it is simply a fact that in many cases in

1 guardianship in the state of Nevada and any state, there are
2 protected persons who have limitations on their ability to
3 remember when they even saw someone last. They don't ev-
4 they can't even reason to correctly understand, you know
5 what, did I see that last week or not? You know, and those
6 are questions of fact that has got to finally get before this
7 Court. It's being shielded.

8 I wish we didn't have to have the evidentiary
9 hearing. But this is at the insistence of the guardian and
10 legal aid. But then when we go to have an evidentiary
11 hearing to hear the -- the protected person herself, then we
12 have appeals being filed and all (indiscernible) and to
13 prevent that from happening.

14 It's just we need the ability to hear from her so
15 that everyone can see what she -- what she wants. What she
16 wants matters, but it can't -- and what she's capable of.
17 It's not -- it's not really what -- just what Ms. Parra-
18 Sandoval represents. And that's...

19 THE COURT: Thank you, Mr....

20 MR. MICHAELSON: And the other thing...

21 UNIDENTIFIED SPEAKER: Your Honor...

22 MR. MICHAELSON: ...if she's...

23 THE COURT: Hold on.

24 MR. MICHAELSON: ...directing appeals, why can't she do
25 this?

1 (WHEREUPON THE MATTER WAS TRAILED

2 AT 10:06:43 AND RECALLED AT 10:06:43.)

3 UNIDENTIFIED SPEAKER: You know, Mr...

4 THE COURT: Hold on.

5 Thank you, Mr. Michaelson. Mr. Michaelson, call
6 your next witness.

7 MR. MICHAELSON: It's...

8 UNIDENTIFIED SPEAKER: Can I just speak with
9 (indiscernible)?

10 MR. MICHAELSON: ...June Jones. I -- I...

11 THE COURT: So I -- hold on one second.

12 I am not going to -- June is not present today.
13 Her attorney is objecting to her testifying. Mr. Beckstrom
14 is objecting to her testifying. I am not going to order her
15 to testify today.

16 So, Mr. Michaelson, I allowed you an opportunity to
17 put on the record what you had anticipated her testimony
18 might prove and how that's relevant. You've done that.
19 That's for purposes of appeal. But I'm not going to order
20 her to testify. So, Mr. Michaelson, call your next witness.

21 MR. MICHAELSON: Okay. Your Honor. I -- I -- I need --
22 can I take just a moment with my clients here?

23 THE COURT: Let's take a 15-minute break. It's 10:07.
24 Ms. Parra-Sandoval, I know you were trying to object. To the
25 extent you wanted to respond to Mr. Michaelson's statements

1 anticipating that I -- I -- I was going to change my mind, I
2 -- I don't know that that's necessary. But, Ms. Parra-
3 Sandoval, is there anything else you wanted to add?

4 MS. PARRA-SANDOVAL: Yes, Your Honor. You know, Mr.
5 Michaelson's and the petitioners' prior personal -- personal
6 attacks have sought to question and undermine and discredit
7 my presentation of what my client has told me. But I would
8 just like to put on the record that my presentations that are
9 given to me by my client are accurate. And that is, as
10 officer of this court, I'm held to a higher standard. And
11 that, you know, Mr. Michaelson should keep his arguments
12 professional.

13 THE COURT: Okay. This is -- I consider these to be
14 evidentiary arguments. They are evidentiary and legal issues
15 that I will determine. The state of affairs is that I'm not
16 gonna order her to be present. I'm not gonna order her to
17 testify. I'm not gonna place any -- Ms. Parra-Sandoval
18 suggests that I narrow the scope. I have narrowed the scope
19 for all witnesses.

20 I told you what the inquiry is under the statute.
21 I told you the time period I believe to be relevant. I told
22 you that I believe cap- capability and unique ability to
23 participate in communication and visitation are all relevant.
24 And that's the -- the state of the orders.

25 I'm gonna allow a 15-minute break. It's now 10:09.

1 I will leave this call. You don't have to leave this call.
2 Or you can stay on the call and mute yourself and -- and not
3 share your video, which perhaps I will just do is -- is mute.
4 Well, I -- I -- I better leave so that just in case you're --
5 you're chatting with your microphones on, I don't hear it. I
6 will return in 15 minutes. That's at 10:25. Thank you.

7 (WHEREUPON THE MATTER WAS TRAILED
8 AT 10:09:59 AND RECALLED AT 10:25:57.)

9 THE COURT: Is he ready to proceed?

10 MR. MICHAELSON: Yes, we are, Your Honor.

11 THE COURT: All right. Thank you. Mr. Michaelson, who's
12 your next witness.

13 MR. MICHAELSON: Okay. Your Honor, if I may, I just
14 wanted to say one more th- a couple things quickly about what
15 would've -- what was our expected testimony of June. And I
16 -- I probably said it, but I want to be clear. It was her
17 ability and capacity to -- to reason through -- reason
18 through visitation. For example, how would you know if you
19 want to visit Scott this weekend if you thought you saw him
20 two days ago; but that wasn't true?

21 So it's her ability visitation. It's how does she
22 understand the case when she's not in these proceedings?
23 Also, operating a phone, we have evidence we'll present today
24 that she -- it's very difficult for her to operate a phone to
25 do that; and it would've come out pretty obviously. But the

1 Court is being shielded from seeing that.

2 And the -- one other quick point if I may, Your
3 Honor, and you're extremely patient; and I know that has a
4 limit. But I've been accused several times in this
5 proceeding of personal attacks by Ms. Parra-Sandoval. That
6 itself is a personal attack on me. I have never said
7 anything about Ms. Parra-Sandoval, what she wears, what she
8 likes to do, this, that, what kind of a person she is. Has
9 nothing to do with that.

10 I have every right to talk about the legal position
11 that she takes that's contrary to her client. That's not a
12 personal attack. Maybe it's a cri- criticism, a critique of
13 her -- what the position she's taking. But that's not a
14 personal attack.

15 Our -- our next...

16 THE COURT: Thank you, Mr. -- thank you, Mr. Michaelson.
17 Your next witness.

18 MR. MICHAELSON: Okay. Yeah, Scott -- I -- I also wanted
19 to ask June about her -- who actually came up with that
20 schedule. But anyway, Scott Simmons, please, Your Honor, the
21 son of the protected person.

22 THE COURT: Scott, I see you're there and you're sitting.
23 Will you raise your right hand to be sworn, please?

24 THE CLERK: You do solemnly swear...

25 MR. SCOTT SIMMONS: Yes.

1 THE CLERK: ...the testimony you're about to give in this
2 action shall be the truth, the whole truth and nothing but
3 the truth, so help you God?

4 MR. SCOTT SIMMONS: Yes, I do.

5 THE CLERK: Thank you.

6 THE COURT: Mr. Simmons, please state your name for the
7 record.

8 MR. SCOTT SIMMONS: Scott Simmons.

9 THE COURT: Please spell it for us.

10 MR. SCOTT SIMMONS: S-C-O-T-T, S-I-M-M-O-N-S.

11 THE COURT: Thank you so much.

12 Go ahead, Mr. Michaelson.

13 MR. MICHAELSON: Thank you.

14 **SCOTT SIMMONS,**

15 having been duly sworn, testified as follows:

16 **DIRECT EXAMINATION**

17 **BY MR. MICHAELSON:**

18 Q Mr. Simmons, just generally speaking, what is your
19 profession?

20 A I'm a superintendent for Techno Coatings in Anaheim
21 for 31 years.

22 Q Thank you. How do you know Kathleen June Jones?

23 A My mom, gave birth to me 55 years ago.

24 Q When is the last time you saw your mother?

25 A Mother's Day weekend at that Canyon Lake with the

1 -- my -- my sisters and family.

2 Q Okay. Had it been a long time since you'd seen
3 her?

4 A About 15 to 17 months probably.

5 Q Okay. Why -- why hadn't you seen her in 15 to 17
6 months?

7 A Well, I moved out of Anaheim and purchased my own
8 home; and I don't want to be around Kim or her boyfriend,
9 Dean. So I'm not gonna go up to that Anaheim house. I'm not
10 gonna call there either so somebody else can pick up the
11 phone instead of talking directly to my mom, which is very
12 difficult on the phone. It lasts about a minute, and then
13 she's -- hangs up.

14 Q Okay. Why do you refuse to go to the Anaheim
15 house?

16 A Because I don't want to (breaking up -
17 indiscernible) Dean. Yeah, I don't want any interaction,
18 period, with them.

19 THE COURT: I'm gonna ask everyone else who's not talking
20 to mute their devices just so that I can more clearly hear
21 from Mr. Simmons. Thank you so much.

22 Q BY MR. MICHAELSON: Appointed counsel for your
23 mother has proposed a visitation schedule that I'm gonna ask
24 you about point by point. And -- and actual- and let me just
25 ask one more thing. Are you concerned about him having your

1 contact information?

2 A He already has my cell phone. I didn't exclude her
3 on that. I just don't answer her calls.

4 Q What about your address?

5 A She doesn't need that.

6 Q Okay. Are you concerned about that?

7 A I don't want it out there. She's -- she's never
8 gonna go there, not allowed to.

9 Q Okay. All right. So back to this visitation
10 schedule that was proposed by the legal aid attorney, the
11 first point is that the -- the legal aid attorney says that
12 your mom wants to visit -- that -- wants visits to last one-
13 hour maximum at the Anaheim house. Will that work for you?

14 A No, and I'm not gonna -- like I said, I'm not gonna
15 go there. I don't think it's gonna work for any of my family
16 members, but that's my opinion.

17 Q Okay. The appointed counsel...

18 MR. MICHAELSON: Your Honor, it seems that maybe Kim's
19 phone is not muted.

20 THE COURT: Kimberly, it looks like you're having some
21 connection issues, as well. Can you hear me Kimberly?

22 MS. KIMBERLY JONES: Yes, I can hear you.

23 THE COURT: Oh, were you having difficulty muting your
24 device?

25 MS. KIMBERLY JONES: Let me see.

1 THE COURT: We're getting a lot of feedback from, I
2 think, you. Can you mute it?

3 MS. KIMBERLY JONES: I'm trying to. I pressed the mute.
4 It just turns the camera around.

5 THE COURT: Okay.

6 Does anyone have any suggestions for her?

7 Are you on your cell phone, Kimberly?

8 MR. MICHAELSON: Can the Court just mute her, Judge,
9 there, mute her through the BlueJeans?

10 THE CLERK: Yes.

11 THE COURT: We can, but she can unmute herself, which I
12 -- I don't think it's gonna be a problem here.

13 So you're muted now, Kimberly.

14 And in the courtroom we will mute her and unmute
15 her as -- as we move forward and -- and handle that on her
16 behalf.

17 Go ahead, Mr. Michaelson.

18 MR. MICHAELSON: Okay.

19 Q BY MR. MICHAELSON: Legal aid attorney purports that
20 your mom wants only two visits on Friday mornings from 10:00
21 to 11 a.m., and then from 11:00 to noon. Does that work for
22 you?

23 MR. BECKSTROM: Objection, misstates testimony.

24 THE COURT: Mr. Beckstrom.

25 MR. BECKSTROM: He's introducing -- he's introducing

1 statements from legal aid that he hasn't produced, and I
2 think it misstates the testimony.

3 THE COURT: Well, I'll take judicial notice of Ms. Parra-
4 Sandoval's petition and her proposed visitation schedule. To
5 that extent, I'll allow the questions.

6 Go ahead, Mr. Michaelson.

7 MR. MICHAELSON: Yeah, and also it's saying that -- that
8 this came from June.

9 Q BY MR. MICHAELSON: Anyway, the ten -- the two-visit
10 proposal, which is from 10:00 to 11:00 or 11:00 to noon on
11 Fridays, does that work for you, Mr. Simmons?

12 A No.

13 Q Why not?

14 A Because I'm not going to that house. I'm not gonna
15 be -- I'd have to (indiscernible)...

16 Q Do you work during...

17 A ...(indiscernible) or with Dean, and I'm not gonna
18 do that.

19 Q Do you work on Fridays?

20 A Yes, I (breaking up - indiscernible) right now.

21 Q Okay. In the next point of the proposed schedule,
22 it says that the only place your mom wants to travel other
23 than the Anaheim house is to Donna's house. Does that work
24 for you?

25 A That's definitely (indiscernible).

1 Q (Indiscernible) enable you to have visits?

2 A It definitely works for me.

3 Q On Donna's house. Okay. But if you knew that you
4 could only take your mother one place other than Anaheim,
5 which would be Donna's house, is that convenient for you for
6 an hour?

7 A No, because the -- the lake house is an hour away
8 from Anaheim. It's also an hour away from my home. So to
9 take her all the way out there and then visit for an hour and
10 then bring her back, that's not gonna work.

11 Q Okay. And the proposed -- the schedule proposed
12 through legal aid's pleading says that Ms. Jones does not
13 want to stay overnight with anyone. What are your thoughts
14 on that?

15 A I don't believe that. I think Donna's capable of
16 taking care of her at Donna's home overnight if Donna chooses
17 to.

18 Q Okay. The -- the proposed schedule that we're
19 discussing here says that to avoid communication issues, Kim
20 would leave Ms. June's Friday mornings open for any visitor
21 whether in person or by phone. What are your thoughts on
22 that?

23 A I -- I'm not -- again, I'm not goin' to the Anaheim
24 house; and I'm not talking on the phone. It's -- it's too...

25 Q Okay.

1 A ...difficult.

2 Q Do you -- based on your experience, do you think
3 that you could call your mom at a random time and reliably
4 get her?

5 A No, because I think somebody else would answer the
6 phone. Just to get up with a walker and I think somebody
7 else would answer the phone and then have to bring the phone
8 to her. So, again, I'm gonna interact with people I don't
9 want to interact with.

10 Q Okay. Have you -- it s- it seems that there may be
11 a landline that's installed there. Now do you have that
12 phone number?

13 A No.

14 Q Okay. The proposed schedule states that your --
15 that your mom stated that Kim must receive a confirmation
16 text or e-mail that a visitor is actually arriving 24 hours
17 before the scheduled visit or time. What are -- what are
18 your thoughts? So in other words, it's saying that your mom
19 is saying that to visit, you -- you would need to provide a
20 -- a text or e-mail 24 hours in advance of the scheduled
21 time. What are your thoughts on that?

22 A I don't believe my mom did that. I believe Kim did
23 that.

24 Q Okay. The proposed schedule states that your mom
25 states that if no one-way confirmations are sent to Kim by

1 Thursday morning, Kim is free to change plans for Friday
2 morning. What are your thoughts on that?

3 A Well, I don't believe my mom said that either; but
4 if nobody is gonna go there on Friday, then they can't hold
5 Kim hostage.

6 Q Okay. Do you think that your mother stated that?

7 A No, I don't think she's capable of it.

8 Q Has she ever stated anything like that; or did --
9 did you know her to be that way, like, hey, confirm in
10 advance for me or -- or don't come over?

11 A No, it is today.

12 Q Okay.

13 A (Breaking up - indiscernible) when the doors wide
14 open. You were able to come visit anytime you wanted to.
15 And she didn't even know...

16 Q Okay.

17 A ...you were coming.

18 Q Was the -- was the door unlocked typically?

19 A Yes.

20 Q And did you grow up in this house, the Anaheim
21 house?

22 A Yes.

23 Q Okay. So you're familiar with that neighborhood
24 and some of the neighbors maybe?

25 A I still know the original owners that have been

1 there...

2 Q Okay.

3 A ...60 -- 60 years, grew up with their kids.

4 There's about five that are still living on that street that
5 I talk to all the time.

6 Q Okay. So it's a place you that you would like to
7 go. Is that fair to say?

8 A I have gone. I've -- I've gone across the street
9 to visit my friends Geno (ph), and Kim saw my -- my Mustang
10 make a U-turn and park in front of the house to go visit and
11 sent a text to come over there, and I refused to -- to answer
12 it. So I visited with my friends; and then I left to have --
13 have lunch with my son, which was gonna be in Anaheim.

14 Q Okay. The proposed schedule, it says that your mom
15 says that any of her children or gran- if any of her children
16 or grandchildren cannot visit your mom on Friday mornings,
17 they can send Kim a confirmation on Thursday morning and
18 request a phone call on Friday rather than an in-person
19 visit. What are your thoughts on that?

20 A I think if there's a landline and she has a cell
21 phone, why couldn't they -- not me, but why couldn't they
22 call her anytime they want?

23 Q Okay. So not just the Friday morning?

24 A Yeah, that's absurd.

25 Q Why do you not call your mom's cell phone?

1 A Because I know she won't answer it. Somebody else
2 will answer it.

3 Q And then what (breaking up - indiscernible)...

4 A She's very difficult to talk. She's hard of
5 hearing. So when she's on the phone, she's very short; and
6 every one of my family members is gonna tell you the same
7 thing.

8 Q Okay. Do you think that you have -- that you could
9 -- well, we'll come back to that a little -- a little bit
10 later. So the -- the legal aid filing that states also this
11 proposed schedule says that mom expressed that if a visitor
12 does not want Kim around, she will run errands or go into her
13 personal portion of the home. What are your thoughts on
14 that?

15 A I'm not doin' it.

16 Q Okay. Would you -- would you feel comfortable if
17 Kim was in the other room while you visit with mom?

18 A No.

19 Q All right. Do you think that bad feelings or
20 fights could happen?

21 A (Breaking up - indiscernible).

22 Q Okay. Yeah, could you just repeat that one more
23 time, your answer?

24 A Yes.

25 Q Okay.

1 MS. PARRA-SANDOVAL: Objection.

2 MR. MICHAELSON: All right.

3 MS. PARRA-SANDOVAL: That's speculation.

4 MR. MICHAELSON: It's his experience, Your Honor.

5 THE COURT: But it -- it is speculation.

6 But ask the next question, Mr. Michaelson.

7 Q BY MR. MICHAELSON: Okay. So this proposed schedule
8 also states...

9 THE COURT: Oh, I'm sorry.

10 Q BY MR. MICHAELSON: ...that your mom is...

11 THE COURT: The -- the next question about why he feels
12 that way.

13 Q BY MR. MICHAELSON: Yeah.

14 THE COURT: Does he base that...

15 Q BY MR. MICHAELSON: Why do you -- why do you base
16 that -- why do you think that there's a likelihood of
17 contention if -- if Kim is there?

18 A Before I moved out of that house, Kim told me she
19 was bringing my mom over, which was a lie. She brought her
20 boyfriend, Dean, over and sat on a couch; and why he even
21 interjected in our conversation, I don't know. He's not part
22 of the family. And then he made a threat saying, I'm just
23 gonna let you know that things are gonna come down and
24 they're gonna come down hard on you. So to me, I felt like
25 that was a threat; and I'm not havin' it.

1 Q Did -- did you -- did your mom ever show up at that
2 meeting ultimately?

3 A My mom wasn't -- my mom wasn't there. It was...

4 Q Okay.

5 A No, my mom did not show up like Kim told me.

6 THE COURT: Mr. Michaelson. The date...

7 MR. MICHAELSON: Okay. Yeah.

8 THE COURT: The date...

9 MR. MICHAELSON: I'm sorry. What's that?

10 THE COURT: The approximate...

11 Q BY MR. MICHAELSON: Oh, yeah. What's the...

12 THE COURT: ...date.

13 Q BY MR. MICHAELSON: ...date of that, approximately?

14 A Fifteen months ago, right before I bought my house.

15 Q Okay. So this proposed schedule says that your mom
16 expressed that she is happy to speak to anyone that calls her
17 on any other day. And as of April 27th, 2021, Kim had a
18 landline installed for mom's personal use and provided the
19 number to all of her children. What are your thoughts on
20 that?

21 A I didn't receive that phone number.

22 Q If it's a -- a landline, what are -- what's your
23 impression about your mother's ability to -- to answer a
24 landline?

25 A The -- the landline in that home is by the back

1 sliding glass door, and she would have to get up with her
2 walker and walk from the living room where she sits when she
3 visits me and walk over to the sliding glass door to pick up
4 the phone or the phone on the counter.

5 Q Okay. All right.

6 A That's more difficult than it would to have a cell
7 phone sittin' next to her.

8 Q Okay. Mr. Simmons, you visited with your mother
9 over Mother's Day. About how long did you get to spend with
10 her?

11 A I was there all day with -- with her. We
12 (indiscernible)...

13 Q Okay.

14 A It was a huge group.

15 Q Okay. And you got to speak with her personally?

16 A Yes.

17 Q So after visiting with your mom during Mother's Day
18 weekend, do you believe -- do you believe you mom
19 communicated all the details we just went through in that
20 plan and that they were your mom's idea?

21 A Not at all. And we didn't talk...

22 MS. PARRA-SANDOVAL: Compound.

23 THE WITNESS: ...didn't even talk about -- we didn't talk
24 about any of that.

25 THE COURT: Ms. Parra-Sandoval has an objection that the

1 question is compound.

2 Mr. Michaelson, will you break down the question,
3 please?

4 MR. MICHAELSON: Yeah.

5 Q BY MR. MICHAELSON: So after visiting with your
6 mother all weekend -- or for, I'm sorry, for one day there,
7 do you believe that your mom on her own formulated the
8 details for that plan?

9 A No, I don't believe she's capable of that.
10 (Indiscernible)...

11 Q So based on your experience and your -- yeah,
12 sorry. Go ahead.

13 A There's an example. When she was sitting out by
14 the -- the trailers and as I sat and talked to her, she would
15 nod her head yes or no. She wasn't even speaking, so I don't
16 know how she can formulate this visitation thing on her own.
17 I don't -- I don't believe it.

18 Q Okay. Does -- do the details seem consistent with
19 the way your mom was prior in -- in your life with her?

20 A No, not at all.

21 Q Okay.

22 A Everybody was welcome.

23 Q Do you believe your mom communicated all those
24 ideas to her appointed counsel?

25 A Me, personally, no.

1 Q Why not?

2 A Because she's not capable. If she was on the
3 stand, it -- it would -- it would prove itself.

4 Q What was it like, and you talked a little bit about
5 this, I -- I guess. You -- you talked about what it was like
6 talking with your mom on Mother's Day weekend. Did you try -
7 - you said, yes, no, maybe it was a yes-no question. I mean,
8 did -- do you feel like there were opportunities or instances
9 where she could have or should have responded more deeply if
10 she was able?

11 A Yeah, I can't remember the exact question that --
12 that I asked her; but I think she coulda definitely spoke up,
13 said something; but it -- she -- it was more just the nodding
14 of her head.

15 Q Okay. All right. What was it like talking with
16 your mom on the phone? I mean, have you -- have you been --
17 you spoke with her Mother's Day weekend. Have you -- when
18 was the last time you spoke with her on the phone?

19 A Probably 15 months or more.

20 Q What was that like?

21 A Same as it always is. It's very short and very
22 brief.

23 Q Was that how your mom was before in your life when
24 you would call her?

25 A It's pretty much been that way since she started

1 having her hearing problems.

2 Q Okay.

3 A She wasn't always that (breaking up -
4 indiscernible).

5 Q Okay. She was more talkative?

6 A Yeah, she would call and check in and let you know
7 if she was gonna be in town and but (breaking up -
8 indiscernible) anymore.

9 Q Okay. Did -- did you receive a call recently about
10 going to a swap meet with your mother?

11 A I received that voice mail from my mom because I
12 think that was set up by Kim, too. I -- I don't think Kim's
13 ever told my mom that I don't take Kim's phone calls or
14 texts; and I haven't for at least 15 months, if not more. So
15 why -- why if I don't talk to her, why would I go to a swap
16 meet with Kim and my mom? She knows it's not gonna happen.
17 So I -- I don't believe my mom knows that there's a -- a --
18 that we're just not getting along. I don't think she knows
19 that.

20 Q So was that -- was that awkward for you to -- to
21 have to explain that to your mom? I don't know if you did
22 or not?

23 A No, I didn't. I just had to -- I ignored it
24 because I thought it was ridiculous that that even happened.

25 Q Okay. What would you like to see for you to have

1 visits with your mom? What -- what would work for you?

2 A For somebody, like my nieces or to be able to have
3 my mom go to Donna's, like a neutral place that everybody can
4 go. My -- my kids go. We enjoy going out there. My mom
5 loves to be on the lake. And it would just be a -- a neutral
6 fun thing, fun time. Robyn and Perry were really nice and
7 catered a party for like 35 people. And we -- there was a
8 lot of people there to see my mom.

9 Q Yeah. Is there anything that you would've liked to
10 hear your mom testify about today?

11 A I -- I -- I don't have an answer for that. I think
12 -- I think puttin' her on the stand was just to -- to prove
13 that -- that she's not capable of -- of puttin' a schedule
14 to- together like that.

15 MR. MICHAELSON: Okay. That's all the questions I have,
16 Your Honor. I think you may still be muted, Your Honor.

17 THE COURT: I'm sorry. I was.

18 MS. TERI BUTLER: I have a question.

19 THE COURT: Hold -- hold on one minute, Teri.

20 MS. TERI BUTLER: Okay.

21 THE COURT: Let me allow first the attorneys to ask
22 questions, and then we'll allow non-representatives -- no,
23 I'll take arguments on that in a moment. Hold on.

24 Ms. Parra-Sandoval, first your questions, if any,
25 for Mr. Simmons.

1 MS. PARRA-SANDOVAL: I do. I have several questions for
2 him.

3 THE COURT: Okay.

4 CROSS-EXAMINATION

5 BY MS. PARRA-SANDOVAL:

6 Q So you stated that, you know, that you don't call
7 June because you believe that someone else will answer it.
8 How often has that happened to you

9 A It's happened in the past before she even was as
10 bad as she is now. So I don't have the number on that.

11 Q But since the guardianship began, how often have
12 you tried to call June and this happened to you?

13 A I haven't tried to -- I haven't tried to call her
14 because I already knew that -- that would happen. It
15 happened in the past. It will happen again.

16 Q Okay. So your answer is you haven't tried since
17 the guardianship started?

18 A Nope.

19 Q My second question, you stated you were observing
20 June sitting on trailers during Mother's Day weekend. Was
21 she around a lot of people?

22 A Yeah, we had -- we had the family there all over.
23 I mean, we had two trailers. She was sitting on a chair --
24 in a lounge chair. And we had the grandkids there, and we
25 had the dogs there. It was a family...

1 Q And was she being...

2 A ...family get together.

3 Q And was she being talkative that day?

4 A No, I didn't see her -- she could've been talking
5 to other people when I wasn't -- I -- I might have been at
6 another trailer; but when I sat down with one-on-one with
7 her, she was not talkative at all. The only thing she said
8 is when she wanted to take a nap; and I helped her get into
9 the trailer and get into the air-conditioning, into the --
10 into the bed.

11 Q So she was tired. So she asked for a nap?

12 A Yes.

13 Q My third question, regarding the swap meet that you
14 were invited to, can we just clarify? So it was your choice
15 not to join your mom?

16 A My choice that Kim was gonna be there, and I wasn't
17 gonna be there with Kim. It's not like I was gonna be with
18 my mom by -- by herself.

19 MS. PARRA-SANDOVAL: No -- no more questioning, Your
20 Honor.

21 THE COURT: Thank you so much.

22 Mr. Beckstrom.

23 MR. BECKSTROM: Yeah, I'll try not to repeat Ms. Parra-
24 Sandoval.

25 /////

1 CROSS-EXAMINATION

2 BY MR. BECKSTROM:

3 Q Mr. Simmons, I've never met you before; right?

4 A No.

5 Q I've never talked to you on the phone before?

6 A No, sir.

7 Q Have you ever spoke with Mr. Michaelson on the
8 phone prior to this hearing?

9 A Mr. Michaelson?

10 Q The person who was asking you questions the first
11 time around.

12 A No.

13 Q Never spoke with him on the phone?

14 A I (breaking up - indiscernible) talk to Mr.
15 Michaelson. I just met -- I just met him. I've never been
16 to any of those hearings.

17 Q Okay. You talked about the Anaheim property. Do
18 you remember that?

19 A Yeah.

20 Q You used to live there, right?

21 A Yes.

22 Q You were evicted from the house, correct?

23 A Illegally.

24 Q What do you mean by that?

25 A Because Kim upped the rent \$800 a month at -- at

1 one given time.

2 Q How much rent were you paying at that Anaheim
3 property?

4 MR. BECKSTROM: And -- and -- and, Your Honor, I -- I --
5 I want to admonish the witness that whoever this is Cameron
6 can't be directing dad to answer questions.

7 THE COURT: No, certainly. I just saw that as well, Mr.
8 Beckstrom, for the record.

9 Cameron, I know that it's kind of strange that
10 you're sitting together; but...

11 MR. CAMERON SIMMONS: I'm sorry.

12 THE COURT: ...and -- and...

13 MR. CAMERON SIMMONS: (Indiscernible).

14 THE COURT: ...perhaps this should be a conversation
15 between all of us; but it's really not. So, Cameron, I'm
16 gonna ask...

17 MR. CAMERON SIMMONS: (Indiscernible).

18 THE COURT: ...you just to be quiet and -- and not have a
19 conversation with your dad there during these questions. Mr.
20 Beckstrom and the other attorneys will pose questions just
21 for -- for him to answer.

22 MR. CAMERON SIMMONS: (Indiscernible).

23 THE COURT: Mr. Beckstrom, will you tell us your question
24 again?

25 MR. BECKSTROM: Sure.

1 Q BY MR. BECKSTROM: Mr. Simmons, how much were you
2 paying for rent prior to the rent increase you just testified
3 to?

4 A 1200.

5 Q \$1200 a month, correct?

6 A Yeah.

7 Q To live in California?

8 A Yeah, that's (indiscernible) amount they asked for;
9 and that's what I paid.

10 Q Okay. And how long did you pay that for?

11 A Quite a while, probably 18 years, maybe, somewhere
12 around there.

13 Q Okay. And when Kimberly was appointed guardian,
14 you were asked for a rent increase; correct?

15 A She asked for a rent increase, without doing
16 anything to the house, no upgrade, no anything.

17 Q And that upset you, right?

18 A It didn't upset me. I just -- I was in the process
19 -- I already was pre-approved for a home, and I was buying a
20 home anyways. So I really didn't care.

21 Q Okay. And you destroyed that house, right?

22 A I didn't destroy that house.

23 Q Okay. Are you aware that the court authorized a
24 remodel on that house after you moved out?

25 A No. I know -- heard that Kim was trying to take

1 money out to remodel the house, but my mom should have had
2 worked done on that house a long time ago. It still has the
3 original roof, original windows, tile in it that's been in
4 there since the 80s. Pictures she submitted with the
5 concrete driveway and the -- the slab in the backyard, I
6 can't destroy that. How can you do that? It's 60 years old.

7 Q I want to be clear on one thing. When's the last
8 time you tried to call your mom?

9 MR. MICHAELSON: Asked and answered, Your Honor.

10 THE WITNESS: I don't know.

11 THE COURT: I -- I don't...

12 THE WITNESS: I don't remember.

13 THE COURT: On the record, I don't believe that it was
14 asked and answered. I think Ms. Parra-Sandoval's question
15 was, have you called during the pendency of the guardianship.

16 So, Mr. Beckstrom, I'll allow it.

17 And I believe, sir, the answer was, you don't know?

18 THE WITNESS: Yes, I don't know.

19 THE COURT: All right.

20 You can continue.

21 Q BY MR. BECKSTROM: Could you provide an estimate for
22 us, sir?

23 A An estimate of the last time I tried to call my
24 mom?

25 Q Correct.

1 A Is that what you're asking me?

2 Q That's correct.

3 A I would say probably 15 months ago. That's just a
4 rough guess.

5 Q Okay. Have you ever tried to call your mother's
6 attorney?

7 A My mother's attorney? No. She -- I think there
8 was an Elizabeth that -- that called me and was asking me
9 questions.

10 Q Okay. And you never tried to -- never tried to
11 speak with your mother's attorney, though, correct?

12 A Well, no, I didn't know who my mother's -- it's, I
13 think, I'm not correct, mom -- the -- the State appointed
14 one, the one that called me. I thought her name was Eliz-
15 Elizabeth. I don't know. We -- it's definitely not the one
16 that's speaking now.

17 Q Okay. When's the first time you heard about this
18 proposed visitation schedule Mr. Michaelson referenced to
19 you.

20 A I don't know exactly what day.

21 Q Let's ask this question. How did you first see
22 that proposed visitation schedule?

23 A How did I first see it?

24 Q Correct.

25 A Probably...

1 Q Was it by an e-mail? Was it through a letter?

2 A I don't -- I don't think I have a letter. I may
3 have an e-mail, but I -- I don't know.

4 Q Have you ever seen the actual proposed visitation
5 schedule, sir?

6 A No.

7 Q Okay. Are you aware that that proposed visitation
8 schedule was supposed to be for your sister, Robyn, and your
9 sister, Donna, only?

10 A Then if they had it, they had it. I don't know.

11 MR. MICHAELSON: Your Honor, we'd object. He's
12 testifying, Your Honor.

13 MR. BECKSTROM: No, I'm not.

14 THE COURT: Well, (breaking up - indiscernible)...

15 MR. BECKSTROM: It is a -- it's a (breaking up -
16 indiscernible) question.

17 THE COURT: I'll allow it.

18 Next question. Let's move on.

19 Q BY MR. BECKSTROM: I just want to be clear. Have
20 you read -- have you read the proposed visitation schedule,
21 sir?

22 A No.

23 Q Okay. Have you been receiving the mailings in this
24 case?

25 A I have -- I used to, and I asked for that to be

1 stopped.

2 Q Why is that?

3 A Well, I was just getting big folders like nonstop
4 sent to my house; and there's like a lot of information in
5 there; and it was just like the same thing over and over
6 again. So I asked it to be stopped from -- but from what I
7 understand, it has to be sent. So it's either sent by the
8 mail or via e-mail. Everybody has my e-mail.

9 Q Have you ever provided that e-mail to me?

10 A No, because I never talk to you.

11 Q And you don't know who your mom's appointed
12 attorney is, correct?

13 A No, I would have to look way back to see. I don't
14 even remember when I talked to her. She called me.

15 Q All right. Sir, you testified to an event at the
16 Anaheim property. I believe you said Kimberly saw your car
17 parked across the street. Do you recall that?

18 A Yeah.

19 Q Okay. And you said you didn't call your mom
20 because you didn't want to see Kimberly. Is that right?

21 A It wasn't a matter of called. Kim sent me a text,
22 asked me to come over to the house.

23 Q Okay. She invited you?

24 A (Indiscernible).

25 Q I'm sorry. I didn't mean to interrupt you. So she

1 invited you over to the house, correct?

2 A Kim had told me -- or said that she saw my car.
3 She knows I'm across the street and said to come over to the
4 house. She already knew for months and months and months. I
5 wasn't talking to her. I don't return her phone calls. I
6 don't return her texts. So there was no point. She knew I
7 wasn't gonna come over there.

8 Q Okay. And to be clear, you refused to speak to
9 Kim; correct?

10 A Yeah.

11 Q Okay. Did you ever, and I wanna -- I want to refer
12 specifically to the Anaheim when you were there, did you ever
13 ask Kim to leave the house, and go see your mom?

14 A Did I ever ask Kim to leave the house?

15 Q Correct.

16 A What? I don't understand what you're saying.

17 Q Your testimony was that Kim texted you when you
18 were across the street, correct?

19 A Yes.

20 Q Okay. And you ignored her, right?

21 A Yes, I did.

22 Q Did you ever think about asking her, hey, can I see
23 mom?

24 A What -- what's the point if she's there? And I
25 keep telling you guys, I'm not gonna go there. I'm gonna --

1 I'm gonna have to interject with her if I know she's there.

2 So why would I waste my time?

3 Q Sir, you could've asked her to leave the house;
4 right?

5 A And then when she comes back, you know, I -- I -- I
6 don't know -- I don't know who was at that house.

7 Q You mentioned the location of the landline at the
8 Anaheim property. Do you remember that?

9 A Yes.

10 Q And you said it would be difficult for June because
11 it was mounted near the sliding glass door.

12 A Unless it can be moved somewhere else next to -- I
13 don't know. I haven't been in the house. If there's a table
14 next to the couch where she sits, then maybe it's -- it's,
15 you know, different.

16 Q What about a cordless phone, sir?

17 A I lived there. The landline was always hung on the
18 wall by the sliding glass door. You have to walk a ways to
19 get to it, not a long ways. It's a small house.

20 Q Do you think if your mom had a cordless phone, it
21 would solve that problem?

22 A It could. It doesn't mean Kim or her boyfriend
23 wouldn't answer the phone first.

24 Q And you said that your mom wasn't speaking to you
25 when you went to Donna's, right; or she was speaking very

1 little?

2 A Yeah, she barely spoke. She was just -- I would
3 ask her questions. I don't remember (indiscernible)...

4 MR. MICHAELSON: Objection, Your Honor, it's...

5 THE WITNESS: (Indiscernible).

6 MR. MICHAELSON: I think you're talking about the
7 Mother's Day visit, not at Donna's.

8 THE WITNESS: Yeah, there was (indiscernible)...

9 THE COURT: Hold on one second.

10 Mr. Beckstrom, will you just clarify that?

11 MR. BECKSTROM: Yeah, it's a good point of clarification.

12 Q BY MR. BECKSTROM: Mother's Day visit I'm referring
13 to, sir. I think you were asking -- asking -- or answering
14 the correct question.

15 A Can you repeat?

16 Q Sure. You -- I misstated the question. So
17 previously you said that when you saw your mother on Mother's
18 Day, she wasn't speaking a whole lot. Is that correct?

19 A Yeah, it was the Saturday before Mother's Day; and
20 I did try to speak to her. I'm not sure about what. You
21 know, are you feeling okay? Is -- are you doing all right?
22 And it was basically, nod, yes and -- and no. Now did she
23 have conversations, a little bit, with other people? I
24 didn't see it.

25 Q Okay. And prior to that Mother's Day, when was the

1 last time you saw your mother in person

2 A Like I said, probably at least 15 months ago.

3 Q Do you think that could be why you guys don't have
4 a lot to talk about?

5 A No, because I don't think she really knows what's
6 going on and what's -- what's been going on because I don't
7 think Kim's ever told her any of that.

8 Q But, sir, you don't know because you haven't talked
9 to her in 15 months prior to that; right?

10 A Here we go again. No, I have not talked to her for
11 15 months; and I don't think she has any idea why. I
12 don't...

13 Q (Indiscernible) tried to...

14 A ...think she thinks that -- I don't think she
15 thinks that I'm avoiding her.

16 Q Okay. But you are because you haven't tried to
17 call her, right?

18 A You -- you can say that, put words in my mouth; but
19 that's not the -- that's not the facts. The facts are as
20 I've said it repeatedly, I know that she's not gonna be the
21 one to answer the phone.

22 MR. BECKSTROM: Okay. All right. I'll pass the witness,
23 Your Honor.

24 THE COURT: Thank you so much.

25 Mr. Michaelson.

1 MR. MICHAELSON: Yes, Your Honor. Just where we're not
2 in person, like this, would it be okay if I read to Mr.
3 Simmons from the legal aid's proposed visitation schedule?

4 THE COURT: Sure.

5 MR. MICHAELSON: Okay.

6 **REDIRECT EXAMINATION**

7 **BY MR. MICHAELSON:**

8 Q So it says, June wants visit -- this will be short.
9 June wants visits to last one hour with whoever visits her at
10 her Anaheim house any -- dash, any of her children and any of
11 her grandchildren.

12 Mr. Simmons, do you think that that visit- proposed
13 visitation schedule applies to you?

14 A Can you repeat that, please?

15 Q Yeah, earlier, counsel for the guardians suggested
16 that this visitation schedule was only for Robyn and Donna;
17 but I'm gonna read for you the words of that schedule. It
18 says. June wants visits to last -- their proposal is, that
19 they say came from your mother, it says, June wants visits to
20 last one hour max with whoever visits her at her Anaheim
21 house, any of her children and any of her grandchildren.

22 So do you think that proposal is limited to Robyn
23 and Donna, or does it include you?

24 A Well, it sounds to me like it includes all of us.

25 Q Okay. All right. And...

1 A Grandchildren (breaking up - indiscernible). The
2 grandchildren, everybody.

3 Q Mr. Simmons, are you an attorney?

4 A No.

5 Q Are you a paralegal?

6 A No, sir.

7 Q Before today's proceeding, or I guess I'd even say
8 going back months, do you feel like you had an understanding
9 in your mind that your mother had, despite what may have been
10 sent to you, do you think you a working understanding that
11 your mother had an attorney?

12 MR. BECKSTROM: Objection, vague.

13 MS. PARRA-SANDOVAL: Objection.

14 THE WITNESS: I...

15 THE COURT: Well...

16 THE WITNESS: I knew that there was a...

17 THE COURT: Hold...

18 THE WITNESS: ...court-appointed attorney for my mom.

19 THE COURT: Hold on one second here.

20 I'm hearing the objections to vagueness. But just
21 generally and because he already started answering, Mr.
22 Simmons, why don't you just continue your answer. Mr.
23 Simmons, you said?

24 THE WITNESS: Go ahead?

25 THE COURT: Yes, please continue.

1 THE WITNESS: Do I think -- what -- what was the...

2 THE COURT: The questions was, do you know whether your
3 mother has an attorney?

4 THE WITNESS: I knew she had an attorney from being --
5 from the State or the court-appointed because obviously she
6 called me, and I -- and I said -- I told you guys that the
7 lady talked to me. I don't know her name, but Robyn would
8 probably know because she had called me and told me, this
9 person's gonna be calling you, so; and she did. And we
10 talked about my mom for maybe 30 minutes, and then it was
11 right before a court date. So I -- I do know that she has
12 somebody representing. I don't know -- I don't know who it
13 is.

14 THE COURT: Thank you.

15 Q BY MR. MICHAELSON: Do you think that the, Mr.
16 Simmons, that the -- the efforts to -- to push you out of the
17 Anaheim home and the whole and -- and the whole guardianship,
18 do you think that that would -- let me rephrase that. Do you
19 -- what did Kim's presence in your mother's life as guardian
20 have to do with you calling your mother?

21 A The -- Kim being the guardian, it's -- it's not
22 what the problem between me and Kim is. My problem with Kim
23 goes back to the Craft house and all the untruthful things
24 that I was told about it when I found out about it. Her
25 stories were changing constantly, and at one point finally, I

1 said, I'm done. I'm not gonna deal with this no more. And
2 then Robyn and Donna took on their own, what they felt they
3 had to do. (Indiscernible)...

4 Q So did Kim's appointment...

5 A ...that out of the way.

6 Q So did Kim's appointment as guardian impact your
7 communication with your mother in any way?

8 A Only the fact that if I'm not talking to Kim, then
9 I can't see or talk to my mom unless she's at a neutral place
10 away from that like Donna's place or even Robyn and Perry's.
11 I live in California, but I can drive to Vegas to go visit.

12 MR. MICHAELSON: No -- no further questions, Your Honor.

13 Thank you, Mr. Simmons.

14 THE COURT: Thank you.

15 Counsel, be- before I -- hold on.

16 Thank you, Teri.

17 Before I move back to Ms. Parra-Sandoval, Mr.
18 Beckstrom, to see if you have any additional questions,
19 counsel, I believe that the statute allows family members to
20 make statements at the end of the proceedings, or persons of
21 natural affection under the statute; however, I don't believe
22 that the statute allows for those who haven't made an
23 appearance through an attorney or representing themselves in
24 a pro per capacity to ask questions of the witnesses. I'm
25 inclined not to allow Ms. Butler, who is the daughter of the

1 protected person, to cross-examine witnesses; but I will
2 allow her and other family members just to make a -- a
3 statement at the end of today's hearing.

4 Ms. Parra-Sandoval, do you have any objections to
5 that procedurally or substantively?

6 MS. PARRA-SANDOVAL: No, I agree with you.

7 THE COURT: Mr. Beckstrom.

8 MR. BECKSTROM: I -- I don't disagree.

9 THE COURT: Mr. Beckstrom, did you say you don't
10 disagree?

11 MR. BECKSTROM: Yeah, no disagreement, Your Honor.

12 THE COURT: Thank you.

13 Mr. Michaelson.

14 MR. MICHAELSON: I don't disagree with that either.

15 THE COURT: All right.

16 So, Teri, I know that you want to ask your brother,
17 Scott, some questions while he's under oath; but I believe
18 that the nature of the statutes allows family members and
19 persons of natural affection to make statements at the end of
20 the hearing and for the Court to consider those statements;
21 however, I don't believe that the statutes allow for those
22 same statements or illocutions or -- or requests to the
23 Court; allow a family member who's unrepresented by counsel
24 or who hasn't made an appearance in proper person
25 representing themselves, to cross-examine witnesses.

1 A I felt that Robyn and Donna had -- had it covered.

2 Q But did you care to reach out to me to see how your
3 mom was doing?

4 A I didn't even know you.

5 Q But it's in the pleadings that you were served,
6 right?

7 A I was served?

8 Q I've been appointed since September of 2019 or so.

9 A So are you the one that called me at home and
10 talked to me, the one the name I couldn't remember, because
11 if you're not, then -- then there was somebody else that
12 represented before you?

13 THE COURT: Okay. So this -- this is kind of getting to
14 the part of a conversation or back and forth. Certainly,
15 I've stated before, I'm gonna take judicial notice of the
16 papers and pleadings on file in this case.

17 Ms. Parra-Sandoval, do you have another question
18 for Mr. Simmons?

19 MS. PARRA-SANDOVAL: No, Your Honor.

20 THE COURT: Thank you so much.

21 Mr. Beckstrom.

22 MR. BECKSTROM: One question.

23 **RECROSS EXAMINATION**

24 **BY MR. BECKSTROM:**

25 Q Mr. Simmons, would it be fair to say that most of

1 the information you've received about the guardianship has
2 been either from Donna or Robyn?

3 A It's -- it's been sent to me in -- in folders, and
4 there's a lot of them. I've got -- I've got a cabinet at
5 home just full of information sent from -- from Mr.
6 Michaelson and maybe -- maybe your -- your office. I don't
7 know if you're just one of Kim's attorneys or if you've been
8 from the beginning. I don't know. And I don't sit and read
9 every single page of those things.

10 MR. BECKSTROM: Okay. No other questions, Your Honor.

11 THE COURT: Thank you, Mr. Beckstrom.

12 Mr. Michaelson, is that all?

13 MR. MICHAELSON: Just one more thing.

14 **FURTHER REDIRECT EXAMINATION**

15 **BY MR. MICHAELSON:**

16 Q Mr. Simmons, do you consider yourself, are you
17 sophisticated in legal proceedings?

18 A I'm not ignorant.

19 MR. MICHAELSON: Okay. Thank you. That's all, Your
20 Honor.

21 THE COURT: Ms. Parra-Sandoval, Mr. Beckstrom.

22 MR. BECKSTROM: Nothing additional.

23 MS. PARRA-SANDOVAL: Nothing further, Your Honor.

24 THE COURT: Thank you so much.

25 Mr. Michaelson, call your next witness.

1 THE WITNESS: Can I be excused?

2 MR. MICHAELSON: Cameron Simmons.

3 THE COURT: Cameron, will you raise your right hand to be
4 sworn.

5 THE CLERK: You do solemnly swear the testimony you're
6 about to give in this action shall be the truth, the whole
7 truth and nothing but the truth, so help you God?

8 MR. CAMERON SIMMONS: Yeah.

9 THE CLERK: Thank you.

10 THE COURT: Mr. Simmons, spell your name for us, please.

11 MR. CAMERON SIMMONS: Cameron, C-A-M-E-R-O-N; Simmons, S-
12 I-M-M-O-N-S.

13 THE COURT: Thank you so much.

14 Mr. Michaelson.

15 MR. MICHAELSON: Yeah, Your Honor, thank you.

16 **CAMERON SIMMONS,**

17 having been duly sworn, testified as follows:

18 **DIRECT EXAMINATION**

19 **BY MR. MICHAELSON:**

20 Q Cameron, if you don't mind, I'm gonna call you
21 Cameron just to differentiate from Mr. Simmons, your father.
22 Is that okay?

23 A Yeah, that's okay.

24 THE COURT: Thank you. I appreciate that.

25 MR. MICHAELSON: All right.

1 THE COURT: Continue.

2 MR. MICHAELSON: Okay. All right.

3 Q BY MR. MICHAELSON: Cameron, what's your educational
4 background?

5 A High school and some college along with some IT
6 courses.

7 Q Okay. What's your work background?

8 A I work for Techno Coatings. I've been here for
9 about ten years, and I'm a project coordinator. I also
10 handle all of our in-house IT.

11 Q Okay. How do you know Kathleen June Jones?

12 A She's my grandmother.

13 Q How long have you know her?

14 A Twenty-nine years.

15 Q Okay. So did you spend a good amount of time at
16 her house as you grew up?

17 A Very, very often. We were always making trips out
18 to -- to Vegas to visit or surprise her.

19 Q Okay. Okay. When is the last time you saw your
20 grandmother?

21 A That would be the weekend before Mother's Day at
22 Canyon Lake.

23 Q Okay. What kind of mood was your grandmother in
24 that day?

25 MR. BECKSTROM: Objection, calls for speculation.

1 THE COURT: Counsel, I'll allow it if you ask the follow-
2 up questions about how he knew; and then I'll allow Mr.
3 Beckstrom -- or how he came to that con- conclusion. Then
4 I'll allow Mr. Beckstrom to renew that objection. Continue.

5 MR. MICHAELSON: Okay.

6 Q MR. MICHAELSON: So what kind of mood was your
7 mother -- grandmother appear to be in that day?

8 A She's not very talkative, but I -- I could just see
9 it in her -- in her face. I mean, she was -- it was kind of
10 like a shock. She was extremely happy to be around her
11 entire family. I mean, like my -- my father said, there was
12 probably 35 of us there; and the setup was just beautiful;
13 and it -- it was an -- honestly it was an amazing day. And I
14 -- I knew that my grandma enjoyed every minute of it. I
15 mean, every photo that we have, there's a smile on her face.

16 Q Okay. So by the smiles and so forth, just her body
17 language?

18 A Yeah. (Indiscernible)...

19 Q What was it like talking -- oh, go ahead.

20 A Oh, I'm sorry. That was the first time she had
21 seen us in -- in, you know, probably two years now.

22 Q Did you get a chance to speak with your
23 grandmother?

24 A Very -- it was very brief. She did mention my
25 puppy, being that I had my puppy there at the time. She's

1 always been a dog person. But that -- that's -- not -- not
2 -- not too much.

3 Q Okay. Did you speak with her -- so you did speak
4 with her one-on-one?

5 A Yes, I did.

6 Q Did she ask you anything?

7 A Just about my puppy. (Breaking up - indiscernible)
8 if I could help her so she can go lay down.

9 Q Okay. What is it like talking to your grandmother
10 on the phone?

11 A Oh, that's -- that's always been kind of
12 complicated.

13 MR. BECKSTROM: Vague as to time and lack of foundation.

14 THE COURT: Mr. Michaelson, will you lay a foundation for
15 these phone calls?

16 MR. MICHAELSON: Sure.

17 Q BY MR. MICHAELSON: When's the last time you spoke
18 with your grandmother on the phone?

19 A I have not spoken to her on the phone since back
20 when she was still with -- when Gerry was around. They had a
21 -- a joint cell phone, and so I would call that cell phone or
22 she would call me, and we would text back and forth.

23 Q Okay. Has she called you in say the la- last two
24 years?

25 A She has not.

1 Q Do you think that you're close with your -- as far
2 as you can tell, are you close with your grandmother?

3 A Yes, we've -- I mean, our family's always been very
4 close. She -- I use to go visit her; and she would
5 completely open up her house to me, my friends; and I mean,
6 she -- she loved us being around.

7 Q Have you ever engaged in FaceTime with your
8 grandmother?

9 A As of a -- recently, no. The last time I ever
10 FaceTimed her, I believe it was -- it -- I would -- be-
11 lieve it was Robyn's wedding; and I think Donna might have
12 helped with that because obviously it's an iPhone technology;
13 and we kind of all FaceTimed; but that was about it.

14 Q Okay. So did -- you -- you're saying you felt that
15 she needed some assistance with FaceTime?

16 MR. BECKSTROM: Objection...

17 THE WITNESS: Correct.

18 MR. BECKSTROM: ...misstates testimony.

19 THE COURT: I think the testimony was that he thinks -- I
20 can't -- was it Donna, helped him with the FaceTime because
21 we were all FaceTiming at Robyn's wedding.

22 So, Mr. Michaelson, will you ask some clarifying
23 questions about that?

24 MR. MICHAELSON: Yeah.

25 Q BY MR. MICHAELSON: Yeah, did you think that June

1 eventually or at some point was able to use FaceTime on that
2 occasion?

3 A I do not.

4 Q Okay. Even with -- did -- did she, like, look in
5 someone else's FaceTime, as far as you know?

6 A It was -- I believe it was Donna's cell phone.

7 Q Okay. All right. Appointed counsel, the legal aid
8 counsel for your grandmother, has proposed a visitation
9 schedule. And I'm gonna ask you about that point by point.
10 Have you had a chance to read it?

11 A Yes, I have.

12 Q Okay. Okay. So the first point that appointed
13 counsel is, it state -- this document states that your
14 grandmother wants visits to last one hour maximum at the
15 Anaheim house. Will that work for you?

16 A It will not.

17 Q Why not?

18 A Well, one hour, when's this one hour?

19 Q Okay. All right. How far do you have to drive to
20 -- to visit your grandmother?

21 A Actually, I have a question. Within that hour what
22 -- what time is that hour at?

23 Q Okay. Oh, well, I'm gonna get to that. Actually
24 that's my next...

25 THE COURT: So Mr....

1 Q BY MR. MICHAELSON: ...question here.

2 THE COURT: Mr. Simmons, I -- I don't...

3 THE WITNESS: (Breaking up - indiscernible).

4 THE COURT: Hold on. Mr. -- Cameron, I know that it's
5 difficult sometimes to answer these questions. So if you
6 can't answer that question just tell us. It's not really a
7 conversation where you're gonna have...

8 THE WITNESS: All right. (Breaking up -
9 indiscernible)...

10 THE COURT: ...be able to ask a question back. That's
11 all right, no problem. I'm just letting you know now. But
12 Mr. Michaelson will ask another question.

13 THE WITNESS: Oh, okay. So then can I go back...

14 Q BY MR. MICHAELSON: So...

15 A ...to that question?

16 Q Sure.

17 A Yes, it would.

18 Q What would be the problem with the one-hour time
19 frame?

20 A I take that back. I'm sorry. There wouldn't be a
21 problem with that.

22 Q Okay. So if I can clarify, I think you're saying
23 you would like to visit your grandmother for an hour; but if
24 it's -- if the schedule, the proposal was that it would be no
25 more than an hour, does that work for you?

1 A (Indiscernible).

2 MR. PARRA-SANDOVAL: I think it was a compound question.

3 THE COURT: It was.

4 But let's back up a little bit. Maybe start at the
5 beginning again.

6 THE WITNESS: Okay. I'm sorry, yeah.

7 THE COURT: That's okay.

8 Q BY MR. MICHAELSON: Okay. This proposed schedule
9 says that your grandmother wants visits to last a maximum of
10 one hour at the Anaheim house. Is that okay with you? Does
11 that work for you?

12 A That would work for myself, yes.

13 Q Okay.

14 (WHEREUPON THE MATTER WAS TRAILED

15 AT 11:25:57 AND RECALLED AT 11:25:57.)

16 Q The proposed schedule says that your grandmother
17 wants only two visits. That would be on a Friday morning
18 from 10 a.m. to 11:00 or from 11:00 to noon. Does that work
19 for you?

20 A Absolutely not.

21 Q Why not?

22 A Because I have a Monday through Friday, eight to
23 five job just like (breaking up - indiscernible) most of my
24 family.

25 Q All right. The proposed schedule says that the

1 only place your grandmother wants to travel for visits other
2 than the Anaheim house is to your Aunt Donna's house. So
3 does that work for you

4 A Of course, except...

5 Q Okay.

6 A ...for the one hour doesn't work because it's an
7 hour commute there and an hour visitation and then an hour
8 commute back. So that's -- that's three hours.

9 Q Okay. The second part to that point is that visits
10 at Donna's house should also be for only one hour. Does that
11 work for you?

12 A I don't -- I don't think that has anything to do
13 with me, to be honest.

14 Q Okay. If you wanted to visit with her longer,
15 could you do it?

16 A I wish I could.

17 Q Okay. But under that proposed schedule, would it
18 give you the amount of time that you need to visit with your
19 grandmother?

20 A No, it does not.

21 Q Okay. The -- the proposed schedule says that Ms.
22 Jones does not want to stay overnight with anyone. What are
23 your thoughts on that?

24 A If that's what her wishes are, then, I -- I mean,
25 I'm all about making her -- her happy. I do believe that she

1 has stayed with Donna several times; and Donna's more than
2 capable of taking care of her, as well, if that's what she
3 wanted.

4 Q Okay. This proposal says that to avoid
5 communication issues, Kim would leave your grandmother's
6 Friday mornings open for any visitor, whether in person or by
7 phone. So what are your thoughts on the Friday morning visit?

8 A Well, it wouldn't be a visit because it would be a
9 phone call; and a phone call doesn't work for us because she
10 doesn't know how to talk on the phone. She quickly hangs up.

11 Q Okay. Okay. So this -- the -- the proposal
12 drafted by the legal aid attorney says that your grandmother
13 states that Kim must receive a confirmation text or e-mail
14 that a visitor is actually arriving 24 hours before the
15 scheduled visit or time. What are your thoughts on that?

16 A That definitely did not come from my grandmother.

17 Q Okay. Would that work for you if you were -- I
18 mean, do you have situations where you might be in the area
19 and that would prevent you from visiting your grandmother

20 A I do believe in -- in schedules; and I -- I do
21 believe that Kim should be made aware of, you know,
22 visitation or if someone would like to visit. But I -- I
23 mean, I don't know. I -- I kind of just randomly on Thursday
24 tell her, yes, by Friday at 11:00 I'll be there because it's
25 not gonna happen. So that means...

1 Q Okay.

2 A ...I just won't be able to visit.

3 Q Yeah, that's fine. Okay. So this proposal goes on
4 to say that your grandmother states that if no one-way
5 confirmation was sent to Kim by Thursday morning, Kim is free
6 to change plans for Friday morning. So it's kind of like
7 what you were talking about. So what are your thoughts on
8 that?

9 A She -- yes, I believe she should made aware; and
10 if, you know, there is no one visiting, she should be able to
11 make plans with my grandmother or et cetera.

12 Q Okay.

13 A But that's...

14 Q Do you think that...

15 A ...leaving us one day out of the week.

16 Q Okay. All right. But the proposal goes on to
17 state that if any of her children or grandchildren cannot
18 visit your grandmother, they can send Kim a confirmation on
19 Thursday morning and request a phone call on Friday rather
20 than an in-person visit. What are -- so the phone -- phone
21 call on Friday rather than an in-person visit, what are your
22 thoughts on that?

23 A Like I said, a phone call is not a visitation.
24 It's a quick three-minute call; and she hangs up.

25 Q Okay. Did you ever call your grandmother on her

1 cell phone?

2 A I had no clue she had a cell phone. The last time
3 I thought she had a cell phone was when she was with Gerry.

4 Q Okay. So -- so in the last couple of years, have
5 you called your -- you haven't called your grandmother then?

6 A No, I have not because she has been with Kim.

7 Q Okay. All right. Why -- why would her being with
8 Kim impact your calling your grandmother?

9 A Well, to be honest, I don't -- I don't even have
10 Kim's cell phone number as it is right now. She -- the last
11 time I spoke with Kim, we were all at the Verde house; and
12 she didn't have -- she had like three cell phones with her;
13 and none of them had a assigned number to it. They were all
14 running off of WiFi.

15 Q Okay. All right. So it was your understanding the
16 last couple of years if you wanted to get a hold of mom, you
17 would have to call Kim?

18 A (Indiscernible).

19 Q Oh, I'm sorry. If you had to get a hold of
20 grandmother, you would have to go through Kim?

21 A Or it was just not possible because I -- I had no
22 way of communicating with her because Kim had no assigned
23 cell phone number.

24 Q Yeah, yeah. Okay. Has Kim reached out to you in
25 the last couple of years?

1 A No, she has not.

2 Q Have you called your grandmother on her cell phone
3 recently?

4 A No, I have not because I didn't know she has one.

5 Q Okay. So this -- in this proposal it says that
6 grandmother -- your grandmother expressed that if a visitor
7 does not want Kim around, Kim will run errands or she may go
8 into her personal portion of the home during visits. What
9 are your thoughts on that?

10 A I will not go to the Anaheim house.

11 Q Why not?

12 A Because I don't feel safe there.

13 Q And why not?

14 A Because of Kim's boyfriend, Dean. I don't even
15 believe she feels safe with him around, to be honest.

16 Q Okay. And what's that based on? I mean, where --
17 where do you get these impressions?

18 A So about like 15 months ago before everything
19 happened, when Kim was still going to my -- my father's house
20 -- or, you know, the Verde house, she was constantly, you
21 know, borrowing money, et cetera. Well, that night I brought
22 over -- come to find out they were gonna stay the night. I
23 brought over a blowup bed and mattresses to make them
24 comfortable. She handed me her laptop and like two cell
25 phones and made it like basically told me, please, make sure

1 there's no location tracking or sharing with Dean. I don't
2 want him to have any access at all, and she repeated that
3 about five times. And so in my eyes I took that as, okay,
4 well, something's off here. And not to mention he was trying
5 to contact her somehow, and -- and she was rejecting the
6 phone calls.

7 MS. PARRA-SANDOVAL: This seems to be beyond the scope of
8 the...

9 MR. MICHAELSON: No, I...

10 MS. PARRA-SANDOVAL: ...the hearing.

11 THE COURT: One moment. I -- I would like first just a
12 foundation as to the date, the approximate date, Mr.
13 Michaelson.

14 Q BY MR. MICHAELSON: Yeah, Cameron, what's the
15 approximate date of what you're talking about here where you
16 were -- you were asked to -- to remove tracking features?

17 A I -- I -- honestly, I want to say it was about
18 anywhere from 15 to 16 months ago because it was right before
19 everything made a -- a turn when basically Kim did kind of
20 get the whole power of attorney type thing. And then the
21 Verde house, you know, my dad moved out. That was the last
22 time I saw or talked to Kim and my grandmother.

23 Q Okay.

24 THE COURT: Mr. -- Mr. Simmons, when you, just for the
25 record, when you indicate the Verde house, do you mean the

1 house in Anaheim...

2 THE WITNESS: Correct.

3 THE COURT: ...in which your father grew up?

4 THE WITNESS: That's correct.

5 THE COURT: All right. And so the objection is that it
6 goes beyond the scope of -- of the hearing and I -- I would
7 construe that as relevance. I'm -- I'm gonna allow it just a
8 little bit more because it affects his objection in why he
9 doesn't want to be around Dean.

10 Continue, Mr. Michaelson.

11 Q BY MR. MICHAELSON: Yeah, is there anything else
12 about Dean from your perception that relates to your ability
13 to visit or undermines your ability to visit your
14 grandmother?

15 A I mean, to be honest, I -- I'm not quite sure how
16 to answer that. From myself and -- I don't know if this is
17 something -- if I'm stepping out of line here; but all the --
18 the communication between the neighbors, et cetera, with Dean
19 moving in or being around constantly, making up lies about me
20 and -- and my father and saying that we basically -- my
21 grandmother's on her deathbed and we're not even family like
22 we just up and bailed and left, I -- I'm just extremely
23 uncomfortable around him.

24 Q Okay. (Indiscernible)...

25 A I mean, he -- he's...

1 UNIDENTIFIED SPEAKER: ...the father, like a son.

2 THE WITNESS: Yeah.

3 Q BY MR. MICHAELSON: So is it fair to say that you
4 are concerned that if you visited your grandmother you'd run
5 into Dean?

6 A Absolutely. And I'm -- I'm -- I'm afraid to be
7 around him to be honest.

8 Q What do the -- what if anything do the neighbors
9 say about Dean?

10 MR. BECKSTROM: Objection, hearsay.

11 THE COURT: Mr. Michaelson, is there any exception that
12 applies?

13 Q BY MR. MICHAELSON: Have you -- have you heard
14 anything from the -- the neighbors of concerns about what's
15 going on at the Anaheim house?

16 A I have all the text messages to prove it, yes. I
17 mean, between the iPhotos, between the -- the cops showing
18 up, helicopters, the house being watched...

19 THE COURT: The answer to the -- hold on. The answer to
20 the question is yes. I'm gonna strike the remaining portion.

21 Mr. Michaelson, ask another question.

22 Q BY MR. MICHAELSON: Yeah, did you have a neighbor
23 say that Dean represented him- himself as June's son?

24 A Yes, I -- mm-hm.

25 MR. BECKSTROM: Hearsay, objection.

1 THE COURT: Mr. Beckstrom -- Mr. Michaelson, is there an
2 exception to the hearsay rule that would apply? I -- I -- I
3 don't see one. (Indiscernible)...

4 MR. MICHAELSON: (Indiscernible), Your Honor.

5 THE COURT: Go ahead.

6 MR. MICHAELSON: Well, can I just suggest it goes to his
7 feelings when he gets these messages it goes to how he feels
8 and how he perceives the situation? So I think it's relevant
9 on that grounds.

10 THE COURT: It -- it may be relevant, but it may not be
11 admissible, and so he has -- I've already allowed him to
12 answer that in part. He bases his feeling upon what other
13 neighbors have told him. I'm allowing that -- that portion
14 of the testimony; however, I'm not gonna allow what the
15 neighbors told him. I believe that that would be an out-of-
16 court statement meant for the truth. So move on, Mr.
17 Michaelson.

18 THE WITNESS: That's not the only reason why I do not
19 feel unsafe, though.

20 THE COURT: Mr. Michaelson.

21 Q BY MR. MICHAELSON: Can you elaborate? Why do you
22 feel unsafe...

23 A Well, because of Dean's...

24 Q ...(indiscernible)?

25 A Because of Dean's history.

1 Q I'm sorry. And what do you know about his history?

2 MR. BECKSTROM: Objection, vague and outside the scope,
3 way beyond the scope.

4 MR. MICHAELSON: No, this is right bulls-eye in the
5 scope.

6 THE COURT: Hold on.

7 MR. MICHAELSON: This is what everyone...

8 THE COURT: Hold on.

9 MR. MICHAELSON: ...is saying.

10 THE COURT: Hold on. Hold on. The -- Mr. Simmons has
11 testified already about a number of items that do not make
12 him feel safe visiting the Anaheim house where his
13 grandmother lives because Dean is there, as well. So ask
14 some -- history is very vague, but ask some other
15 foundational questions, and then I'll consider that
16 objection.

17 Q BY MR. MICHAELSON: Do you know how Dean makes a
18 living?

19 A I do not personally. I don't know him personally.

20 Q Okay. Have you -- have you researched Dean in any
21 way in relation to your own safety or your grandmother's or
22 your family's safety?

23 MR. BECKSTROM: Objection, compound.

24 THE COURT: Mr. Michaelson.

25 Q BY MR. MICHAELSON: Have you...

1 THE COURT: Just separate. Thank you.

2 Q BY MR. MICHAELSON: Have you researched Dean's
3 background (indiscernible) any question mark?

4 A To be honest, I don't feel comfortable answering
5 that question.

6 Q Okay.

7 A I don't really feel comfortable talking about him
8 in general.

9 Q Okay. Okay. Have you ever had anyone else ask you
10 to remove tracking devices from your -- from -- remove
11 tracking features from a device?

12 A I mean, like my place of business. Like none of
13 us, we don't do that. So, no, I -- I've never had to do that
14 before.

15 Q Okay. But you're an IT professional, correct?

16 A Correct.

17 Q And so what's your interpretation when someone is
18 repeatedly saying to you, remove all tracking devices
19 relating to a certain person?

20 A On top of the fact of wiping her computer
21 completely brand new clean, leaving no data and anything on
22 it, it is a -- it's a red flag.

23 MS. PARRA-SANDOVAL: That was not the question asked.

24 MR. MICHAELSON: Okay.

25 THE COURT: I believe (indiscernible)...

1 MR. MICHAELSON: Does...

2 THE COURT: So I think the objection, that it's that it's
3 nonresponsive.

4 Mr. Simmons, I would agree.

5 But, Mr. Michaelson, would you ask another
6 question, please?

7 MR. MICHAELSON: Okay.

8 Q BY MR. MICHAELSON: What does it suggest to you when
9 someone is asking you to remove tracking features from their
10 devices in relation to another person?

11 A It -- it's a red flag to me. It's someone that
12 does not want to be located or tr- or tracked by a specific
13 person who they originally might have shared their location
14 with or this other person did it for them without their
15 knowledge.

16 Q Were you concerned for Kim in relation to Dean?

17 A Yes, I definitely was.

18 Q Okay.

19 A I (breaking up - indiscernible), to be honest.

20 Q Okay. And so that, how does that impact your
21 communication, visitation with your grandmother?

22 A There is not communication with my grandmother
23 unless it's, I mean, through Kim; and it -- it -- it's just
24 -- it just seems almost impossible on top of the fact that
25 it's one day out of the week that's not, I mean, it's not

1 available to anyone. I mean, I -- I just I don't understand
2 how we can't visit my grandmother when none of this came from
3 my grandmother.

4 Q Okay. How do you feel about Kim not reaching out
5 to you on behalf of your grandmother?

6 MR. BECKSTROM: Objection, facts not in evidence,
7 misstates testimony.

8 THE COURT: (Indiscernible)...

9 MR. MICHAELSON: He's already testified that Kim hasn't
10 reached out to him. So I'm asking how he feels.

11 THE COURT: And I'll allow it.

12 MR. BECKSTROM: Yeah, I know there's been a lot of how
13 you feel questions here; and it's gonna belabor this hearing
14 about five hours.

15 MR. MICHAELSON: And it is...

16 THE COURT: (Indiscernible)...

17 MR. MICHAELSON: ...directly relates to visitation.

18 THE COURT: Mr. Mic- Mr. Michaelson, go ahead.

19 Mr. Simmons, please answer the question.

20 THE WITNESS: Can you repeat that question, please?

21 Q BY MR. MICHAELSON: Just how do you feel about Kim
22 not reaching out to you? You testified that she didn't. How
23 do you feel about her not reaching out to you regarding your
24 grandmother?

25 A It bums me out obviously; but at the same time, she

1 -- I mean, I don't really feel like she's reached out to
2 anyone, to be honest.

3 Q Okay. Do you know -- I -- I'll come -- I'll move
4 on from this. Your -- the proposed schedule says that your
5 grandmother expressed that she is happy to speak to anyone
6 that calls her on any other day other than Friday. What are
7 your thoughts on that?

8 A It's a waste of time because phone calls are just
9 not -- they're -- it's not -- they get you nowhere with her.

10 Q Okay. The schedule says that a landline has been
11 installed. What are -- what's your feeling based on your
12 observation of your -- your grandmother's mobility and so
13 forth? Do you think that that's gonna help her speak to
14 people?

15 A No, I do not.

16 Q You visited your grandmother -- yeah, do you -- do
17 you have the phone number for the landline?

18 A I do not.

19 Q Okay.

20 A I don't (indiscernible)...

21 Q You visited with your gran- I'm sorry. What?

22 A I don't even have Kim's number to try to reach out.

23 Q Okay. You visited your grandmother over mother's
24 day weekend. Is that correct?

25 A That's correct.

1 Q Now that we've been through that proposed
2 visitation plan, do you believe that your grandmother
3 communicated those details from herself?

4 A Hundred percent no, she did not.

5 MS. PARRA-SANDOVAL: That's speculative.

6 THE COURT: Objection...

7 MR. MICHAELSON: It's what you believe.

8 THE COURT: ...I believe is that -- hold on.

9 The answer calls for speculation.

10 Mr. Michaelson, ask the follow-up questions; and
11 then I'll consider the objection.

12 MR. MICHAELSON: Okay.

13 Q BY MR. MICHAELSON: When you saw your mother on --
14 your grandmother on Mother's Day weekend, what were her
15 communication capabilities in your view?

16 A Very, very brief. She mentioned just -- I mean,
17 quite a few words but not too many. She asked about my
18 puppy, how I was doing. When I gave her a hug to say
19 goodbye, I asked her -- you know, I told her I loved her,
20 because I wasn't sure if that was going to be the last time.
21 And I asked her if she would like to visit or for us to
22 visit. She said, yes. And that was all I got out of her.

23 Q Okay. So based on your observations on that day,
24 do you think it's likely that she formulated this proposed
25 plan...

1 A Absolutely not.

2 Q ...by herself?

3 A It's -- it goes against everything she's ever, ever
4 done or believed in in her life. I mean...

5 Q Okay. Have you visited your grandmother any other
6 time recently?

7 A I was -- I was across the street at Gino's house
8 with my father. And when I pulled up -- this was before the
9 Mother's Day event. When I pulled up, Kimberly and my
10 grandmother walked out, thinking that I was their Uber
11 driver; and it was a very short brief kind of say hello-type
12 thing; and that was about it. Kim asked me if I could take
13 them to get a rental car; and I said, no, 'cause I didn't
14 have the room for it. And that was about it. I told my
15 grandma -- I said I loved her, and I walked across the
16 street.

17 Q How much did your grandmother talk with you?

18 A She -- she didn't really talk at all. She just
19 kind of nodded her head and (breaking up - indiscernible).
20 Kim did all the talking.

21 Q Okay. So what would you like to see the Court do
22 for you to have visits with your grandmother?

23 A To be honest, all of this is just -- I mean, it's
24 ridiculous. I -- I don't -- I don't understand this
25 visitation rights. I feel like any elderly person or family

1 member who has always been a part of their family, should
2 still be able to visit their family if they are willing to
3 and as long as the other family members are, especially now
4 that it's coming time to like, you know, it's getting closer
5 and closer to the end. It's absolutely unfair. And I don't
6 believe that any of this came from her. And I -- I think
7 Kim's honestly holding it against us because it's...

8 Q Did you...

9 A ...what Kim says goes.

10 Q Did you ask your grandmother anything as you were
11 saying goodbye on the Mother's Day weekend?

12 A If I could -- yeah, if we could visit or if she
13 would like us to visit.

14 Q And what did she say?

15 A She nodded her -- or her head yes, and that was
16 about it.

17 Q Okay. Is there anything else that you'd like to
18 let this Court know at this time that's relevant to this
19 hearing?

20 A No, I believe that's it.

21 Q Okay.

22 THE COURT: Thank you.

23 Ms. Parra-Sandoval.

24 MS. PARRA-SANDOVAL: Yes, Your Honor. So I do have some
25 questions for Cameron.

1 THE COURT: Go ahead.

2 CROSS-EXAMINATION

3 BY MS. PARRA-SANDOVAL:

4 Q So you testified about the weekend at Canyon Lake.
5 How long were you there for with your grandmother?

6 A I was there the -- the entire time with my -- the
7 -- the family. So from (indiscernible)...

8 Q Would you (indiscernible)...

9 A ...11:00 to maybe (indiscernible) to -- to 5:00 or
10 6:30, 7:00. It was -- it was an all day event.

11 Q Okay. And -- and do you know how long June was
12 there for?

13 A I believe she had to leave at -- I believe like
14 maybe f- was it four hours maybe, five hours? I'm not quite
15 sure. I do know she had a -- a -- a schedule she had to get
16 back.

17 Q Okay. You stated you spoke with her very briefly
18 that day?

19 A I was around her almost the whole time; but, yes, I
20 only spoke to her briefly.

21 Q And is that because you were doing other things?

22 A No, it's just because it -- it is hard -- kind of
23 hard to keep a conversation going with her. I -- I mentioned
24 -- I showed her pictures because she asked about my partner
25 or kind of, you know, asked about my -- my puppy and then the

1 partner. I showed her pictures and kinda tried to keep her
2 up on new things, like my dad's home. But it -- it's just,
3 you know, she just nods and smiles.

4 Q You stated that you don't have Kimberly's phone
5 number. Is that true?

6 A That is true.

7 Q And you also said you're college educated, right?

8 A Some college.

9 Q Some college. Okay. And are you close to maybe
10 Robyn and Donna?

11 A Well, I'm close to my entire family. I love my
12 family. I always...

13 Q Right. So...

14 A ...have.

15 Q So you have their phone numbers, Robyn's and
16 Donna's?

17 A That's correct.

18 Q And you could've asked one of them for Kimberly's
19 number?

20 A You're absolutely right, yes.

21 Q So this was more of a choice not to get her number
22 if you say you're close to your aunts?

23 A There was more of a choice because I know that
24 there was so much -- so many different things going on with
25 our family. And I don't like to be a -- I don't like to be a

1 part of that. That's just -- it's not me. I mean, I...

2 Q So you -- okay. So you didn't call your grandma
3 because you didn't have a good number?

4 A Correct.

5 Q Okay. And you've already -- I just want to clarify
6 that you didn't make an attempt to get the number.

7 A No, I did not.

8 Q You know, you stated that, you know, it's important
9 what your grandmother's wishes are.

10 A It is.

11 Q The proposed schedule is a schedule where she, you
12 know, where your grandmother was able to make representations
13 to me; and this is what was proposed as her wish regarding
14 visitation; although, she never wanted any kind of visitation
15 schedule. If this is her -- if the proposed schedule...

16 MR. MICHAELSON: Objection, Your Honor, she's testifying
17 about never wanting visitation schedule.

18 MS. PARRA-SANDOVAL: I apologize.

19 Q BY MS. PARRA-SANDOVAL: If this is June's wish,
20 would you be willing to take time off to see your
21 grandmother?

22 A Of course. I mean, you only have so long with
23 people before they, you know, are no longer here. It's
24 unfortunate.

25 Q If you feel...

1 A But (indiscernible)...

2 Q You know, you talked a lot about not feeling safe
3 around Dean; but you will be willing to visit at Donna's. Is
4 that correct?

5 A Absolutely. I would even -- I mean, even if we
6 were to -- oh, well, no. I -- I'm sorry. I take that back
7 because it was Donna's or -- of that Verde house.

8 Q But this is -- what is -- what about Donna's house
9 that's what I was...

10 A Yeah.

11 Q ...(indiscernible).

12 A Yeah, absolutely.

13 Q You talked about Mother's Day weekend and the fact
14 that, you know, you were able to have some kind of
15 conversation with June, you know, regarding the puppy. She
16 asked you about the puppy. Is that true?

17 A Yes, she's always been a -- an animal per- person.

18 Q So would you say she noticed the puppy right away?

19 A Oh, immediately.

20 Q So she followed up. She -- did she ask you
21 questions about the puppy?

22 A She did not.

23 Q Did you follow up with her?

24 A To kind of give her like, you know, some questions
25 of her answers regarding my puppy.

1 Q So follow -- in terms of you involved her in the
2 conversation.

3 A Yes, I -- I did. It started with her and my puppy,
4 thought; and then after that, I just continued to follow up
5 with, you know, try to keep the conversation going.

6 Q And do you believe her answers were relevant?

7 A Regarding? Like anything...

8 Q Do you...

9 A ...that I -- I mentioned?

10 Q Right. Do you believe her answers were relevant to
11 the conversation?

12 A She -- to be honest, like I said, she didn't
13 respond much. It was a nod kind of back and forth. And then
14 she asked me...

15 Q But you -- but you stated she asked about the
16 puppy, and she asked how you were doing.

17 A Yes, if (indiscernible)...

18 Q So it wasn't just...

19 A ...(indiscernible)...

20 Q It wasn't just...

21 A ...(indiscernible)...

22 Q ...nodding.

23 A Yeah, but we're also talking within like a -- maybe
24 a five-hour period. So I also helped take her over to sit
25 down when we all sat down and had dinner. That could've been

1 another conversation, too.

2 Q So did -- did she take a nap at any point during
3 Mother's Day weekend?

4 A Sh- no, she did not. I helped her up into the
5 motor home, and we sat there and pretty much just looked at
6 the -- the lake together and took some photos.

7 Q So you interacted with her?

8 A I tried my best to, yes.

9 MS. PARRA-SANDOVAL: No further questions.

10 THE COURT: Mr. Beckstrom.

11 MR. BECKSTROM: Very briefly. I just want to have a
12 clear record.

13 **CROSS-EXAMINATION**

14 **BY MR. BECKSTROM:**

15 Q Are -- is your testimony that at no time have you
16 tried to call Kimberly to get a hold of your grandmother?

17 A Yes, I made that clear.

18 Q All right. And Christmas -- I'm gonna take you
19 back to Christmas 2020. Did you receive a text message from
20 your grandmother?

21 A No, not (indiscernible)...

22 Q Okay. (Indiscernible) text message -- I'm sorry
23 what was that?

24 A No, not that I recall. No. Actually, no, I did
25 not.

1 Q Okay. Did you send her a present around
2 Christmastime?

3 A Yes, I did.

4 Q Okay. So you don't recall getting a text message
5 from your grandmother?

6 A I did not get one.

7 Q Okay. Did you get one from Kimberly around that
8 time?

9 A No, I did not.

10 Q Okay. If the phone records show different, would
11 you have any reason to refute that?

12 A No, if you have the records, depending on the
13 number that it was sent to.

14 Q Okay. You said you saw your -- you said that when
15 you were in -- at, was it, Canyon Lake for Easter? Is that
16 where it was?

17 A Not for Easter. It was Mother's...

18 THE COURT: Mother's...

19 Q BY MR. BECKSTROM: For Mother's...

20 A ...Day.

21 Q You said your grandmother said she wanted to see
22 you again, right?

23 A I asked her if she would like us to visit, and she
24 nodded her head and said yes.

25 Q Okay. Since that time, have you tried to follow up

1 with Kimberly to set up a visit?

2 A I don't have Kimberly's number.

3 Q Okay. And to be clear, you've never asked Donna
4 for that number; right?

5 A No, I have not.

6 Q And you've never asked Robyn for that number?

7 A No, I have not.

8 Q And have you received copies of the pleadings in
9 this case, sir?

10 A No, I have not, just up until very -- until I asked
11 to basically be a part of this.

12 Q Okay. And you -- and I've never spoke to you
13 before, right?

14 A No.

15 Q You've never contacted me?

16 A I don't -- no, I didn't even know who you were.

17 Q Okay. And same for Ms. Parra-Sandoval, have you
18 ever spoke with her prior to this hearing?

19 A No, I have not.

20 Q Never tried to contact her, right?

21 A I had no clue who she was either.

22 Q Were you aware your grandmother was assigned court-
23 appointed counsel in this case?

24 A Yes, I was.

25 Q Did you ever try to investigate who that counsel

1 was?

2 A Well, I did receive a court's -- report to the
3 court from -- I -- I'm not quite sure if it is who's on here
4 today regarding everything that's mentioned to my grand- or
5 about my grandmother and what was said about her grand kids
6 and visitation, et cetera.

7 Q You mentioned some police activity at the Verde
8 property. Do you recall that?

9 A Yes, I do.

10 Q Okay. Are you aware that the Verde property was
11 rented out to some third parties after your father vacated?

12 A Yes, I was. All of the neighbors kept me updated.

13 Q Okay.

14 A (Indiscernible)...

15 Q And do you know...

16 A ...(indiscernible) horrible neighbors that
17 constantly had police activity, and people up all night.
18 And, I mean, there was just complete illegal activity going
19 on all the time.

20 Q Okay. And who was living in that property? Do you
21 know?

22 A Nobody knew.

23 Q Okay. It wasn't Dean, correct?

24 A No, Dean was just there almost every other day.

25 Q Okay. And was he doing work on the property at

1 that time?

2 A Couldn't tell you. He was just there, and then he
3 would talk to the neighbors. And sometimes he was there
4 quickly. Sometimes he was there all night. They had moving
5 trucks in and out of the -- the garage all night, all hours
6 of the night. They had about ten different cars, eight cars
7 that were parked on the -- the grass, everything. I don't
8 see how any of that's relevant, but.

9 Q Well, I don't either. I'm just trying to
10 understand if your testimony is that Dean was the one living
11 in this house where police helicopters were flying.

12 A No, he wasn't. Like, supposedly, as far as I know,
13 he wasn't living there.

14 Q Okay. Are you aware that Robyn and Donna are the
15 one's who have asked for a visitation schedule?

16 A Yes.

17 Q Okay. Are you aware that Kimberly didn't want a
18 visitation schedule in the beginning of this case?

19 A Nope, I was not aware of that.

20 Q No one's made you aware of that?

21 A Hm-mm.

22 Q So you haven't read the pleadings in this case,
23 correct?

24 A No, I have not.

25 Q Okay. Where do you get most of your information

1 regarding this case from?

2 A What information exactly is that that you're
3 asking?

4 Q Well, how did you find out about this hearing?

5 A Through my father...

6 Q Okay.

7 A ...and Robyn. I mean, she bas- she -- I -- I was
8 -- I was always invited to be a part of this. I just have
9 not chosen to because I didn't want anything to do with this,
10 up until today when it comes to now I'm finding out that
11 visitation is in place and that I, you know, I might have to
12 follow the schedule, I felt that it was time for me to step
13 in and -- and say something.

14 Q Okay.

15 A I didn't want to be a part of any of this.

16 Q Okay. You referred to the Canyon Lake visit, and
17 you said something along the lines of your grandmother had to
18 leave based on the time frame. Do you recall that?

19 A Yes, I do.

20 Q Okay. Are you aware that that time frame was
21 requested by Donna and Robyn?

22 A No, I do not. I did not know that.

23 Q Okay.

24 A But I also knew that from the day before, we
25 weren't even sure if -- if that was gonna be allowed, if she

1 was even gonna be able to make it to come with us.

2 Q Well, that's a good...

3 A So...

4 Q ...point. How did you know that?

5 A Well, all of us grand kids basically were told.

6 Like it was just up in the air. We'll play it by ear and --

7 and hope for the best that she's gonna make it.

8 Q Who told you that, sir?

9 A The entire family.

10 Q The entire family told you all at once?

11 A Yeah, it was like multiple messages back and forth.

12 Either my dad; my sister; Donna, I believe. I -- I'm not

13 sure. None of us really knew.

14 Q You didn't know who sent you the message? I'm not
15 understanding that answer.

16 A No, I know exactly who sent me messages. I'm
17 saying -- I just told you. There was several people that did
18 not know what was going on. None of us really knew if it was
19 gonna happen or not, if Kim was gonna allow it to happen.

20 Q Okay. Do you know if any of those individuals, who
21 you apparently can't name, ever asked Kim?

22 A No, I'm choosing not to name.

23 Q Okay. Do you know of anyone in your family who
24 asked Kimberly if your grandmother could come over and visit
25 for Mother's Day?

1 A I believe there was a court, something to do with
2 the court by Robyn requesting that we all had, you know, a
3 right to this one time to visit together because it might be
4 to say goodbye.

5 Q Are you aware that Robyn never even asked Kimberly
6 about the visit before she filed the request to court?

7 A No, I was not aware of that.

8 Q Do you think that's unreasonable?

9 MR. MICHAELSON: Your Honor, that misstates the record.

10 MR. BECKSTROM: No, it doesn't.

11 THE WITNESS: No, I'm pretty sure -- I mean...

12 THE COURT: Hold on. Hold on.

13 I -- I'm not sure whether or not Cameron thinks is
14 reasonable is -- is -- is relevant to my (indiscernible).
15 But I -- I appre- I appreciate it. And -- and -- and I -- I
16 understand, counsel.

17 Mr. Beckstrom, can you continue.

18 MR. BECKSTROM: I'll -- I'll pass the witness, Judge.

19 THE COURT: Thank you.

20 Mr. Michaelson, anything else?

21 MR. MICHAELSON: Yes, Your Honor. A couple of questions.

22 **REDIRECT EXAMINATION**

23 **BY MR. MICHAELSON:**

24 Q Cameron, it's been talked about that Donna's house
25 is available; and, you know, that's a place that if people

1 are concerned about going to where Kim is. Do you think that

2 -- do you have a large family?

3 A A very large family.

4 Q Do you think that Donna is available every Friday
5 morning for visits from other family members?

6 A No, not at all. I mean, we all have lives.

7 Q So as a member of the family, do you think that
8 potentially although you -- you're okay visiting at Donna's,
9 do you think that that could be potentially an issue, just
10 the traffic going to Donna's house, if that's the only place
11 that your -- your grandmother says that she's willing to go?

12 A And we're talking only Friday?

13 Q That's the proposal.

14 A Yeah, no. That's a -- that's gonna be an issue
15 because by the time I get off at 5:00, it's gonna take me
16 about two hours to get there in traffic; and, I mean, that's
17 one day out of the week. It's a Friday.

18 Q Would you feel -- even if you took the time off,
19 would you feel uncomfortable asking Donna to host a visit for
20 you and your -- any -- anyone else that wanted to visit?

21 A No, of course not.

22 Q And let me say that again. If you -- do the -- do
23 you think that that's imposing on Donna?

24 A Oh, yes, absolutely. (Indiscernible)...

25 Q (Indiscernible)...

1 A ...she's willing to do, then -- then that's okay.

2 Q All right. Okay. But that -- that potential
3 imposition on Donna, since you've indicated your -- you --
4 you would be concerned about going to the Anaheim house, the
5 Verde house, then the imposition on Donna, does that
6 undermine your ability to visit with your grandma because you
7 know the only other place is Donna's house?

8 A Yes, I -- I -- yes and no. I mean, I -- I believe
9 it's the -- the Friday issue. If we could do Saturdays or a
10 Sunday, I mean, that would be -- that -- that's a different
11 story.

12 Q Okay. A little while ago when Ms. Parra-Sandoval
13 was questioning you, you -- she seemed to ask you questions
14 that lead you to say that you -- you didn't call your
15 grandmother because you didn't have Kim's number. Is that
16 the only reason you haven't reached out to -- to Kim or to --
17 to visit with your grandmother?

18 A Yes, I don't personally -- Kim's never done
19 anything to me apart from this -- that -- I mean, this
20 visitation thing and whatever else is going on with the
21 family. Like I said, I've excused myself from that. I
22 didn't want to be a part of that. If -- I mean, a phone call
23 is a phone call. But at the same time, like I said, a phone
24 call to Kim to contact my grandmother is gonna get me nowhere
25 because the phone call's gonna be like, I mean, a three-

1 second phone call.

2 Q So your tes- you're saying, your testimony is, that
3 part of the reason you don't reach out to Kim is be- or your
4 grandma is a lack of phone numbers. Is that fair to say?

5 A Yes, I would say that.

6 Q But is it also fair to say that another reason is
7 that -- is your concern for your safety?

8 A Also correct, yes.

9 Q With Kim being the guardian and the people that
10 she's with?

11 A The (indiscernible) with Dean because I'm not quite
12 sure exactly what say so he has or how he controls or what,
13 you know, the ordeal is. He just seems very in charge
14 according to what he has told all the neighbors and et
15 cetera. He overpowers Kim when -- when she's talking.

16 Q Okay. And is it your impression that Dean, other
17 than being a worker, which I'm not saying he was, but a
18 worker at the Anaheim house, did you have the impression that
19 Dean knew the people who were at the Anaheim house, these
20 other people?

21 A Absolutely.

22 MR. MICHAELSON: Okay. That's all I have, Your Honor.

23 THE COURT: Ms. Parra-Sandoval.

24 MS. PARRA-SANDOVAL: Thank you.

25 ////

1 RECROSS EXAMINATION

2 BY MS. PARRA-SANDOVAL:

3 Q Cameron, you stated that, you know, phone calls
4 don't work for you. They're too short for you. Wouldn't --
5 would it have been -- wouldn't you have been able to call Kim
6 and ask for a visit at a neutral place that you preferred?

7 A With who exactly?

8 Q Well, it could be a public place like a restaurant.

9 A No, I know. My question is with whom, like myself,
10 Kim and my grandmother?

11 Q Well, yes. And it's possible that, you know,
12 Kimberly could have left you to speak with her if you
13 would've asked.

14 A Yes, I could -- I could've asked, yes.

15 Q You just said, you know, Kimberly's never done
16 anything to you.

17 A Not to me. Not to me, myself, personally, no. She
18 has not done anything to hurt me or to -- or, you know,
19 intentionally try to go after me. But at the same time,
20 we've never had a real close relationship either, I mean.

21 MS. PARRA-SANDOVAL: No further questions.

22 THE COURT: Thank you.

23 Mr. Beckstrom.

24 MR. BECKSTROM: No, Judge. I'm fine.

25 THE COURT: Thank you.

1 Mr. Michaelson, anything?

2 **FURTHER REDIRECT EXAMINATION**

3 **BY MR. MICHAELSON:**

4 Q Just -- I'll just ask, do you -- do you -- Cameron,
5 do you find times when you've interacted with Kim that she
6 gives vague or incomplete answers?

7 A Almost all the time. That's been Kim her entire
8 life. She's...

9 Q That -- is that kind of -- oh, go ahead. I'm
10 sorry.

11 A Oh, no. It's okay.

12 Q Is that contributed to your unease about dealing
13 with her and -- and communi- and then hence visiting your
14 grandma?

15 A Yeah, I don't believe any word that comes out of
16 her mouth. She has always been a -- she's always been a
17 using person. She knows exactly how to get what she wants
18 when she wants it. And, I mean, her relationship history,
19 it's -- it only is to benefit her. Family, she's screwed
20 over every single one of our family members to benefit her.
21 I mean, I don't -- I don't have anything against Kim because
22 she hasn't done anything to me. I just a- I just avoid her.

23 MR. MICHAELSON: All right. Thank you.

24 THE COURT: Ms. Parra-Sandoval.

25 MS. PARRA-SANDOVAL: I don't have any questions.

1 THE COURT: Mr. Beckstrom.

2 **REXCROSS EXAMINATION**

3 **BY MR. BECKSTROM:**

4 Q Cameron, didn't you just say that you haven't
5 talked to Kim in over two years?

6 A Yeah, well, regarding like when we were all at the
7 Verde house?

8 Q Regarding anything. You just told Mr. Michaelson
9 that you don't believe anything that comes out of her mouth.
10 When is the last time you talked to her?

11 A I haven't -- I'm -- I also mentioned that I don't
12 believe anything that comes out of her mouth because I've
13 known her my entire life. So even prior to that, this has
14 always been Kim. As far as I've grown up, I've seen the way
15 that she jumps around to benefit her.

16 Q How old are you...

17 A (Indiscernible)...

18 Q ...Cameron?

19 A I'm 29 years old.

20 MR. BECKSTROM: All right. No other questions.

21 THE COURT: Thank you so much.

22 Mr. Michaelson, anything else?

23 MR. MICHAELSON: No, Your Honor.

24 THE COURT: Thank you so much.

25 Thank you, Mr. Simmons, for joining us.

1 Mr. Michaelson, it is 12:15. How many more
2 witnesses do you anticipate calling today, and who are they?

3 MR. MICHAELSON: We have Samantha -- three.

4 THE COURT: Okay.

5 MR. MICHAELSON: Three more.

6 THE COURT: Samantha -- can I anticipate that that would
7 be Samantha, Donna and Robyn?

8 MR. MICHAELSON: Yes.

9 THE COURT: All right.

10 And, Mr. Beckstrom, who do you anticipate calling?

11 MR. BECKSTROM: Probably gonna be Kimberly and Terri,
12 Your Honor.

13 THE COURT: Tell me. Teri?

14 MR. BECKSTROM: Teri Butler.

15 THE COURT: Butler. I'm sorry. There you go. I got it.

16 Ms. Parra-Sandoval, do you have any witnesses?

17 MS. PARRA-SANDOVAL: Your Honor, given the scope of the
18 hearing that are centered on the allegations that the
19 guardian has restricted the communications, and the fact that
20 this Court already knows June's wishes with respect to
21 communications and visitations included in her proposed
22 schedule, June will not be calling any witnesses.

23 THE COURT: Thank you so much.

24 I'm gonna note just for the record if anybody is -
25 is wondering, that's my law clerk in the -- in the courtroom

1 that's observing the procedure that's -- that's -- so just
2 for the record and the parties' benefit. I -- I noticed...

3 MR. MICHAELSON: Your Honor.

4 THE COURT: ...the camera angle changed, for the record
5 (indiscernible).

6 Mm-hm.

7 MR. MICHAELSON: Sorry. We would also like to call
8 Elizabeth Brickfield...

9 THE COURT: Counsel...

10 MR. MICHAELSON: ...regarding that matter.

11 THE COURT: ...part of the reason why I asked that
12 question is because I know that she's been joining us for the
13 duration of this proceedings. She's already supplemented or
14 provided her report.

15 Ms. Brickfield, what is your position on whether or
16 not as a guardian ad litem you should testify? Ms.
17 Brickfield?

18 I'm gonna go to Ms. Parra-Sandoval. Ms. Parra-
19 Sandoval, do you have any objections?

20 MS. PARRA-SANDOVAL: Re- regarding (indiscernible)...

21 MS. BRICKFIELD: Oh, Your Honor...

22 MS. PARRA-SANDOVAL: ...(indiscernible)?

23 MS. BRICKFIELD: ...did you -- before (indiscernible)...

24 THE COURT: There you go. Ms. Brickfield, I'm sorry.

25 MS. BRICKFIELD: Okay.

1 THE COURT: Mr. Michaelson indicated his intention to
2 call you as a...

3 MS. BRICKFIELD: Right.

4 THE COURT: ...witness. I first wanted, hopefully, to
5 clarify and have any arguments about who's gonna testify for
6 the remainder of this hearing today so that we could
7 potentially excuse some individuals after a short lunch
8 break. But, Ms. Brickfield, do you have any objections to
9 being called as a witness in this case?

10 MS. BRICKFIELD: I do not.

11 THE COURT: All right.

12 Ms. Parra-Sandoval, do you have any objections to
13 Mr. Michaelson calling the guardian ad litem as a witness?

14 MS. PARRA-SANDOVAL: I do not.

15 THE COURT: Mr. Beckstrom.

16 MR. BECKSTROM: You know, Judge, I don't have a per se
17 objection. I guess the -- the concern is when you ask how
18 many witnesses I have, there's -- and I put this in my -- my
19 pretrial memo here, is -- you know, there's -- Ms. Parra-
20 Sandoval has some information. And I think it puts my client
21 at an unfair advantage without requiring her to waive her
22 attorney-client privilege as to communications she's had with
23 Kimberly.

24 Specifically the statute references a disinterested
25 party being told from the protected person that she doesn't

1 want to see visitors. I'm not saying that part of the
2 statute applies, but it certainly feels like Mr. Michaelson's
3 claiming that that statute does. So it's gonna have to be
4 approached at some point. And...

5 MR. BECKSTROM: Well, yeah. I would say from my reading
6 of it is it's she's not a pert- a person of natural infinity,
7 and she would be an independent person essentially. But I'm
8 working...

9 THE COURT: Well, the second part of -- the second part
10 of that statute is that whether or not she's affiliated with
11 the protected person. So -- so I -- I understand how that
12 statute may or may not apply. And your concern that perhaps
13 the request is that Mr. Michaelson has somehow tried to use
14 her as this disinterested party.

15 However, my concern is for efficiency here. Ms.
16 Brickfield has already submitted her report. Counsel, you've
17 all had that report for some time. And certainly, there have
18 been arguments that my appointment of her was somehow pure
19 legal error or that it -- it -- it's inappropriate for her to
20 continue. So setting those aside, certainly people have
21 already argued about the veracity of her statements.

22 Ms. Brickfield, do you think -- and -- and
23 understanding that my concern is really (indiscernible) here.
24 I don't necessarily need you to testify to everything that's
25 in your written report that was prepared at the direction of

1 the Court and submitted to the Court and all the parties
2 already. Do you have anything to add that's not written in
3 your report?

4 MS. BRICKFIELD: I -- I'm here, Your Honor. I'm just
5 considering that question for a moment.

6 THE COURT: I understand.

7 MS. BRICKFIELD: And I'm...

8 MR. MICHAELSON: Your Honor.

9 MS. BRICKFIELD: ...thinking about that question in the
10 context of the visitation proposal. I do not see that I
11 would have much more to add if -- except to testify as to my
12 understanding of what June told me as applied to that
13 schedule.

14 MR. MICHAELSON: And, Your Honor...

15 And, Ms. Brickfield, I'm so sorry to even
16 interrupt.

17 I think as we've kind of reflected here, we'll just
18 withdraw that request. And we -- we let the record say. We
19 -- we -- yeah, I appreciate that report. And -- and sorry
20 for the trouble on that.

21 THE COURT: All right. So and I after hearing from Mr.
22 Michaelson, Mr. Beckstrom and Ms. Parra-Sandoval, is it safe
23 to assume that you do not intend to call Ms. Carroll nor Ms.
24 Brickfield? Ms. Parra-Sandoval indicated she's calling no
25 witnesses.

1 Mr. Beckstrom, you indicated Kimberly and Teri
2 Butler. Can I excuse Ms. Carroll and Ms. Brickfield so that
3 they don't have to return for the conclusion of our hearing
4 this afternoon?

5 MR. BECKSTROM: If the Court's already said that Ms.
6 Carroll's report will be made part of the evidentiary record.
7 So I'm fine with that based on that representation.

8 THE COURT: Mr. Michaelson.

9 MR. MICHAELSON: Yeah, I mean, I -- there are some
10 blatant inaccuracies in that. We -- we had not intended to
11 call Ms. Carroll, but I -- I don't know -- I mean, making
12 that report -- I guess, as the Court noted, you -- you asked
13 for it. But I hope that our opposition, I mean, for
14 instance, saying that Donna and Robyn, neither of them has
15 any problem with visitation, (indiscernible)...

16 MR. BECKSTROM: I'm gonna object. (Indiscernible)...

17 MR. MICHAELSON: ...(indiscernible).

18 MR. BECKSTROM: It's (indiscernible) argument.

19 THE COURT: And -- and I noted at the outset of today's
20 hearing that I saw Mr. Michaelson filed, I don't know if it
21 was late last night or early this morning, an opposi- a
22 partial opposition to the investigator's report. I said I
23 would consider that. And -- and I think in part perhaps that
24 goes to my inclination to -- and -- and the opportunity I
25 gave at the outset to admit all of the text messages proposed

1 by Mr. Beckstrom and Mr. Michaelson because those were
2 already considered by the investigator.

3 In addition, I told you all that you could argue as
4 to the appropriate weight that I should give all of the
5 evidence that is admitted or the testimony for today. And --
6 and counsel's able to do that. I'm inclined to admit the
7 investigator's report and Ms. Brickfield's report because it
8 was made pursuant to a court order in respon- response to the
9 Court's direction. And I think a very recent supreme court
10 decision that talks about the admissibility of investigator's
11 reports in guardianship matters...

12 MS. PARRA-SANDOVAL: And, Your Honor.

13 THE COURT: ...when they are made at the direction of the
14 Court.

15 MS. PARRA-SANDOVAL: I apologize. This is Ms. Parra-
16 Sandoval.

17 THE COURT: Yes.

18 MS. PARRA-SANDOVAL: You know, the guardianship rule
19 number 8, letter G, specifically states that the GAL shall
20 not testify.

21 THE COURT: And you are correct.

22 Subsection G, that she's an advocate, not a
23 witness. And so we'll -- and -- and Mr. Michaelson withdrew
24 his request to have her testify.

25 And so, for those reasons, Ms. Carroll, and, Ms.

1 Brickfield, we are getting ready to take a small lunch break.
2 You don't need to return after the lunch break. You've been
3 here with us for -- for the morning. So I appreciate you
4 being here.

5 It seems as though we have approximately five more
6 witnesses that need to testify this morning. We spent a lot
7 of time on some administrative issues. We're gonna take a
8 30-minute lunch break and then come back and go right through
9 it until we're done.

10 I'm gonna ask Mr. Michaelson to speed up his -- his
11 questions a bit. I know that perhaps the last two witnesses
12 may be different than Donna and Robyn because they were not
13 privy previously to the proposed visitation schedule.

14 Counsel, I'd ask you just to ask if Donna and Robyn
15 have reviewed it, which I assume they have, and that whether
16 or not they have any concerns with the schedule and -- and
17 what their concerns are.

18 But remember that the -- and -- and they can do
19 that briefly. Remember that I'm looking specifically to see
20 if Kimberly has restricted communication, access, visitation,
21 phone calls; right? So I would be looking for that
22 information first and foremost. Okay. That's the most --
23 that's the most important to me. And then -- and we can move
24 quickly.

25 Counsel, I'm gonna ask you again when we come back

1 to...

2 (WHEREUPON THE MATTER WAS TRAILED

3 AT 12:25:57 AND RECALLED AT 12:25:57.)

4 THE COURT: ...reconsider your positions on those text
5 messages. If I can admit both Mr. Beckstrom and Mr.
6 Michaelson's text messages, then we can move much quicker.
7 And -- and I'll tell you that I'll -- that I will consider
8 those and read those in depth after they've been admitted and
9 after the hearing. So I'm gonna ask you at the top of the
10 hour when we come back in a moment to -- to consider that
11 again. And -- and I'd -- I'd be happy for -- for you to give
12 me your answer at that point.

13 I anticipate us coming back at 1:00. Anything else
14 before we take a quick break?

15 Mr. Beckstrom.

16 MR. BECKSTROM: Judge, it's gonna -- I can streamline my
17 -- my direct very quickly and -- and...

18 THE COURT: Of course.

19 MR. BECKSTROM: ...direct. I just need clarification on
20 our -- is the Court gonna allow us some limited points and
21 authorities because if not I'm gonna be much longer, so?

22 THE COURT: I am. My anticipation is that I would allow
23 closing arguments through points and authorities submitted
24 within a week to me. And then I would make a written
25 decision. I think that the -- the way that the statute is

1 structured, lends itself well to written legal arguments, not
2 to oral arguments.

3 And since I'm already planning on taking this
4 matter under advisement and issuing a written decision, that
5 another additional week so that the -- all three of you could
6 have the option presenting additional written documents, I'm
7 happy for you to do that.

8 MR. BECKSTROM: Okay.

9 THE COURT: I -- I don't think that it -- it -- it -- I
10 think it suits the nature of the hearing well and the issue
11 presented.

12 MR. BECKSTROM: Thank you.

13 THE COURT: But that -- that was my intention. Also, I
14 think it's gonna save us time. We're gonna be running up
15 against the clock with these witnesses anyway. And so I -- I
16 don't want to waste any of our daylight with hours of
17 argument that you can just put in a -- in writing and I can
18 receive in my chambers in the next seven days.

19 Anything else I can take care of before we break?

20 Ms. Parra-Sandoval, anything from you?

21 MS. PARRA-SANDOVAL: Nothing, Your Honor. We'll...

22 THE COURT: Mr....

23 MS. PARRA-SANDOVAL: ...be back at 1:00, correct?

24 THE COURT: Yes, please.

25 Mr. Michaelson.

1 MR. MICHAELSON: No, Your Honor.

2 THE COURT: All right. We'll see everybody back at 1:00.
3 Thank you so much.

4 (WHEREUPON THE MATTER WAS TRAILED
5 AT 12:28:25 AND RECALLED AT 01:02:03.)

6 THE CLERK: We're on the record.

7 THE COURT: This is Judge Marquis. We're on the record
8 in the Jones matter, G-19-052263-A. It appears we have Mr.
9 Beckstrom, Ms. Jones, Ms. Carroll, Mr. Michaelson, Ms. Parra-
10 Sandoval, Mr. Kehoe and his clients, and Samantha and Donna
11 Simmons all joining us back. Can everybody hear me all
12 right?

13 UNIDENTIFIED SPEAKER: Yes.

14 THE COURT: Mr. Michaelson, call your next witness.

15 Oh, I indicated that I was gonna ask you both at
16 the outset. So I apologize. Mr. Michaelson, and, Mr.
17 Beckstrom, and, Ms. Parra-Sandoval, excluding the issue with
18 the recording and the transcript of the recording, leaving
19 the issue of the text messages, Mr. Beckstrom, do you still
20 have an objection?

21 MR. BECKSTROM: No, I'm -- I'm fine with the mutual
22 stipulation. I think it goes to weight. The Court will give
23 documents to the extent there's any inconsistencies. And I
24 think we're both gonna be able to lay the appropriate
25 foundation. So I'd rather skip that step.

1 THE COURT: Mr. Michaelson.

2 MR. BECKSTROM: You're muted, I think, John.

3 THE COURT: Mr. Michaelson, you're muted. I couldn't
4 hear you.

5 MR. MICHAELSON: Just wanted to know if Mr. Beckstrom is
6 representing that what his client provided is a complete
7 record, complete text messages.

8 MR. BECKSTROM: Yeah, absolutely. I -- I'll proffer to
9 the Court that the (breaking up - indiscernible).
10 There's an echo. Are you getting an echo?

11 THE COURT: I'm gonna ask everyone else to mute
12 themselves just for a moment.

13 Go ahead, Mr. Beckstrom.

14 MR. BECKSTROM: Yeah, the proffer would be that these
15 were pulled by a professional IT company. They were directly
16 sent to my office and produced. There's been no changes,
17 redactions or modifications whatsoever.

18 MR. MICHAELSON: Okay. Well, we'll -- then we'll
19 stipulate to their admission, Your Honor.

20 THE COURT: All right. So those text messages proposed
21 by Mr. Michaelson will be admitted and Mr. Beckstrom will be
22 admitted. Let me, for the record, indicate -- it will be
23 just a moment so that I can pull the numbers. The clerk's in
24 the office. Relative to Kimberly Jones' exhibit list, the
25 text messages represent Proposed Exhibit Numbers 1, 2, 3.

1 Mr. Michaelson, 4, 5 and 6 are -- I'm gonna -- it
2 looks like everybody is muted except for me. Maybe this will
3 go away in a moment. Is an AT&T account history, a Verizon
4 bill and another Verizon bill. Do you have objections to
5 those items being admitted?

6 MR. MICHAELSON: No, Your Honor.

7 THE COURT: Then 1 through 6 will be...

8 And I'm sorry, Ms. Parra-Sandoval. Do you have any
9 objections to Proposed Exhibits 1 through 6?

10 MS. PARRA-SANDOVAL: No, Your Honor.

11 UNIDENTIFIED SPEAKER: Hey, John, I put whatever at the
12 top of that, restricted acce- access to lack of effective
13 facilitation (breaking up - indiscernible).

14 (Whereupon Guardian's Exhibits A
15 through F were admitted.)

16 THE COURT: Mr. Michaelson, can you (breaking up -
17 indiscernible) your mic? Thank you.

18 As to Mr. Michaelson's proposed exhibits. Exhibit
19 Number 1, Proposed 1 is (breaking up - indiscernible).

20 UNIDENTIFIED SPEAKER: (Breaking up - indiscernible).

21 THE COURT: Mr. Michaelson, can you mute your microphone
22 for a moment?

23 MR. MICHAELSON: Okay. I thought we were on mute.

24 THE COURT: 6, 7 are text messages. Mr. Beckstrom
25 indicates that he has no objection.

1 Ms. Parra-Sandoval, do you have any objection to
2 those?

3 MS. PARRA-SANDOVAL: No, Your Honor.

4 THE COURT: Counsel, 9 and 10 of Mr. Michaelson's are
5 photos, 9, of Mother's Day 2021; 10, of January 2021. Does
6 anybody have any objection to those two being admitted?

7 Ms. Parra-Sandoval?

8 MS. PARRA-SANDOVAL: I'll admit them.

9 THE COURT: Mr. Beckstrom.

10 MR. BECKSTROM: Objection.

11 THE COURT: What's the objection?

12 MR. BECKSTROM: No objection.

13 THE COURT: Oh, I'm sorry.

14 9 and 10 will be admitted.

15 To the extent, counsel, one looks a sub- Proposed 8
16 is a transcript of a hearing. I indicated that the Court
17 would take judicial notice of those items.

18 The call logs, counsel, Mr. Michaelson, were those
19 prepared by your client? Mr. Michaelson, or are those from a
20 (breaking up - indiscernible).

21 MR. MICHAELSON: Yes, they were prepared by my client.

22 UNIDENTIFIED SPEAKER: In your office.

23 THE COURT: Mr. Beckstrom, do you have any objection, Ms.
24 Parra-Sandoval, to those?

25 MR. BECKSTROM: My -- my objection, Your Honor is

1 (breaking up - indiscernible)...

2 UNIDENTIFIED SPEAKER: ...(indiscernible), John, if he
3 objects to this then...

4 MR. MICHAELSON: Sorry. I'm sorry. (Breaking up -
5 indiscernible) noise.

6 MR. BECKSTROM: I don't have an objection per se
7 directly. But we need to (breaking up - indiscernible).
8 52.275 governs summary of voluminous documents and it
9 requires that the underlying documents be provided or made
10 upon for inspection. So I'm completely fine. But I would
11 ask the Court to require them to supplement the phone records
12 forming the basis for that summary and compilation of data.

13 THE COURT: Mr. Michaelson.

14 MR. MICHAELSON: We can do that, Your Honor; but that's a
15 large amount of data for a -- I think for a -- I think -- I
16 mean, we -- we can do that. It's a large amount of data.

17 MR. BECKSTROM: And I'm also fine, Judge, if -- if
18 (breaking up - indiscernible) Court wants to admit them.
19 I'll just note my objection. I -- I don't think it's really
20 a big deal. We -- we've submitted our phone records. And
21 that's our position.

22 THE COURT: Counsel, we are -- continue to get a -- a lot
23 of feedback.

24 Ms. Parra-Sandoval, will you mute your device for a
25 moment?

1 In the courtroom, will you mute your -- the
2 courtroom's microphone and see if that helps us a little bit?

3 Mr. Beckstrom, will you talk?

4 MR. BECKSTROM: Test. Yeah, I think that was it.

5 THE COURT: Okay. I think it was the courtroom. All
6 right. Thank you very much. All right. That -- that will
7 not -- that -- that will help us all in our mental health
8 getting through the -- the afternoon without that echo. I'll
9 have to remember to remind the courtroom to unmute themselves
10 to swear in any witnesses as we move forward.

11 All right. I'm going to then admit number 4,
12 understanding that those are summary documents prepared by --
13 by a witness. They do represent November 2019 to September
14 2020 and then October 2019 through September 2020, phone
15 records, which will be voluminous. And -- and if there's any
16 question about the validity or -- or the veracity of the
17 summary, Mr. Michaelson can provide those to -- to Mr.
18 Beckstrom and Ms. Parra-Sandoval. And then the audio
19 recordings, we've already heard objections; and we'll get to
20 those later as we proceed.

21 Mr. Michaelson, call your next witness, please.

22 MR. MICHAELSON: Thank you, Your Honor. We'd call
23 Samantha Eric Simmons.

24 THE COURT: In the courtroom, please unmute yourself.

25 Samantha, raise your right hand to be sworn.

1 THE CLERK: You do solemnly swear the testimony you're
2 about to give in this action shall be the truth, the whole
3 truth and nothing but the truth, so help you God?

4 MS. SAMANTHA SIMMONS: I do.

5 THE COURT: Thank you.

6 Will the courtroom mute again.

7 Go ahead, Mr. Michaelson.

8 MR. MICHAELSON: Thank you, Your Honor.

9 **SAMANTHA SIMMONS,**

10 having been duly sworn, testified as follows:

11 **DIRECT EXAMINATION**

12 **BY MR. MICHAELSON:**

13 Q Samantha, what's your full name again?

14 A Samantha Simmons.

15 Q Okay.

16 THE COURT: (Breaking up - indiscernible)...

17 Q BY MR. MICHAELSON: And what's your...

18 THE COURT: ...mute your device.

19 THE WITNESS: I'm sorry. Could you repeat that?

20 MR. MICHAELSON: I'm just waiting for just a moment here.

21 THE COURT: One second. I'm gonna ask Mr. Beckstrom to
22 mute. I see Mr. Cardenas has joined us.

23 Mr. Cardenas, I'll take your appearance in a
24 second. But I -- we're having some technical audio issues,
25 so. I see that your muted. Please remain muted. We're

1 having a lot of feedback.

2 Continue, Mr. Michaelson.

3 Q BY MR. MICHAELSON: Okay. Ms. Simmons, and -- and
4 if you don't mind, I'm gonna call you Samantha, as well, just
5 to differentiate from your mother, Donna.

6 A Perfect.

7 Q What's your profession?

8 A I am a front office manage (breaking up -
9 indiscernible).

10 Q Okay. And how do you know Kathleen June Jones?

11 A It's my grandmother.

12 Q Okay. Do you know her just a little bit; or as
13 you've grown up, did you -- would you say you've had a lot of
14 interaction?

15 A I would say I've had a lot of interaction with her.

16 Q Okay. When is the last time you saw your
17 grandmother?

18 A At the Mother's Day event continually.

19 Q Okay. Now there's been this talk, and I'm gonna
20 try to speed through this for the -- the Court. I think
21 you've been here. Have you heard the discussion we've had
22 about the proposed schedule that was prepared by legal aid of
23 Southern Nevada?

24 A I have.

25 Q The visitation plan? And it's -- I -- I can just

1 represent that it talks about Friday mornings from either
2 10:00 or at 11:00 and that, you know, your grandmother, it's
3 alleged, would say that she didn't want to go anywhere else.
4 What's your overall impression of that -- that plan?

5 A I feel that it's unfair because a lot of us do work
6 (breaking up - indiscernible) most people do work Fridays.
7 And (breaking up - indiscernible).

8 Q What do you think about...

9 THE COURT: Samantha, Mr. Michaelson, I'm just gonna
10 interrupt you for a moment. I'm still getting a lot of
11 feedback.

12 And I'm having difficulty, Samantha, understanding
13 you when you have a long answer. If you have a short answer,
14 I can hear you okay. But I don't think this is going to work
15 moving forward. Samantha, what type of device are you on?
16 Are you on a desktop, a laptop?

17 THE WITNESS: I'm on a laptop. Did you want me to try to
18 leave and come back in?

19 THE COURT: Let -- Samantha, we (breaking up -
20 indiscernible) and everyone else on the call is muted. But
21 it's just very difficult to hear you.

22 THE WITNESS: Okay.

23 THE COURT: Mr. Beckstrom, or, Mr. Michaelson, do you
24 have any additional tips or...

25 MR. BECKSTROM: Your Honor, (breaking up - indiscernible)

1 in the past it's been (breaking up - indiscernible) going on
2 or...

3 MR. MICHAELSON: No, no. We (breaking up -
4 indiscernible)...

5 THE COURT: Just the one device.

6 MR. MICHAELSON: ...pretty good. We can hear. But I see
7 that, Mr. Beckstrom, I'm not sure you're muted.

8 THE COURT: Well, he was before. We -- we all were
9 before.

10 MR. MICHAELSON: Okay. I'm doing (breaking up -
11 indiscernible).

12 THE COURT: And I muted myself, as well. So -- so let's
13 just take a moment. It will be easier.

14 Samantha, log off. Log back on. We'll stay right
15 here.

16 THE WITNESS: Okay. Give me two seconds.

17 UNIDENTIFIED SPEAKER: Does anybody know she -- that
18 Tiffany uses every day?

19 UNIDENTIFIED SPEAKER: Oh, no, Beckstrom wasn't...

20 UNIDENTIFIED SPEAKER: Yes.

21 THE WITNESS: Is it a little bit better now?

22 THE COURT: Samantha, will you -- let me just test it.
23 Samantha will you give us your full name?

24 THE WITNESS: Samantha Simmons (indiscernible).

25 THE COURT: Better on my end.

1 Mr. Michaelson, will you unmute yourself and speak
2 for a moment?

3 MR. MICHAELSON: Can you hear me now?

4 UNIDENTIFIED SPEAKER: Beckstrom's unmuted again.

5 THE COURT: All right. So it sounds like the problem has
6 been fixed. But for I'm now...

7 MR. MICHAELSON: Your Honor, you -- interestingly, you
8 sound fine to us this time. I know you were having problems
9 before. But you sounded fine even now. So I don't -- I
10 think it's (indiscernible)...

11 THE COURT: Mr. Beckstrom, could you -- do you hear...

12 MR. BECKSTROM: (Indiscernible)...

13 THE COURT: ...when I speak?

14 MR. BECKSTROM: I think it's John's connection.

15 UNIDENTIFIED SPEAKER: I think it's two computers being
16 used at the same time. And we want (indiscernible)...

17 THE COURT: It generally is, but nobody else is in -- Mr.
18 Michaelson is in your vicinity. I mean, I'm looking at the
19 list of participants. I don't think that Mr. -- Ms. Parra-
20 Sandoval, Mr. Cardenas are right outside your conference
21 room.

22 MR. MICHAELSON: Agreed. There's no one else. There's
23 other machines here. But there's no one else that's logged
24 into BlueJeans except this device.

25 UNIDENTIFIED SPEAKER: And it's the same setup.

1 MR. MICHAELSON: And it's the same setup we've been using
2 all morning, as well.

3 THE COURT: All right. It -- it seems like perhaps it's
4 gone away. I know in the courtroom they're trying to fix it
5 a little bit. I'm gonna mute myself. Why don't you continue
6 the questions.

7 MR. MICHAELSON: Okay.

8 Q BY MR. MICHAELSON: So you were saying, Samantha,
9 that you -- you saw your grandmother. Was it around Mother's
10 Day, you were saying?

11 A Yes.

12 Q Okay. And we -- I think we were talking about this
13 proposed schedule that we've been discussing. And then you
14 were -- we were asking you, you know, what are your
15 impressions of it, the Friday morning at 9:00 -- or 10:00 or
16 11:00.

17 A Yeah, I -- I say just one hour isn't gonna work and
18 especially it being on a Friday, which is a work day for most
19 people. I do work Fridays, 8 a.m. to 4:00. And my lunch
20 break isn't even till past the hour allotted time slot that
21 we would have, so I still wouldn't be able to do it.

22 Q Okay. From what you know of your grandmother just
23 with the -- the notice requirements and so forth, does it
24 sound like something that came from your grandmother?

25 A It does not.

1 Q Okay.

2 THE COURT: Mr. Michaelson (breaking up -
3 indiscernible)...

4 Q BY MR. MICHAELSON: Now did you visit with...

5 THE COURT: ...try mute -- will you try muting yourself
6 after you state your question?

7 MR. MICHAELSON: Yes, I can keep doing that. Okay. Your
8 Honor, let me just get...

9 Q BY MR. MICHAELSON: So, Samantha, did you have the
10 chance to visit with your grandmother on the Mother's Day
11 visit?

12 A I did.

13 Q Did you talk to her one-on-one?

14 A I did, but I would say it's more (breaking up -
15 indiscernible) because she's more -- she does a lot of head
16 nodding, lots of smiles but a lot (breaking up -
17 indiscernible).

18 Q Do you think that she could hear you?

19 A Kind of sort of, which is why I feel that like with
20 the phone calls it's kind of hard. That's probably why she
21 doesn't like to talk on the phones because she is hard of
22 hearing.

23 Q Do you do anything differently when you think that
24 she can't hear you?

25 A I try to speak up as loud as possible without

1 trying to sound like I'm yelling at her.

2 Q Have you talked to your grandmother on the phone
3 recently?

4 A I have -- I have not.

5 Q Okay. Did you -- when did you turn 21? Do you
6 recall what year it was?

7 A 2019, I believe.

8 Q What -- what's your birthday?

9 A June 26th, 1998.

10 Q Okay. Did you plan anything with your family for
11 your birthday. So it was a month before my birthday, so in
12 May, my mom had reached out to make plans with -- and grandma
13 said that she wanted to see me for my 21st birthday. So me
14 and my close-proximity plan- family planned to go out there
15 to Vegas on my 21st birthday so we can have grandma involved
16 and whatnot; but unfortunately, the night before, Kim ended
17 up taking her to Arizona. But like if we knew that she was
18 gonna be in Arizona, it would've been easier because I was
19 already living there for school. So we didn't end up seeing
20 grandma at that time.

21 Q And did you have any advance warning that grandma
22 was gonna be not in Las Vegas when you came there?

23 A I believe it was just like the night before.

24 MS. PARRA-SANDOVAL: So, Your Honor, it seems that the
25 time frame is not within the scope of what you have asked

1 with the time periods.

2 THE COURT: Mr. Michaelson, Ms. Parra-Sandoval, what was
3 the date of her 21st birthday?

4 MR. MICHAELSON: It was in April. And so what (breaking
5 up - indiscernible)...

6 THE COURT: Well, of what year? 2018?

7 MR. MICHAELSON: Yes.

8 MS. PARRA-SANDOVAL: That was before the guardianship.

9 MR. MICHAELSON: Yeah, the relevance of it is -- I knew
10 that would be a potential issue. The issue is by this point,
11 Kim had moved, come up from California to Las Vegas because
12 of June's challenges and the problems she was having. So
13 Kim, although it was a little bit before the guardianship,
14 it's right at the time everything was kind of culminating
15 there. And so I think it -- it goes to the experience of
16 working with Kim, even though it is a few months before the
17 actual guardianship.

18 THE COURT: So we -- we've heard a little bit about that
19 instance. Let's move on to the next line of questioning.

20 MR. MICHAELSON: Okay. I didn't think that we had
21 entered that in today in the evidentiary hearing.

22 THE COURT: I indicated that the -- the time of relevance
23 was the time that I ordered in court that day the oral order,
24 not the date of the written order, if they're different, to
25 today. So to the extent that this may be relevant in that

1 it's just a few months before the guardianship was pla- was
2 put in place, we've already heard about that incident. We've
3 heard about Samantha's statements. So let's move on to the
4 next issue.

5 Q BY MR. MICHAELSON: What, Samantha -- and I may have
6 asked this. I apologize if this was just asked. Do you --
7 have you had any direct contact -- outside of Mother's Day in
8 the last couple of years, have you had any direct contact
9 with your grandmother?

10 A No.

11 Q Have you seen her on other visits or times when
12 she's been in California?

13 A I did see her (breaking up - indiscernible) or
14 January. I saw her in January when I went out to Vegas.

15 Q Okay. And how did that get set up?

16 A So Kim ended up reaching out to me, but I kinda
17 knew that it was gonna be something -- Kim was trying to -- I
18 believe Kim was trying to set this up because the court
19 hearing was happening. But of course I was gonna take the
20 opportunity that I had to see my grandma. So I still went.

21 Q Okay. So what's your -- you, based on your life
22 experiences, what's your view of dealing with Kim?

23 A My...

24 MR. BECKSTROM: Objection, vague.

25 Q BY MR. MICHAELSON: Do you -- do you think that --

1 how does Kim being the guardian affect your ability to visit
2 with your grandmother?

3 A I do feel like it makes it more difficult because I
4 don't have a great relationship with Kim. We don't talk very
5 often. So having to go through Kim to set up to see
6 something with my grandma is an inconvenience, I guess.

7 UNIDENTIFIED SPEAKER: Do you have anything else?

8 UNIDENTIFIED SPEAKER: Yes.

9 Q BY MR. MICHAELSON: Has it been difficult in the
10 past to rely on what Kim says or her plans?

11 A Yes.

12 UNIDENTIFIED SPEAKER: (Indiscernible).

13 Q BY MR. MICHAELSON: Okay. Do you feel comfortable
14 visiting your grandmother with Kim there?

15 A It would be fine. I would be -- it wouldn't be
16 preferred, no; but could I do it? Yes.

17 Q Okay. Do you have concerns about who else might be
18 there?

19 MR. BECKSTROM: Objection as to there. It's vague and
20 ambiguous.

21 THE WITNESS: No.

22 Q BY MR. MICHAELSON: (Indiscernible) concerns about
23 who would be at the (indiscernible)...

24 THE COURT: I'll allow it.

25 Q BY MR. MICHAELSON: Do you have concerns about if

1 you were to go visit your grandmother at the Anaheim house
2 about who else might be there, or is that not a concern with
3 you?

4 A No, it wouldn't be a concern because it's just
5 grandma and Kim that are supposed to be living there.

6 Q If someone else was there, if Kim had a boyfriend
7 there, would that impact your ability to visit, in your mind,
8 your -- your comfort level visiting your...

9 A Absolutely.

10 Q Why?

11 A It would be somebody that I don't know. And I
12 already -- Kim -- I don't have a lot of trust with Kim. So
13 the people that she associates with, I probably couldn't
14 trust either.

15 MR. MICHAELSON: Okay. That's -- that's all the
16 questions I had. Thanks, Samantha.

17 THE COURT: Mr. Michaelson, we're still experiencing the
18 feedback from Samantha when she's speaking. I'm gonna ask
19 that you sign off, Mr. Michaelson, and then sign right back
20 on and see if that alleviates this audio issue before we move
21 on to Ms. Parra-Sandoval's questions.

22 MR. MICHAELSON: You got it.

23 UNIDENTIFIED SPEAKER: Okay. Can somebody just point out
24 that...

25 MR. MICHAELSON: Well...

1 UNIDENTIFIED SPEAKER: ...(indiscernible) is not muted?

2 MR. MICHAELSON: I -- I (indiscernible)...

3 MR. BECKSTROM: I (indiscernible) -- I'm -- I'm happy to
4 sign off, too; but it's not my microphone.

5 MR. MICHAELSON: I tried what she said.

6 THE COURT: Mr. Michaelson's back with us.

7 Mr. Michaelson, (indiscernible) request based on
8 information that we got from the courtroom on their audio...

9 MR. MICHAELSON: Okay.

10 THE COURT: ...monitors that show feedback coming from
11 your office (indiscernible) it would work. Mr. Beckstrom
12 signed off, and he's signing back on now. Mr. Beckstrom's
13 back with us.

14 Mr. Beckstrom, right before you joined us, I -- I
15 made the request (indiscernible) Mr. Michaelson
16 (indiscernible) has some information I received from the
17 inside courtroom, from their audio monitors (indiscernible).

18 It hasn't been resolved. Well, it sounds like when
19 Mr. Michaelson mutes, it's fine. And -- and this isn't, you
20 know, I'm not saying anything bad about people individually
21 or -- or their equipment. These are problems I deal with all
22 day long on my end and hundreds and hundreds of other
23 people's devices. It just sometimes happens. And it
24 changes. And it's okay. And I will be patient. And we'll
25 get through it. But I'll tell ya, and I'm not getting any

1 younger, so to listen to feedback for the rest of the
2 afternoon is not gonna be pleasant; but we'll do it. So if
3 we could fix it earlier rather than later, I think it will
4 help everybody's sanity.

5 Mr. Michaelson finished with his questions for Ms.
6 Simmons, Samantha.

7 Ms. Parra-Sandoval, any questions for Samantha?

8 MS. PARRA-SANDOVAL: Yes, just several questions for
9 Samantha.

10 **CROSS-EXAMINATION**

11 **BY MS. PARRA-SANDOVAL:**

12 Q Sam, you stated that you believe that the schedule
13 -- you don't think the schedule came from June. What makes
14 you think that?

15 A She doesn't talk much as it is. So I can't imagine
16 her saying a whole -- making a whole statement plan of all
17 the (indiscernible) as she really doesn't talk much.

18 Q But how would you know if you just said you haven't
19 spoken to her recently?

20 A Well, I did just see her for Mother's Day. And I
21 also saw her again in January.

22 Q And were you aware of this schedule when you saw
23 her?

24 A I think I did know that there was something going
25 on with the schedule, yes.

1 Q And did you ask her about it?

2 A No, to personally -- really don't -- I didn't
3 really want to be involved; but I feel like things have just
4 gotten to the point where I do need to have -- I do need to
5 say what needs to be said.

6 Q Okay. So you just didn't want to be involved?

7 A No, not personally,

8 Q Do you have Kimberly's number?

9 A I do.

10 Q And have you made attempts to call her to speak...

11 A I have...

12 Q ...with June?

13 A I have not.

14 Q No. In the last year have you attempted to call
15 Kim?

16 A I have not.

17 MS. PARRA-SANDOVAL: No more questions.

18 THE COURT: Thank you so much.

19 Mr. Beckstrom.

20 **CROSS-EXAMINATION**

21 **BY MR. BECKSTROM:**

22 Q Samantha, the visit you're referencing in January,
23 was that an Italian restaurant?

24 A It was.

25 Q Okay. And you agree that Kimberly invited you to

1 that restaurant?

2 A Well, I had already had plans to go to that
3 restaurant because it was my best friend's birthday; but like
4 I said, I felt like she was trying to make it a point to make
5 it a visit since we were gonna have a court date that she
6 kind of like, I tried to -- can't -- I -- I did tell her that
7 the restaurant didn't have any more reservations, that she
8 couldn't join us. And she did go ahead behind my back and
9 made a reservation for her and grandma to ensure that she --
10 that I would get a visit in before this court date.

11 Q Okay. And you mentioned a trip to Arizona that
12 Kimberly took when you were in Vegas for your birthday. Do
13 you recall that?

14 A Yes.

15 Q Okay. Did you personally communication with
16 Kimberly as to a -- a date and time she was supposed to have
17 your grandmother available for that trip?

18 A I personally was not the one coordinating all of
19 that. My mom was in communication with -- with Kim about
20 that.

21 Q Okay. So all your information would come through
22 your mother on that issue, correct?

23 A Yeah.

24 Q Okay. And about eight months ago, do you recall
25 Kimberly bringing June to your mother's house to go on a boat

1 ride?

2 A Hang on one second. Yes, I do. (Indiscernible).

3 Q Okay. I'm sorry?

4 A Sorry, I forgot about that. And since, but yes I
5 do.

6 Q Okay. Any problems with Kim during that
7 interaction with her?

8 A No, because I don't -- we didn't really talk that
9 much or get left alone, just us two. So there was no weird
10 things happening or complex.

11 Q Okay. And so I'm clear, have you ever asked
12 Kimberly to see your grandmother and have that access
13 refused?

14 A No, I have not.

15 MR. BECKSTROM: Okay. I don't have any other questions.

16 THE COURT: Thank you so much.

17 Mr. Michaelson?

18 MR. MICHAELSON: Yeah.

19 **REDIRECT EXAMINATION**

20 **BY MR. MICHAELSON:**

21 Q Samantha, has Kim ever reached out to you in the
22 last couple years other than that -- that instance in January
23 there was a hearing? Did she reach out to you to visit your
24 grandmother?

25 A No.

1 Q Why -- why don't you call Kim, to visit your
2 grandmother?

3 A Well, I did just move back to California, when I
4 (breaking up - indiscernible) ways to see her (breaking up -
5 indiscernible) reaching out to Kim. Like I said, I don't
6 really have a great relationship with Kim; and I haven't
7 since I was probably like 16. We don't -- we kind of lost
8 communication.

9 Q Okay. Thank you.

10 UNIDENTIFIED SPEAKER: (Indiscernible) visitations with
11 Kim. Can she trust that Kim will show up and do what she
12 says?

13 Q BY MR. MICHAELSON: Based on your experience, do you
14 feel that you -- that Kim will be a reliable person to
15 schedule this?

16 A No. As in like her (breaking up - indiscernible).
17 She was well aware that we were all gonna be coming out there
18 to celebrate my birthday, and grandma said she wanted to
19 participate in that; and then the next thing I know, I'm
20 traveling out there; and she's in a whole other state.

21 MR. MICHAELSON: Okay. No further questions, Your Honor.

22 THE COURT: Thank you.

23 Ms. Parra-Sandoval.

24 MS. PARRA-SANDOVAL: No more questions.

25 THE COURT: Mr. Beckstrom.

1 MR. BECKSTROM: No follow up.

2 THE COURT: Thank you so much.

3 Thank you, Samantha.

4 Mr. Michaelson, call your next witness.

5 MR. MICHAELSON: Your Honor, we call Donna Simmons.

6 THE COURT: Donna, will you raise your right hand to be
7 sworn?

8 THE CLERK: You do solemnly swear the testimony your
9 about to give in this action shall be the truth, the whole
10 truth and nothing but the truth, so help you God?

11 MS. DONNA SIMMONS: I do.

12 **DONNA SIMMONS,**

13 having been duly sworn, testified as follows:

14 **DIRECT EXAMINATION**

15 **BY MR. MICHAELSON:**

16 Q Okay. Good afternoon, Donna. What's your current
17 address?

18 A 29850 White Sail Place, Canyon Lake, California.

19 Q And what's your educational background?

20 A I'm a high school graduate with some junior
21 college.

22 Q Okay. What's your employment background?

23 A I worked for (breaking up - indiscernible) for ten
24 years. And the (breaking up - indiscernible). Then I went
25 into caretaking.

1 Q Okay. And I forgot to ask you, what -- what did
2 you study in college?

3 A Business.

4 Q Okay. And what kind of caretaking do you do?

5 A I was an independent contractor, and I had a woman
6 that I took care of for 15, 16 years. I changed diapers; fed
7 her breakfast, lunch and dinner. I hoisted her in and out of
8 bed. I showered her. I gave her meds. I took her to
9 doctors appointments. I helped with the insurance and made
10 sure her insurance would cover things with home health care.
11 I did overnight stays when the family members were gone on
12 vacation. All up until she passed away three years ago.

13 And after -- and during that time, I also took care
14 of a gentleman that had cancer. I again, changed diapers;
15 fed him; gave him his medicine; did home health care; and
16 worked with hospice until he passed.

17 And then I had my fiancé's aunt that had cancer;
18 and I took care of her until she passed, along with hospice
19 and grocery shopping and paying bills.

20 And then after she passed, I took care of her
21 husband and his two boys that were left after she was gone.
22 And, you know, he worked during the day. I made, you know,
23 dinner and stuff for him; and he worked in his office, also.

24 And currently I'm working for my fiancé's business,
25 a (breaking up - indiscernible) marble provocation company.

1 Q Okay. All right. And how do you know Kathleen
2 June Jones?

3 A That's my mother.

4 Q All right. I forgot to ask you. With the title
5 company you're working for, is that and everyday thing?

6 A Pretty much, yes.

7 Q Okay. All right. And so you -- just to be clear,
8 you've known your mother your whole life. Is that right?

9 A Yes, I have.

10 Q When is the last time you saw your mother?

11 A I seen her last Mother's Day weekend.

12 Q And what was it like talking to your mother that
13 day?

14 A It was -- it was good, kind of short. She seemed
15 overwhelmed with everybody being there. She can't hear well,
16 so she doesn't talk much. She'll just say yes or no; and
17 most of the time, her answer's just yes. Even though she
18 doesn't hear anything, I think it's easier for her just to
19 say yes to everything, so.

20 Q Okay. How is -- you mentioned her hearing. Do you
21 feel like you can communicate with her like by raising your
22 voice?

23 A Yeah, but she just takes a long time to process
24 things; and I think that everybody -- I think she's
25 uncomfortable because it takes her so long to process that

1 she would rather just not say anything.

2 Q Just typically what you've seen of her lately, how
3 does she answer?

4 A She'll answer yes and no.

5 Q Is there one that's the predominant answer?

6 A Is yes.

7 Q Okay. Do you think that she wants to please people
8 sometimes when she's talking with them?

9 A Yeah.

10 MS. PARRA-SANDOVAL: That's kind of speculative.

11 MR. BECKSTROM: Join.

12 THE COURT: Don't know. What makes you think that?

13 THE WITNESS: That she (breaking up - indiscernible).

14 She -- because she can't get her words out. She can't get
15 her words out to say things. So she just says yes to things.
16 Like I've told her before, mom, if you don't want to do this
17 then say no. You don't have to just say yes. And if you
18 can't hear me, you need to tell me so I can ask again. But
19 to just say yes to everything, you know, that doesn't make me
20 happy, doesn't make me feel good by you saying that if that's
21 not really -- or what you want to do.

22 Q BY MR. MICHAELSON: So...

23 THE COURT: Continue, Mr. Michaelson.

24 MR. MICHAELSON: Sure.

25 Q BY MR. MICHAELSON: So this thing of saying yes then

1 a lot is not something new to you. It's not just something
2 I'm bringing up. It's something you've kind of noticed
3 before?

4 A Absolutely. And I've had talks with her about it.

5 Q What is it like talking to your mom on the phone?

6 A She's -- she's very short. She can't -- she might
7 call to tell me something and then want to get off the phone.
8 Or I might call her back and talk to her, and she'll want to
9 get off the phone. And I tell her, no, you're not hanging up
10 on me. We're -- I called to talk to you. We need to talk.
11 And she'll laugh or whatever. And I'm like -- I still don't
12 let her off. I mean, I must have to go through this like
13 three times before I tell her, mom, I called to talk to you.
14 We're gonna talk. You're not hanging up on me. So, yeah,
15 it's -- it's difficult. I -- I would prefer to have a face-
16 to-face conversation with her; although, I have a hard time
17 like talking loud to her because I feel like I'm yelling at
18 her and people are looking at me funny.

19 Q Conversations with you mother like that in the
20 past?

21 A They've been like that for probably the last couple
22 of years. She was way more talkative when she was able to
23 have her phone and -- and function her phone by herself. She
24 would call me in the middle of the night and talk when she
25 was just up for no reason until Gerry took her phone from her

1 and she didn't have her phone for a year. That's when I
2 noticed that it was really hard to communicate with her on
3 the phone.

4 Q Okay. So not having her phone by her, do you feel
5 has contributed to her isolation?

6 A I -- I think the year that she didn't have her
7 phone, that her husband took her phone from her and she
8 didn't have it, I think that really set her back on how to
9 even work her phone or talk on the phone or -- or any of
10 that.

11 Q To your knowledge, can your mother operate a cell
12 phone?

13 A Not at this time, not anymore, no.

14 Q How do you know that?

15 A Because I've been on the phone with her. I've been
16 with her, been alone with her. She doesn't know how to
17 answer it. She has to ask direction, like can you call for
18 me? She'll ask Kim, is it on speaker so I can hear? Stuff
19 like that, I can tell.

20 Q To your knowledge -- oh, I'm sorry.

21 A And -- and she no longer calls me on her own.
22 Everything's always through Kim.

23 Q To your knowledge, can your mother answer the phone
24 without help?

25 A No.

1 Q Have you tried calling her?

2 A Yeah, I've -- I've called her.

3 Q If you had to estimate, maybe, let's say, in the
4 last year or so, how many times would you estimate you've
5 called your mom?

6 A I -- I don't know. Probably -- I don't know,
7 probably at least 50 times, maybe.

8 Q Okay. What percentage would you say she answers,
9 if you just estimate?

10 A She usually doesn't answer, but she will call back.
11 And that goes both ways.

12 Q Okay. When she calls back, do you -- do you think
13 it's her calling -- or -- calling or someone helping her?

14 A Oh, I know somebody's helping her call me. She's
15 not capable of calling me herself.

16 Q How do you know that?

17 A Well, Kim will send a text and say, mom's trying to
18 call you.

19 Q Okay. To your knowledge, did or does your mom keep
20 track of her own cell phone?

21 A No.

22 Q To your kno- to your knowledge, can your mother
23 operate a landline phone?

24 A I have no idea. I've never seen her use a landline
25 phone, I mean, recently since she's gotten dementia.

1 Q To your knowledge, does Kim help your mom operate
2 her cell phone?

3 A Yes, she does.

4 Q Does your mother indicate someone else is there
5 when you talk to her?

6 A Usually speakers on, and Kim's in the background.

7 Q How do you know Kim's there?

8 A Because I can hear her in the background. She -- I
9 mean, she'll answer; or she can hear our whole conversation.
10 She intervenes.

11 Q (Breaking up - indiscernible).

12 A Meaning, I've never (breaking up - indiscernible)
13 conversations with my mom. Kim's always saying something or
14 putting her input in or -- or talking for my mom or whatever,
15 yeah. My mom never just (breaking up - indiscernible) out of
16 the blue by herself that she's alone. I would ask her, are
17 you there by yourself (breaking up - indiscernible) the
18 situation. But it -- no, Kim's always there.

19 Q Interferes with your communication with your
20 mother?

21 A I -- I can't -- I prefer to have a one-on-one
22 visitation with my mom so I don't -- so it's just me and my
23 mom talking, yes.

24 Q Okay. In this hearing it's been said that the
25 landline number's been passed out to everyone in some of

1 these pleadings. Do you -- have you got the phone number
2 with -- did anyone give you the landline phone number?

3 A No, and I've never heard of it until today. I
4 don't know the phone number, had no idea there was a
5 landline.

6 Q Have you ever -- well, let me just keep going here.
7 So to your knowledge, does Kim help your mother operate a
8 landline?

9 A The -- I would know. I didn't know that there was
10 a landline or that she's ever talked on a landline.

11 Q (Breaking up - indiscernible) with your mother on
12 FaceTime?

13 A I have.

14 Q When would you say is the last time you did that on
15 FaceTime?

16 A I want to say -- I couldn't even tell you, maybe
17 six months ago.

18 Q Why have you not communicated with your mom
19 recently with your mom on FaceTime?

20 A I haven't -- she hasn't called me on FaceTime. I
21 haven't called her on FaceTime. It's not -- we don't use
22 (breaking up - indiscernible).

23 Q (Breaking up - indiscernible) FaceTime?

24 A I'm sorry. What?

25 Q Do you know if your mother's phone has FaceTime?

1 A Her cell phone, yes.

2 Q Okay. Why would you not be able to pick up the
3 phone if your mother randomly calls you?

4 A Well, because I work and (breaking up -
5 indiscernible) house; and I don't answer calls all day long
6 because I'm busy answering calls at work.

7 Q So would it help you, you think, with your
8 communication if there was some kind of expectation of when
9 your mother might call or be available?

10 A Yeah, that would help.

11 Q What has Kim -- go ahead.

12 A I said, if we can work something out, I mean, I
13 prefer to have my calls in the evening; but that's a little
14 hard because I was working and doing the house and meeting
15 with contractors. I don't really have any free time to call
16 back anybody until like 7:00, 8:00, 9:00 at night; and my
17 mom's already in bed at that time.

18 Q Has Kim communicated with you regarding our mom's
19 mental health?

20 A Not -- not -- no, she's not telling me anything
21 that I haven't known, that she's got dementia.

22 Q Does she communicate with you regarding your mom's
23 physical health?

24 A No.

25 Q Okay.

1 MS. PARRA-SANDOVAL: This (breaking up - indiscernible)
2 beyond the scope of the -- the actual, you know, scope of the
3 ques- the evidentiary hearing? We're trying...

4 THE COURT: (Indiscernible)...

5 MS. PARRA-SANDOVAL: ...to figure out if the guardian...

6 THE COURT: I believe...

7 MS. PARRA-SANDOVAL: ...has (indiscernible)...

8 THE COURT: ...(indiscernible) I believe -- hold on. I
9 believe Ms. Par....

10 MS. PARRA-SANDOVAL: ...or not.

11 THE COURT: Hold on. I believe Ms. Parra-Sandoval's
12 objection might be relevant.

13 Mr. Michaelson, how is that relevant?

14 MR. MICHAELSON: It's just talking about does Kim as a
15 guardian communicate with the family that's obviously
16 interested in -- in mom.

17 UNIDENTIFIED SPEAKER: (Indiscernible).

18 MR. MICHAELSON: They're asking for things. A lot of the
19 text messages are gonna show people are asking specifics
20 about mom's health.

21 MS. PARRA-SANDOVAL: But the hearing is on whether the
22 guardian has restricted communications with your clients.

23 THE COURT: Mr. -- Mr. Michaelson, how is information
24 regarding mental and physical health of the protected person
25 relevant to any restrictions relative to communications,

1 visitation or interaction?

2 MR. MICHAELSON: Well, it has to do with things like, for
3 example, can mom leave the house during...

4 ((UNIDENTIFIED INTERFERENCE))

5 MR. MICHAELSON: ...you know, does she need to wear a
6 mask? Does her doctor say that she can travel?

7 ((UNIDENTIFIED INTERFERENCE))

8 MR. MICHAELSON: Come up a number of times actually.

9 ((UNIDENTIFIED INTERFERENCE))

10 THE COURT: Ms. (indiscernible), will you mute your
11 device for me? Thank you. Thank you.

12 To the extent that her physical or mental health
13 might prohibit her ability to utilize a telephone or the
14 level of assistance she needs to utilize a telephone or
15 whether or not she's ill so he may -- cannot have any
16 visitors or visitors might be inappropriate due to a specific
17 illness, to that degree, I -- I think that her physical and
18 mental health is relevant; but to the degree that whether or
19 not Kimberly has given any information about any mental or
20 physical issue, I don't think that that is relevant. So I --
21 I -- there -- I think there's a spectrum here. And to the
22 extent that it affects, you know, let's say, for example, I
23 know that this isn't the case, but if -- if the protected
24 per- well, I don't -- if the protected person had a stroke
25 and suddenly lost the ability to utilize her arms, that might

1 be medical information that impacts her ability to utilize
2 the telephone. That might be relevant to this inquiry.

3 So, Mr. Michaelson, I'd like you to kind of zero on
4 those medical and -- and mental health issues to the extent
5 you have any more questions about that. That might impact
6 those issues regarding interaction, visitation and
7 communication.

8 Q BY MR. MICHAELSON: So, Donna, do you feel like you
9 get the information you need? I mean, have you asked Kim
10 about mom's health or safety or other issues as it relates to
11 communication and visitation?

12 A Yeah, I've asked her if -- when I've taken her or
13 she's left her with me. Does she need her medicine? What
14 does she take, what time? I don't -- she doesn't -- it's not
15 something -- well, I guess when she leaves her alone with me,
16 yeah, I -- I ask those questions; and she'll let me know.

17 Q Okay.

18 A But does she freely give me that info? No.

19 Q Okay. When you attempt to speak with your mom by
20 telephone, what generally happens?

21 A She's in a rush to get off the phone. She can't
22 hear. Like, the same thing everybody else is saying, she
23 want to get off the phone. And I don't feel like she -- I
24 don't -- yeah. I don't really talk much on the phone with
25 her because I can't hear and because it's not a one-on-one

1 conversation. Kim's always gonna be around to hear what's
2 talked about.

3 Q Does Kim tell you why that is or why she needs to
4 be there?

5 A No.

6 Q What's your opin- why do you think Kim is there
7 when you talk to your mom?

8 MR. BECKSTROM: Objection, speculation.

9 THE WITNESS: She wants to hear what's going on. I mean,
10 there's no other reason.

11 THE COURT: Donna, did -- is -- is that speculation, you
12 don't know the reason why Kim's there?

13 THE WITNESS: No, I know that Kim's there for my mom.
14 But why she has to be there when I'm having a conversation
15 with my mom or have it on speaker and hear everything we're
16 saying, I don't think that she needs to do that. That means
17 that I can -- unless I see my mom physically, then I don't
18 ever get a one-on-one conversation to be able to talk to my
19 mom if I don't want Kim to know what we're talking about.

20 THE COURT: Okay.

21 Continue.

22 MR. MICHAELSON: Okay.

23 Q BY MR. MICHAELSON: Have there been times where you
24 wish you could've communicated privately with your mom but
25 you couldn't because Kim was there?

1 A Yes.

2 Q Okay. When you speak with your mom, does she know
3 what day it is?

4 A She would not, no.

5 Q So...

6 A Not without somebody telling her.

7 Q Okay. So do you think that if she -- if you said,
8 hey, let's meet Friday, would she know if that was tomorrow
9 or -- or a week out, from your experience with her?

10 A No.

11 Q Do you think that she knows what month it is?

12 A No.

13 Q Do you think that she knows what time it is?

14 A No, not without asking somebody.

15 Q Okay. Do you think your mother knows where she is?

16 MS. PARRA-SANDOVAL: Objection, I think this calls for a
17 professional who can give an opinion and where we can have an
18 expert report.

19 MR. BECKSTROM: And it's vague as to time and place.

20 THE COURT: Mr. Michaelson, will you lay a foundation as
21 to these questions so that I can address the issues of
22 foundation, time and place? And, but Donna is not qualified
23 to make that statement. I -- I don't know whether or not she
24 is based on what she's basing this testimony on, Mr.
25 Michaelson.

1 Q BY MR. MICHAELSON: In the last couple years while
2 your mother's been under a guardianship, have you tried to
3 have conversations where your mother would exercise her own
4 judgment, like discussions like scheduling or things like
5 that?

6 A Yes, I tried to set things up with my mom
7 personally and that can't -- she -- she can't stick to it.
8 She doesn't know. She doesn't know the date. She wouldn't
9 be able to call me and cancel or know that that's -- I'm on
10 my way to be there without someone telling her that. I can
11 tell her that we -- don't you remember, mom? We just -- we
12 just went to lunch yesterday, and we talked about this? And
13 she wouldn't be able to tell me that.

14 Q Okay. So if you had lunch with your mother on
15 Monday and you called her up on Thursday, based on your
16 experience in the last two years, you -- you don't -- do you
17 think she would remember?

18 A No, I would have -- no, she wouldn't remember.

19 Q Okay. Has she ever told you that she saw other
20 family members...

21 A Yeah.

22 Q ...recently?

23 A Yes.

24 Q Can you describe that?

25 A She -- we had a conversation one time, and she told

1 me that she had visited -- she -- I said, have you talked to
2 Scott? And she said, yeah. And I said, oh, okay. When?
3 And she said, oh, I went to his house the other day. And I
4 said, you did? I said, I haven't even been there yet. When
5 -- when was that? And she goes, oh, we just went over there;
6 and he showed me his house. And then come to find out, I
7 talked with my brother; and my brother told me, no, she's
8 never been here. I haven't talked to her.

9 MS. PARRA-SANDOVAL: But how is this relevant to the
10 guardian restricting communications or not facilitating them?

11 THE COURT: I believe that objection is to relevance.
12 And I indicated that I would take testimony as to whether or
13 not she's able to, for example, utilize the phone or plan,
14 execute a visit. So I -- I'll allow it.

15 Go ahead, Mr. Michaelson.

16 MR. MICHAELSON: Thank you.

17 Q BY MR. MICHAELSON: And so -- so do you get the
18 sense when you call her that she can discern when she last
19 saw you?

20 A No, she cannot.

21 Q When you speak with your mother, is she able to set
22 up another date and time to talk to you by telephone?

23 A She would say she'd call me or -- or whatever, but
24 she doesn't.

25 Q Do you think it's because she doesn't like -- like

1 you?

2 A No. I just don't think that she's capable of doing
3 those things, like remembering to call me or when she was
4 supposed to call me or the time; and she's dependent on Kim
5 to do those things for her.

6 Q So how do you feel when someone tells you to just
7 call June to set up appointments?

8 A I think it's ridiculous because we all know that
9 she's not capable of doing that.

10 Q Okay. Okay. Can you -- do you try, when mom says,
11 I can't talk, or something, do you try to set up another time
12 to talk?

13 A She's never told me that she can't talk when I've
14 called.

15 Q But you mentioned a few minutes ago that sometimes
16 she's kind of rushing you off the phone or something.

17 A Right. But she never says, I can't talk, or, I'll
18 call you back later, you know. Well, I can't say that. She
19 -- she'd call me back later; but like I said, it's always
20 with the help of Kim. She cannot do those things herself.
21 So I don't even bother asking or -- or doing that.

22 Q So it's your testimony, as I understood you, I
23 thought you were saying you tried a few times; but you kind
24 of reached a point where it's like, yeah, that's not really
25 working.

1 A Right. I mean, I -- I could say (breaking up -
2 indiscernible) many times I'm gonna do that to learn that
3 she's not capable of doing that.

4 Q What do you know in regards to who schedules your
5 mother's medical appointments?

6 A That would be Kim.

7 Q Mom do that by herself?

8 A No, she hasn't been doing that for years now.

9 Q Could mom, as far as you know, can she get on the
10 internet?

11 A No.

12 Q Do you think that doctors call your mother to set
13 an appointment?

14 A No, they would call Kim. I've been with Kim, and I
15 know that she's taking paperwork to them, and they know to
16 communicate through Kim.

17 Q They just call Kim to call June?

18 A To make appointments or -- or whatever, Kim would
19 be the one that they would call.

20 Q Why don't they call June to set up the next doctor
21 appointment?

22 A Because they know that she's got dementia and she
23 wouldn't be able to do that.

24 Q Who do you think and what do you know in regard to
25 who schedules your mother's legal appointments, like court?

1 A I don't know for a fact, but I would assume that
2 would be Kim.

3 Q Okay.

4 A (Indiscernible) she's the guardian. She's in
5 charge of her. She can't drive. So the only way she's gonna
6 get there is through Kim.

7 Q All right. Same thing with gardeners, landscapers,
8 hair appointments, from what you've seen and observed, does
9 your mother do any of that for herself?

10 A No, she does not.

11 Q So why do you think the guardian would tell you or
12 Robyn or others to just call June?

13 MR. BECKSTROM: Objection, misstates testimony, facts not
14 in evidence, calls for speculation.

15 Q BY MR. MICHAELSON: What have you been told by legal
16 aid counsel and Kim when you attempted to get Kim to
17 facilitate visitation?

18 A Repeat that again.

19 Q What have you been told by the legal aid attorney,
20 and I'm talking about in these hearings or in different
21 pleadings when you try to get Kim to facilitate visitation
22 and she won't, what are you told to do?

23 A (Indiscernible)...

24 MR. BECKSTROM: Objection, (breaking up - indiscernible).

25 THE WITNESS: ...that if I want to see her, I can

1 (breaking up - indiscernible).

2 ((Multiple speakers - indiscernible))

3 THE COURT: (Indiscernible) the objection please?

4 MS. PARRA-SANDOVAL: Leading question.

5 MR. BECKSTROM: Lack of foundation.

6 THE COURT: Mr. Beckstrom, can you parse out the question
7 please?

8 (WHEREUPON THE MATTER WAS TRAILED

9 AT 02:02:03 AND RECALLED AT 02:02:03.)

10 MR. MICHAELSON: Oh, I'll do that. This is Michaelson.

11 Q BY MR. MICHAELSON: So...

12 THE COURT: Sorry.

13 Q BY MR. MICHAELSON: Your -- your -- in these
14 pleadings, you spend a lot of, I'll call it blood, swear and
15 tears, I would say, trying to get visitation with your
16 mother.

17 A Yes.

18 Q You just testified that as far as your knowledge
19 and what you see, and you've been a caregiver for many
20 people, that it's Kim that sets the court appointments, the
21 hair appointments, the landscaper, medical appointments. So
22 but when you try to get Kim to schedule appointments and you
23 say Kim, let's set up an appointment, what does she -- what
24 are you told in these proceedings to do?

25 A I'm always told to just call her and talk to her

1 yourself. But that's not gonna make it happen. The only
2 what that's gonna happen is if I talk to Kim and she's
3 willing to do it. And even at that, I can't trust that she's
4 gonna follow through with that.

5 Q Why do you think the guardian is -- do -- so do you
6 think that there's anyone else as to your knowledge that is
7 told to deal directly with June and not through the guardian?
8 Do you think -- have you heard of anyone else other than you
9 and -- and Robyn?

10 A I don't believe -- yeah, we're -- the family
11 members are all told to call her directly to make
12 arrangements and do that; but none of us do that because we
13 all know that she's not capable of that, that Kim's the only
14 one that's gonna be able to make it happen. We need to talk
15 to her and tell her a date and time and hope that Kim's going
16 to either call us back if -- if we had to leave her a message
17 or -- or just hope and pray that she's gonna show up and do
18 that. Like I said, she's done that to us before -- me before
19 with the whole Las Vegas thing.

20 Q So in the last two years has that direction from
21 the guardian, how has that impacted your visitation and
22 communication with your mother?

23 A It -- it's hard because I have to trust Kim that
24 she's doing that, and she's not always trustworthy. I mean,
25 I try to work plans with Kim, talking to Kim and how we can

1 handle things, you know, between us and arranging things for
2 my mom and tried to explain to Kim that it's not always easy
3 to do text messaging with Kim, to -- to text her because I
4 feel like she just wants me to text so she has everything in
5 text writing to send to the judge and not to be sincere about
6 it. So a lot of the times I want to talk to Kim on the
7 phone; and some of the times Kim chooses not to do that and
8 tries to force me into a text message, which I'm not gonna
9 do. So I just don't schedule it or ask for that because I
10 know how it's gonna end up.

11 Q Do you think -- just one more thing on that. I
12 know that you -- does your mother love her dogs, as far as
13 you know?

14 A Of course she does. She loves them.

15 Q Does she know how to make appointments for their
16 grooming or hair?

17 A She wouldn't even know a phone number to call
18 because she don't know how to call, how to dial the number,
19 get the number.

20 Q Okay. So since the guardianship began a couple of
21 years ago or close to it, has any visit happened because you
22 called June?

23 A I think one time. I think one time when she came
24 out to the lake. That happened. Most of the time when I see
25 my mom, Kim has called and had something going on in Orange

1 County and asked me to, you know, stay with mom or if I can
2 keep her while she had appointments for the house or
3 whatever. And of course I -- if she's in California, I'll
4 jump on any chance I can get to be with my mom. So, yes, I
5 would do that.

6 Q Does Kim always contact you before she gets to
7 California?

8 A Never, no.

9 MR. BECKSTROM: Objection, speculation.

10 THE WITNESS: That's the truth.

11 Q BY MR. MICHAELSON: So have you had times where Kim
12 called you to potentially watch your mother, and then Kim let
13 you know that she was already -- had been in California?

14 A There's time that she's asked me to do that and she
15 was already in California and did not let me know ahead of
16 time, yes.

17 Q So did she tell you that like in conversation,
18 like, oh, I've been down here, something like that?

19 A Yeah, she said, (breaking up - indiscernible) and
20 I'm on call for whatever reason for court or whatever; but
21 she's already down here. Or I'll just get -- I'll find out
22 that she's down here; and I'll call her and -- and ask her,
23 why aren't -- why aren't you telling me that you're down
24 here? I want to see mom when you're down here. And I
25 thought at one point we had it worked out, but obviously not.

1 Q Kim called you last minute for these -- these
2 visits?

3 A Yes.

4 Q How -- you know, what percentage of the time, would
5 you say, I mean, if you just had to estimate, you know, if
6 there -- if there were ten times, which I'm not saying there
7 were, but out of ten times, do you think -- what percentage
8 would you estimate would be kind of last minute?

9 A Most of the time. And most of the time I'd hear
10 from Kim right before court because she wants to show that
11 she's got a visit, that she contacted me and maybe so that I
12 could see my mom. That's (breaking up - indiscernible).

13 Q Okay. And -- okay.

14 A Kim would only call (indiscernible) visits to me
15 when it benefits her. That's it.

16 Q What do you mean by that? Like -- like she has an
17 event or what?

18 A Right, if it benefits her. And it -- whether it's
19 last minute or -- or whatever, she -- she only calls me when
20 it benefits for her. Like she's never just, oh, hey, I'm
21 right here. Do you want me to bring her by?

22 Q Any correlation or connection between when there's
23 a hearing and then maybe a call from Kim?

24 A Yes, (indiscernible).

25 Q (Indiscernible).

1 A You can look at her phone records, and it will tell
2 you that she calls me during that time. Right about that
3 time, she'll (breaking up - indiscernible) or -- or she'll be
4 here or she'll make sure that she's home.

5 Q Do you recall a hearing where it came up in
6 conversation about whether Kim and June were in California?

7 A I do.

8 Q And if I told you that it may have been September
9 17th, 2020, does that seem possible to you or -- or close to
10 the time to you?

11 A Yes.

12 Q Okay. In relation to the hearing, when did June
13 let you know she was in California with your mom?

14 A When she was here.

15 Q Okay. Was it after the hearing or before?

16 A It was right before, and I hadn't seen my mom for a
17 long time, and she let me know she was there. And I actually
18 dropped everything I was doing and drove in traffic 45
19 minutes to meet up with her off the side of the freeway just
20 so I could see my mom.

21 Q So when this happened, was it at a hearing where
22 the issue came up with her counsel about whether she was in
23 Nevada or California?

24 A I -- I think so. I'm not for sure, but, yes. I'm
25 gonna say, yes. And I'll also say that there was a time that

1 she was down here, and she wasn't -- she didn't -- nobody
2 knew that she left and came to California. Kim was hiding
3 that from everybody, and we had found out that she was here.

4 Q Okay. So you were -- was it morning or evening, or
5 when -- when did you get the call that Kim was in California
6 near you? Was -- was she near you?

7 A Yes, she was at the Anaheim house. It was right
8 after a hearing that said that she wasn't moving to
9 California and hadn't left California -- or wasn't leaving
10 Las -- she couldn't leave Las Vegas. She would -- came down
11 here and moved her stuff into the Anaheim house; and didn't
12 tell anybody she was here; and, yeah, I talked to her by
13 text. She texted me.

14 Q I'm talking about the September visit, and you were
15 saying you met your mother -- you met Kim...

16 A Oh, on the...

17 Q ...and your mother near a freeway?

18 A Right. I didn't -- I am -- I'm not -- she wasn't
19 supposed to be leaving California. I don't think that she
20 asked for permission, but she was down here. And -- and I
21 made it work out so I could see my mom. But, yes, it was
22 right before a hearing.

23 Q Work that day?

24 A I'm sorry. What?

25 Q Were you at work that day?

1 A Yes, I wor- I had already went to work, and I went
2 -- I had a class that I was taking.

3 Q And so did you have any prior notice that Kim was
4 going to call you about this visit?

5 A No, I did -- I had no prior notice. But she sent
6 me a text that I wasn't able to see or -- or even know until
7 the last minute because I was in class.

8 Q Did she give you any time frame of how long you had
9 to visit with your moth- like how long it would be until they
10 left?

11 A No, and she was -- what was upsetting was I left
12 Anaheim, rushed to get down there to be able to see my mom,
13 knowing she was going to go to bed, I'm sure, early. And of
14 course, we got there; and we ended up going to a fast food
15 place in the parking lot that we were at. And I literally
16 probably got 30 minutes with her, and she was tired and
17 wanted to go home.

18 Q So did Kim indicate to you that you had a -- a
19 certain time frame that you needed to get over there to see
20 your mom?

21 A No, she just was on -- in that area right there and
22 wanted to meet right then. And I -- that was my open window,
23 and I jumped on it.

24 Q Did you have any opportunity to get other members
25 of your family there?

1 A No.

2 Q Did you want to have other family members there?

3 A I would've like to let everybody know that she was
4 there and if they wanted to come that they could join us. I
5 -- of course, I would -- I tell everybody when Kim's gonna be
6 around or have my mom around or if she's with me and give
7 them all the opportunity to come and see her.

8 Q Did you have to drive for the visit?

9 A It was about 45 minutes.

10 Q Okay. Now when you were deciding -- you -- you
11 indicated that you guys went to a fast food place. Is that
12 right.

13 A Yeah, (indiscernible) the few fast food places in
14 that area that we had pulled over and met at.

15 Q Okay. And when you were trying to decide where to
16 go, what instructions did Kim give you regarding your mom
17 helping decide where to go?

18 A Well, I had asked my mom. Mom, where do you want
19 to go? Do you want to go to this place, this place, this
20 place? Because it was a few of them. And Kim said, oh, no.
21 You can't give her the choice. She -- you can't give her a
22 choice. You just have to tell her where you're going because
23 she can't decide for, you know, one place or another. You
24 just got to tell her, this is where we're going. And -- and
25 that's it. Give her one -- one place. You can't give her

1 multiple choices like that.

2 Q Would you agree with Kim's advice?

3 A No, I think my mom should be able to decide where
4 she wants to eat.

5 Q Why do you think Kim was suggesting that to you?

6 MR. BECKSTROM: Objection, speculation.

7 THE WITNESS: Well, Kim (indiscernible)...

8 THE COURT: Hold on. Hold on. Donna, do you know why
9 Kim was suggesting that to you?

10 THE WITNESS: Well, she had told me it's because can't --
11 she wouldn't understand or -- or she wouldn't understand like
12 three different places like that. Like don't -- she don't
13 give her the choice because she can't -- I don't know how to
14 say that. She wouldn't be able to -- she doesn't know the
15 difference. She doesn't know the difference whether this
16 place right here serves hot dogs. This one serves only tacos
17 and whatever. She can't decide (indiscernible). She
18 wouldn't know that.

19 THE COURT: Thank you.

20 Next question.

21 MR. MICHAELSON: Okay.

22 Q BY MR. MICHAELSON: During the early months of 2020,
23 so about a year ago, a little more than a year ago, how did
24 Kim contact you regarding visits with your mom?

25 A A year ago, contact with my mom. Restate that

1 because (indiscernible) I'm not really sure what you're
2 asking.

3 Q Well, if she was saying, for example, she was going
4 to be in California with your mother, how did she typically
5 let you know?

6 A She would call me if she was gonna be in California
7 and she needed me for something, then she would call or text
8 me and ask me if I could see my mom or -- or help with my mom
9 or keep my mom for her.

10 Q Text?

11 A She would text or call.

12 Q Okay. Okay. Have you -- have you reviewed the --
13 the guardian ad litem's report that was filed in this case?

14 A What part of it?

15 Q Just the whole thing. I mean, it -- it's Elizabeth
16 Brickfield's report about visiting with your mother and...

17 A Yes, I (indiscernible).

18 Q ...her ability to remember her children and so
19 forth.

20 A Yes, I read that.

21 Q Okay. Is it an accurate description of your mom's
22 preferences about communication with family members?

23 A I think it's right on.

24 Q And -- and what do you mean by that? What...

25 A Meaning that...

1 Q What's your recollection?

2 A ...(indiscernible) talked to my mom and everything
3 that she's written in that report saying that she wants to
4 see her kids and she doesn't -- at any time, her
5 grandchildren, her kids. She wants us part of her life. And
6 -- and I believe that that's true that she's said that and
7 that's what she meant. And what she (breaking up -
8 indiscernible).

9 Q Okay. What your mother's communicated with you?

10 A Yeah, I mean, she's never told me she doesn't want
11 to see me; or if I tell her I'm in Vegas, she would never
12 tell me, no, you can't come by; or, no, I don't want to see
13 you; or, no, I don't want to go to dinner with you. She
14 jumps on that.

15 Q Mother ever told you, don't schedule an appointment
16 with me?

17 A No.

18 Q Okay. Before Kim was helping your mom, who helped
19 your mom make cell phone calls?

20 A Gerry.

21 MR. BECKSTROM: Objection, (indiscernible).

22 Q BY MR. MICHAELSON: Well, did you know -- do you
23 know who was helping your mother make calls before Kim was
24 the guardian?

25 A It was Gerry, her husband.

1 Q Okay.

2 A But it was from his phone.

3 Q So when...

4 A It wasn't from her phone. The -- the calls were
5 from Gerry's phone.

6 Q Why do you think that was?

7 A Because Gerry wanted to make sure that my mom was
8 talking to all her kids, and she wasn't able to make those
9 calls herself. So Gerry would call us and say, hey, you want
10 to talk to your mom? And I would say, yeah. Good. This is
11 good. So he really helped out by making sure that we were
12 all talking to my mom and my mom could talk to us.

13 Q Okay. Do you wish Kim would do that?

14 A Yeah, I do wish that she would do that. I -- I
15 think...

16 Q Has your mom -- oh, go ahead.

17 A I think -- but I think my mom being (indiscernible)
18 that things would be a lot easier and would go a lot more
19 smoothly if Kim would allow everyone to go and see my mom and
20 take my mom. I mean, who wants to just sit in their house?
21 My mom doesn't want to just sit in the house. She likes to
22 get her nails done. She likes to take a drive to the beach.
23 She likes to go and visit people and areas. She doesn't like
24 to sit in the house (breaking up - indiscernible). I want to
25 go do things that she wants to do.

1 Q If you had to just go visit her mostly at her
2 house.

3 A And -- and I -- she -- Kim gives me more of an
4 opportunity than she does anybody else to take my mom and do
5 those things. Although, everybody is capable of taking care
6 of my mom. My son picked her up on -- on Mother's Day
7 weekend in a truck, lifted her, picked her up and put her in
8 the truck. The boys all help push her in the wheelchair to
9 the bathroom, help her up steps. They're more than capable
10 and willing to do those things. There's no reason why my mom
11 can't get in the car with one of the grandchildren or my
12 brother or other sister and take her anywhere and not be
13 fully responsible for my mom and -- and -- and trust that
14 they can take care of her or make sure things happen for her.

15 Q If your mother didn't feel, would you -- would you
16 be willing to visit her at the house?

17 A As much as I want to be by my mom's side during any
18 kind of sickness or in the hospital, I would have a big
19 problem going to her house if Dean is living there or Dean's
20 around.

21 Q Why is that?

22 A I don't know what he does for employment. I -- I
23 don't -- I had an incident that happened in Las Vegas when I
24 was there where my keys were just missing. And I don't trust
25 for my things to be taken from me like my keys were in Las

1 Vegas. I mean, somebody went into my purse and took my keys.
2 So, no, I'm not good with staying -- coming to the house with
3 Dean being there.

4 Q When -- approximately what's the time frame of that
5 incident with your keys?

6 A It was -- it was during a court, the hearings
7 (breaking up - indiscernible) I was there for the weekend. I
8 want to say it was when all this was going on because we had
9 earlier gone to the attorney for the A case. So it was about
10 -- it was during that time because I locked my keys in the
11 car when we went to see that attorney. And I had to call
12 AAA. And we all know you only get three calls. And then I
13 stayed at my mom's. And because couldn't find Dean's keys,
14 she turned around and they took my keys. And then I had to
15 call tr- and my keys -- I figure we're -- they're not laying
16 anywhere. I called AAA, and guess where -- AAA came out. And
17 my keys were down on the ground in the front seat underneath
18 -- underneath the front seat, locked in my car when I called
19 AAA out -- to come out again. So, yeah, that (breaking up -
20 indiscernible).

21 Q Okay. So what -- what house was this at that
22 you're talking about (breaking up - indiscernible).

23 A This was at mom's (breaking up - indiscernible)
24 only me and Robyn and Kim and Dean and my mom there.

25 Q Was there?

1 A Yes.

2 Q Okay. So you've had some interaction with Dean for
3 maybe over the course of a few days?

4 A When I was there, yes. And we got into it, yelling
5 at each other because...

6 Q (Indiscernible)...

7 A ...they (breaking up - indiscernible).

8 Q Okay. Did you -- were you afraid of Dean?

9 A I'm -- I've heard (breaking up - indiscernible)
10 that Dean does and people that he's involved with, and I
11 don't want to be around that. Although, these people by now
12 know who I am and where I live and everything else. But,
13 yeah, I really don't prefer to be involved in anything to do
14 with Dean. I don't know him. From what I do know of him and
15 -- and dealt with him, I don't like him. So, no, I -- I
16 prefer not to be around him. I'm worried. I (breaking up -
17 indiscernible) would be afraid that somebody might come after
18 me.

19 Q So we -- we talked a lot about this proposed --
20 this proposed visitation plan that the legal aid attorney has
21 put forward. What's your feeling about that going to --
22 having visits just Friday morning at 10:00 or 11:00?

23 A That does not work. It's ridiculous. We already
24 talked about Fridays and Mondays when we went behind
25 chambers. We discussed that for -- that did not come out of

1 my mom's mouth. Did -- I -- I don't -- I don't believe that
2 came out of my mom's mouth. First of all, she wouldn't be
3 able to (breaking up - indiscernible). But besides that, Kim
4 may even come up with that or whoever came up with that,
5 knows that we all work. And there's seven days in a week.
6 And it could've been any other day but a Friday. I'm not
7 happy with the situation that it keeps being brought up that
8 she's willing to let her come out to Canyon Lake and we
9 facilitate the visit. If I'm gonna do that, I might as well
10 be the guardian myself. And besides that, I wouldn't be able
11 to do that. I was so busy with everything all day, that I'd
12 be letting everybody down and I would not be able to do that.

13 Q Going back to the time when you mentioned prior to
14 the guardianship Gerry began helping your mom use a phone.
15 Has your mom's ability to use a phone improved since that
16 time?

17 A No, no, not at -- not at all.

18 Q Who keeps your mom's phone now?

19 MR. BECKSTROM: Objection, speculation.

20 A Kim does.

21 Q BY MR. MICHAELSON: Okay. From what you've seen, do
22 you (breaking up - indiscernible)...

23 THE COURT: Hold on.

24 There was an objection.

25 Hold on.

1 There was an objection, and I didn't hear the
2 answer. The objection was speculation.

3 Donna, do you know who keeps your mom's phone?

4 THE WITNESS: Yeah, Kim keeps it.

5 THE COURT: All right. And how do you know?

6 THE WITNESS: Because I've been with my mom and Kim keeps
7 it because my mom wouldn't be able to keep track of it or
8 remember where it's at. She wouldn't know how to answer it
9 anyways.

10 MR. BECKSTROM: Your Honor, is it -- can we just address
11 scheduling because we're kind of crawling along here; and I
12 don't want to get crammed with my one witness, even though I
13 can be quick with them. It's 2:30.

14 THE COURT: Mr. Michaelson, how much longer do you have
15 with Donna?

16 MR. MICHAELSON: I -- probably I can do this in 10, 15
17 minutes. I mean, this is the essence of this that we're
18 being forced to do. I mean, these are the facts. But we
19 have to do this sluggish process because people won't just be
20 human about this and -- and -- and put this together, and do
21 it the right way. So we have to slog through text messages
22 and things. So we -- I don't want to be rushed by Mr.
23 Beckstrom's desire to get it over with. I mean, this --
24 we're here in large part because of him.

25 THE COURT: (Indiscernible).

1 MR. BECKSTROM: (Indiscernible).

2 THE COURT: Hold on. Hold on. Hold on. I -- I -- I --

3 I don't think that's a fair characterization. We -- we've

4 been here since -- we've been working on witnesses diligently

5 since 10:00. We've only taken a few short breaks. I need to

6 ensure that everyone has an opportunity to get their -- their

7 witnesses presented. We don't need to slog through the text

8 messages. I indicated we admitted those. If you'd like me

9 -- if you'd like, in your post-evidentiary hearing pleading

10 to highlight certain of those text messages, happy for you to

11 do that. Let's finish up with Donna as quick as we can.

12 Go ahead, Mr. Michaelson.

13 MR. MICHAELSON: Okay.

14 Q BY MR. MICHAELSON: Is -- is the guardian ad litem's

15 report accurate description of your mom's inability to

16 schedule visits?

17 A Yes.

18 Q In the guardian ad litem's report that you don't

19 agree with?

20 A Okay. What -- who are we talking about?

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 THE WITNESS: Are we talking about Elizabeth?

23 Q BY MR. MICHAELSON: Yeah.

24 A No, I agreed with (indiscernible).

25 Q Okay. What do you think on this (indiscernible)

1 proposed visitation schedule, you know, there's been a lot of
2 talk today through the witnesses about using your house
3 because it's alleged that your mother, the only place she
4 would go to outside of her own home would be your house, can
5 you accommodate all the family visits at your house on Friday
6 morning?

7 A No, I can't. I work. And I don't believe my mom
8 wouldn't be willing to go to anybody else's house that she
9 would have no reason to do that. She'd be willing to go to
10 anybody's house. I -- I feel like everybody -- this is all
11 -- we all just thought we were all -- everything was going to
12 be easier once mom moved down here to Anaheim. And then all
13 of the sudden, all this visitation, scheduling and everything
14 came down to one day a week that's not even working for
15 anybody. So this is just as bad as her being in Las Vegas
16 when we are all under the assumption she was moving to
17 Anaheim and we would all have more access to my mom. And
18 it's not happening. None of this scheduling is working out.

19 Q After visiting with your mom on Mother's Day
20 weekend, do you believe that this proposed schedule was
21 crafted by your mother, like -- like it was her -- her
22 creation?

23 A No, I think that my mom's -- the whole thing about
24 moving back to Anaheim, she was only in agreeance with it
25 knowing that she would be down here by all of her family and

1 not isolated in Las Vegas by herself.

2 Q Do you -- you were a caregiver for a long time,
3 correct?

4 A Yes.

5 Q Do you know other caregivers?

6 A Yes.

7 Q Do you -- in your experience, did you crave respite
8 from caregiving? Did you need breaks?

9 A Yes, with -- at one time when I was doing
10 caregiving for the one, we actually had a reserve one that
11 came in in the evenings to relieve me so I wasn't working
12 seven days a week, 24 hours a day. So or if what if I got
13 sick or something happened to me? We always had a back up.

14 Q (Breaking up - indiscernible) like to see for you
15 to have visits with you mother?

16 A Absolutely I want my visits with my mom. I want
17 everybody to be able to see my mom. And -- and not be so
18 difficult (breaking up - indiscernible) it's no reason for
19 it. We're all grown adults. We've all -- we're all capable
20 of -- of taking care of her and being able to see her and
21 visit her without Kim's help.

22 Q Kim is the guardian. Can it happen without Kim's
23 help?

24 A No, it -- unfortunately, we can't do anything
25 without Kim okaying it. I mean, and if we don't get a call

1 back, which sometimes she's wishy-washy and she won't call
2 back or text back or -- or respond in a timely manner so we
3 can make those visits happen.

4 Q Okay. Would you be willing to be the guardian if
5 you needed to be?

6 A Yes, I would. I'd be -- I'd have to sacrifice a
7 lot, meaning, it's a lot better that she's down here in
8 Anaheim than being in Las Vegas. I have to live with the
9 choice that I made to back Kim up in being the guardian. And
10 having known that this -- this was gonna to go this way after
11 us being treated the way we were by Gerry, I would've stepped
12 up and been guardian of my mom.

13 Q Okay. Is it fair to say that you -- you wanted to
14 respect what your mother had laid out in those documents that
15 she did naming Kim?

16 A I do want to respect that. And that's a big deal
17 to me that I don't want to upset my mom and move her again or
18 have Kim gone, you know, any of us gone after she -- after
19 Gerry died on her, you know, when -- and kept her from us. I
20 -- I don't want to put my mom through that. But if I have
21 to, I will.

22 Q You will -- just to make sure I'm clear on it. If
23 you have to, you will, you mean act as a guardian?

24 A Yes, I would. I would step up and do guardianship.

25 MR. MICHAELSON: Thank you. That's all I have for now,

1 Your Honor.

2 THE COURT: Thank you, Ms. Parra-Sandoval.

3 MS. PARRA-SANDOVAL: Yes, Your Honor. I do have several
4 questions for Donna.

5 **CROSS-EXAMINATION**

6 **BY MS. PARRA-SANDOVAL:**

7 Q Donna, you -- you stated that June can't hear well.
8 Are you aware if June has any hearing aids available to her?

9 A Yes, I know she has hearing aids. She won't wear
10 them. We've had conversations over and over again about it
11 for years now.

12 Q Okay. And you've asked Kimberly to assist her with
13 putting the hearing aids on?

14 A Yes, we've talked about this for years now. Mom
15 does not want them. And nobody's going to force her to do
16 that. You can't.

17 Q And that's because of those are her wishes, right?

18 A I -- because she's -- she's told me the reason why
19 she doesn't wear these hearing aids is because she hears
20 echoing and I think the confusion and everything. She hears
21 all these other noises. So she can't hear anyways with all
22 those noises.

23 Q And you respect her decision to -- to not wear
24 them, right?

25 A I -- I don't have a choice. How am I gonna make

1 her wear them? I can't go put 'em in her ears. She's old
2 enough and knows how to take them out.

3 Q You've also stated that Kimberly is in the room
4 when you call June.

5 A Yes.

6 Q Have you -- have you ever asked Kimberly to leave
7 the room?

8 A No, because I don't -- I try not to say things to
9 my mom that are gonna upset her or make her worry about
10 things.

11 Q And have you actually asked Kimberly without June
12 hearing is you can be alone with June?

13 A How would that -- how would that be? How would I
14 be able to do that?

15 Q You've never asked Kimberly to leave the room so
16 you can talk to your mom?

17 A I -- no, not on the phone. First of all, our
18 conversations are literally three seconds. And Kim's always
19 there because she has to assist her with the phone
20 (indiscernible).

21 Q Right. But this is an issue that has bothered you,
22 but you haven't asked Kim to leave the room.

23 A I can ask Kim to leave the room. But I'm not there
24 to see that she's left the room. So what good is that gonna
25 do me?

1 Q But you're just saying you haven't attempted to do
2 it.

3 A Okay. Maria, no, I have not attempted to do that.

4 Q Has Kim denied you access to June?

5 A Kim has never said, no, you can't see mom. No, you
6 can't see her. But, yeah, has she made it hard or impossible
7 to see her? Yes, she has.

8 Q Hold on a sec. I'm going through my notes. You
9 also stated in regards to the proposed schedule that you
10 don't believe that it came out of your mom's mouth. Have you
11 spoken to June about it?

12 A I haven't spoke to her and said, hey, do you know
13 that there's a -- she -- I talked to her and told her, yes,
14 we were going to be going to court and asking for visitation.
15 But have I told her that there's a visitation schedule set
16 out there and I want to know whether you said that or not?
17 No, I have not had that opportunity to -- to say that to her
18 and not sure that I would because I wouldn't want to upset
19 her.

20 MR. MICHAELSON: And, Your Honor, I just want to object
21 to that, that I couldn't get the thing unmuted. But it -- I
22 don't think the record was that it came -- whether or not it
23 did or not come out of her mouth. She's testified she said
24 yes to lots of things. It was more, is that her creation?
25 Was that her -- her wishes.

1 MS. PARRA-SANDOVAL: My question is whether Donna has
2 spoken to June about the proposed schedule that was filed.

3 THE COURT: So Mr. Michaels- Mic- Mr. Michaelson was
4 having some technical difficulties. For the record, I notice
5 that his -- his video went off for a moment. What he's
6 indicating is that he couldn't unmute so that he could lodge
7 his objection to your previous question. And so I note that
8 objection for the record. To the extent that it -- it wasn't
9 exactly what Donna's previous testimony was, my notes
10 indicate that she doesn't believe that it was created by her
11 mother.

12 MS. PARRA-SANDOVAL: And I...

13 THE COURT: And Don- and Donna -- and Donna answered.
14 And Donna answered...

15 Q BY MS. PARRA-SANDOVAL: Have you answered?

16 THE COURT: ...(indiscernible). You can move to the next
17 question, Ms. Parra-Sandoval.

18 MS. PARRA-SANDOVAL: Yes.

19 Q BY MS. PARRA-SANDOVAL: You just stated that you
20 would be willing to be the guardian. But how is that
21 possible if you just testified that you were too busy...

22 A I would...

23 Q ...and you can't be guardian because you're too
24 busy?

25 A I would make it -- if I -- Kim not capable of doing

1 it, then I would step up and I would drop everything. I
2 would no longer be working for my fiancé's company. I
3 wouldn't be living in Canyon Lake, unless I brought my mom
4 there with me. But I would make sacrifices in my life. I'm
5 supposed to get married. I'm supposed to -- but I would give
6 all that up if needed to be there for my mom and take care of
7 my mom. Absolutely.

8 MS. PARRA-SANDOVAL: Thank you so much.

9 Mr. Beckstrom.

10 **CROSS-EXAMINATION**

11 **BY MR. BECKSTROM:**

12 Q Ms. Simmons, how many times in the last six months
13 have you called your mom?

14 A I don't know. Probably six months. Let's see.
15 Maybe that would take us back to maybe ten times, maybe.

16 Q Okay. How about Kimberly?

17 A Well, I don't ever just call my mom's phone. It's
18 -- I call and go through Kim.

19 Q Okay. And Kimberly coordinates those calls,
20 correct?

21 A (Breaking up - indiscernible) Kim -- no, she
22 doesn't always coordinate them. I mean, I -- I call and just
23 out of the blue and what are you doing mom and whatever? But
24 sometimes that Kim's called and said, hey, mom just called
25 you or whatever. And I try to call back but I don't get an

1 answer.

2 Q Is it fair to say when you call, you'll get a
3 return call back from your mom?

4 A Eventually maybe. Eventually.

5 Q Okay.

6 A It's really hard with my schedule and my mom's
7 schedule.

8 Q Well, your mom's retired, right?

9 A Well, your mom -- your mom -- my mom gets up later.
10 My open time is in the mornings, 6 a.m. for everybody, 6 a.m.
11 to like 8:00. And she's in bed by the time I get off and can
12 return calls, so. Unless it's a weekend, yeah, it's a little
13 impossible.

14 Q Okay. You filed a petition for visitation in
15 December. Do you recall that?

16 A I do.

17 Q One of your statements, and I'm gonna quote it for
18 you. We can look it up if you'd like. It's paragraph 43, it
19 says, the only time Donna speaks with Ms. Jones is when Ms.
20 Jones is with Robyn. And Robyn helps Ms. Jones call Donna,
21 end quote. Is that a true statement?

22 A At that time, I was not talking to Kim because she
23 had -- okay. Regardless, no, I wasn't talking to Kim at
24 that time. And so the only time I was able to talk to my mom
25 is when Kim -- I mean, when Robyn had her. And Robyn would

1 be kind enough to call me so I could talk to my mom.

2 Q And that's in the (breaking up - indiscernible)...

3 A (Breaking up - indiscernible) with Kim.

4 Q And that's December 2020, correct.

5 A I can't -- I can't recall.

6 Q Okay. Do you ever try to FaceTime your mother?

7 A No.

8 Q But your mom does try to FaceTime you, right?

9 A There's been messages left by -- on my phone by
10 FaceTime, yes.

11 Q And Kimberly's coordinated FaceTime calls with you,
12 correct, since the guardianship started?

13 A Well, didn't coordinate them. She might out of the
14 blue just call on FaceTime.

15 Q Well, your testimony...

16 A (Indiscernible) but I don't know. I may not have
17 answered.

18 Q Your testimony is your mom can't use her phone,
19 correct?

20 A Yeah, she would never. She cannot FaceTime me on
21 her own.

22 Q Okay. So is it a true statement that you infer
23 that whenever you mom calls you, it's Kimberly assisting her
24 to call you?

25 A Kim assists my mom with the phone in order to call

1 me.

2 Q Okay. Have you ever tried to get a hold of your
3 mom and not had our call returned?

4 A Like I said, a call is returned. But it doesn't
5 mean that it's gonna be that day.

6 Q Okay. You talked about visitation, right? Have
7 you ever proposed a specific date to see your mom and have
8 Kim reject it? And if so, my follow-up question's gonna be,
9 tell me when.

10 A The time we were -- for my daughter's 21st
11 birthday, she didn't make that happen. God, I can't even
12 recall right now. A time that I requested to see her and was
13 not able to? Besides her 21st birthday, I know there's
14 another time. But I cannot think of it right now.

15 Q Okay. Let's talk with the 21st birthday very
16 quickly.

17 A Okay.

18 Q What was the discussion you had with Kim about the
19 visit on the 21st birthday?

20 A Okay. We were there a month prior to that. Kim
21 had dropped my mom off at the hotel we were all staying at.
22 We had mentioned it was gonna be Samantha's birthday. Mom,
23 do you wanna -- do you want us to come down here to Vegas and
24 we can all celebrate Sam's birthday together? She said, yes.
25 And I told Kim, hey, mom wants -- we're all gonna come down.

1 Can you make sure mom's gonna be here so we can all be there
2 for Sam's 21st birthday. Kim said, yes. We talked on a
3 regular basis at that point. And all we -- up until, like,
4 the Monday before I talked to Kim and everything was set.
5 And all the way up until the night before I was supposed to
6 go, I called Kim and said, hey, what's going on. Oh,
7 nothing. Okay. Well, I'm leaving for Vegas tomorrow
8 morning. So we'll be there. Well, I'm not there. What do
9 you mean you're not there? Oh, I took mom to Vegas -- I
10 mean, to Arizona. Why would you do that? You knew that this
11 was a planned visit. You knew that mom wanted to go. I
12 think Kim was even there when -- when mom said that, when mom
13 told her that, yes, she wanted to be there for Sam's 21st
14 birthday; and we were gonna come back and do this.

15 Q Okay. Do you remember what date that was?

16 A that was in may 2019.

17 Q Okay.

18 A We talked about -- that's when it was originally
19 arranged, and then it was arranged to be done on June twenty-
20 the weekend of June 26th.

21 Q Prior to the guardianship though, correct?

22 A I think we were already in guardianship at that
23 point.

24 Q You're right. Prior to Kim being appointed
25 guardian, correct?

1 A I could've sworn she was already guardian at that
2 point.

3 Q I'll represent to you that she wasn't.

4 A (Indiscernible) -- well, who was guardian then at
5 that point because it...

6 Q Probably you.

7 A ...wasn't Kim? Who?

8 Q Probably ou.

9 A No.

10 Q Okay.

11 A I (breaking up - indiscernible) if I was...

12 ((Simultaneous colloquy)).

13 Q We'll move on.

14 A Okay.

15 Q Ms. Simmons, my last question for you is -- and
16 your sister -- you can see your sister on the screen; right?

17 A I can.

18 Q Kimberly.

19 A Yes.

20 Q Okay. Has there ever been an instance where you've
21 asked to have your mom overnight, to have an overnight visit,
22 and Kimberly's refused?

23 A Kim's told me that she doesn't want to stay the
24 night at anybody's house; and I've asked mom; and Kim's asked
25 my mom, why don't you want to stay, in front of me. But I --

1 like I've said a hundred times, I'm not gonna pressure my mom
2 to stay with me because of the fact that I think she was
3 traumatized by her husband taking her and not bringing her
4 back and Kim being traumatized by that and letting my mom
5 know that you can't ever do that. We may not get you back.
6 So I'm not gonna traumatize my mom over that.

7 Q Okay.

8 A And she -- I don't even ask her. I don't want to
9 bring it up. I think that it makes my mom very nervous to...

10 Q Understood.

11 A ...just to even do that. Would I like to? Yes.

12 Q But my point is, Kimberly's never refused you
13 overnight access; correct?

14 A I -- yeah, like I said, I've never asked.

15 Q Last thing, are you aware that your mom wears
16 earbuds when she uses the phone?

17 A I -- I -- yes, Kim told me that she had done that.

18 Q Okay. So you don't have any firsthand knowledge as
19 to when you call your mom whether she's using speaker phone
20 or earbuds, correct?

21 A Kim will -- may -- if I'm on the phone or whatever,
22 Kim will tell me to hold on a minute. She's gonna put her
23 ear -- her ear things in -- her ear hearing buds or whatever,
24 yeah.

25 Q (Indiscernible).

1 A So I'm aware when she is -- when she has them in.

2 MR. BECKSTROM: Okay. All right. I don't have any
3 additional questions. I'll pass the witness.

4 THE COURT: Thank you so much.

5 Mr. Michaelson.

6 MR. MICHAELSON: Just a couple of things.

7 **REDIRECT EXAMINATION**

8 **BY MR. MICHAELSON:**

9 Q You testified a minute ago in response to some
10 questions from Mr. Beckstrom that you typically get a return
11 call. Is that the same -- your -- I just want to clarify.
12 Your mother, when you get a call back, it's not to schedule
13 anything. Is that right?

14 A Right, no. It has nothing to do with scheduling.

15 Q Okay. It's just you -- you will eventually often
16 get a call. Someone will call you back eventually?

17 A Yeah, if I call or (breaking up - indiscernible).
18 Yeah, eventually I get a call back. If it comes to
19 visitation or visiting my mom, you know, Kim was (breaking up
20 - indiscernible) Kim was (breaking up - indiscernible) with
21 moving down here. No, I don't -- we don't -- it's usually
22 when I call back. I haven't asked Kim because Kim is usually
23 needed in something or -- or whatever. Like I didn't -- Kim
24 just called last week. I'm on to Kim that she only offers
25 that when my mom -- before court. So I'm not stupid, and

1 it's always happened like that. And again, Kim's pushing
2 this horse thing that she's like twisting my arm saying, hey,
3 you want to go to this horse thing? You can see mom. Well,
4 how about if I don't want to go to your horse thing and I
5 still want to see mom. How about working that out with me
6 instead of making it convenient for yourself?

7 Q Donna, do you think that -- that based on the
8 conduct as you've interacted with the guardian, do you think
9 -- do you feel that her invitations or communications respect
10 your schedule?

11 A Absolutely not. I'm always there for Kim. I've
12 never told Kim no. And -- and I've made it too easy. That's
13 why she uses me the way she does. And nor was I ever asked
14 to help facilitate any visits, which I think is just rude. I
15 don't want to be that person to let people down. I can't
16 guarantee that for anybody at this -- at this time.

17 Q Reached out to you more in advance and -- and a
18 little bit catered to your schedule, do you think that your
19 family would -- would -- June would be able to see her family
20 more?

21 A Oh, absolutely. I think that if Kim was willing to
22 let my mom leave the premises and just come pick her up and
23 take her to dinner or lunch, it would make everybody's life a
24 lot easier. And we're all close now. It -- it's ridiculous.
25 I mean, a few of them would probably get together at one

1 time, make it easy on everyone. They would come in and see
2 my mom way -- drop right in if they could.

3 Q Now that she's kind of closer to you, if you had
4 some windows of opportunity that were maybe not just Friday
5 mornings during work hours but maybe kind of recurring times
6 and -- and better communication, would June have more
7 interaction with her family.

8 A I just don't see why we can't just knock on the
9 door and if my mom's there be able to see my mom. If Kim had
10 to leave to take her somewhere to -- we'd all be willing to
11 leave and -- and do that. There's no reason why we can't
12 just -- just like picking up the phone and calling her, why
13 we can't just stop at her house, knock on the door, and if my
14 mom's there and they're not going anywhere to do anything,
15 that we can't say, hi, or stop in and say, hi, I love you.
16 How about that? Anybody would be willing to...

17 Q So what's...

18 A ...(indiscernible).

19 Q What's the impact on you or your family if -- if
20 Kim is saying she will refuse to leave?

21 A Nobody's gonna come see her. My mom is not going
22 to have visitors. If this is not resolved today that we can
23 see my mom and talk to my mom whenever we want, nobody is
24 going to go over there; and my mom will not be seeing not one
25 of us because we're all done with it. We're not gonna put

1 ourselves in that position, be involved in anything that is
2 going on over there; and if we can't have that time alone
3 with my mom without the fight and argument, it's not worth it
4 to us. It's breaking my heart. I cannot keep doing this and
5 nor is anybody else. And (indiscernible)...

6 Q (Indiscernible)...

7 A ...mom. I feel like she's being set up to -- she's
8 gonna wonder why and worry -- why nobody (breaking up -
9 indiscernible) and this is all because we -- we have to have
10 a schedule to see my mom.

11 Q Have you -- have you been willing to -- have you
12 always insisted on only a schedule, or have you offered to
13 Kim to come up with ideas with alternate ways that didn't
14 involve a schedule, just some other way? I mean, would you
15 be open to other ideas, how to work this out?

16 A Me and Kim had a conversation the last time we went
17 to court and we were talking about visitation. And Kim was
18 like, I'll do whatever you guys want. Just don't do this
19 visitation thing, blah, blah, blah. Even though mom doesn't
20 want it, I'll make her do it. Just drop it. And she -- and
21 I told her, Kim, you brought this on yourself. If you
22 would've just returned calls, worked with Robyn, handled
23 this, we wouldn't be where we were at. But at this point, we
24 are already filed and in for this to set our visitation
25 because we can't -- you can't be trusted to handle. So,

1 sorry; but you're going to have to do something. You brought
2 us to this point. So here we are.

3 MR. MICHAELSON: That's all, Your Honor.

4 THE WITNESS: And the best she could come up with was one
5 day a week.

6 MR. MICHAELSON: That's all, Your Honor.

7 THE COURT: Ms. Parra-Sandoval, anything else?

8 MS. PARRA-SANDOVAL: Yes.

9 **RECROSS EXAMINATION**

10 **BY MS. PARA-SANDOVAL:**

11 Q So, Donna, are you aware that this schedule has not
12 been approved?

13 A That this what?

14 Q The schedule is simply a proposed schedule. Are
15 you aware of that?

16 A I -- all I seen was in writing saying that these
17 are the days and times that we can see her and how it was
18 going. I don't know...

19 Q Did you -- did you read the pleading?

20 A I -- I read everything. It -- this is
21 (indiscernible)...

22 Q Did you read the title?

23 A It -- why -- okay.

24 ((Simultaneous colloquy))

25 A This is on (indiscernible) court paper. So I don't

1 believe my mom ever made that. So that's a joke to me.

2 Q Why do you believe she didn't make it or create it?

3 A Because my mom's first of all not capable of making
4 that proposed schedule or even saying that or having that
5 come out of her mouth (indiscernible)...

6 Q So you just -- you just stated...

7 ((Simultaneous colloquy))

8 THE COURT: Hold on. One moment. Hold on. One moment.
9 When you're talking to -- first, this is not a conversation.

10 Ms. Parra-Sandoval, please ask a question.

11 Donna, please respond.

12 THE WITNESS: Okay.

13 THE COURT: Mr. Michaelson's microphone is muted now so
14 we shouldn't have...

15 THE WITNESS: The echoing.

16 THE COURT: Ms. Parra-Sandoval, ask a question please.

17 Q BY MS. PARRA-SANDOVAL: So I stated if you were
18 aware that the schedule has not been approved yet.

19 A Yes, I'm aware that it hasn't been approved.

20 Q Okay. So that -- are you aware that you can call
21 Kim tomorrow and schedule a visit?

22 A No, I'm -- I'm not feeling like I'm going to do
23 that. I'm not fighting this anymore. After today, I am
24 done. So if I have to have a schedule set by Kim or anybody
25 else other than my mom saying to me that she doesn't want to

1 do this visitation thing, then I'm gonna respect her wishes.
2 And guess what? I just won't see her anymore. Okay? I --
3 I've done all this and I worked my hardest and tried my
4 hardest. But I'm not gonna keep doing this, so.

5 MS. PARRA-SANDOVAL: I don't have any questions.

6 THE COURT: Thank you so much.

7 Mr. Beckstrom.

8 MR. BECKSTROM: One question.

9 **RE CROSS EXAMINATION**

10 **BY MR. BECKSTROM:**

11 Q Ms. Simmons, you know that Kimberly never wanted a
12 schedule; correct?

13 A Kim never wanted it or my mom never wanted it?

14 Q Well, Kimberly represented that your mother didn't
15 want a schedule. You understand that, correct?

16 A I know that Kim said that. But I still haven't
17 heard that from my mom's mouth.

18 Q Okay. And just to be clear, you understand that
19 the schedule that's been proposed is not Kimberly's schedule;
20 correct?

21 A I understand it's not Kim's schedule, that the
22 schedule was made for my mom.

23 MR. BECKSTROM: Okay. All right. No other questions.

24 Thank you.

25 THE COURT: Thank you.

1 Mr. Michaelson, anything else?

2 MR. MICHAELSON: No, Your Honor.

3 THE COURT: Thank you so much.

4 Thank you, Donna.

5 Mr. Michaelson, is Robyn your next witness?

6 MR. MICHAELSON: Yes.

7 THE COURT: Robyn, please raise your right hand to be
8 sworn.

9 THE CLERK: You do solemnly swear the testimony you're
10 about to give in this action -- put me on mute. Sorry.

11 You do solemnly swear the testimony you're about to
12 give in this action shall be the truth, the whole truth and
13 nothing but the truth, so help you God?

14 MS. ROBYN FRIEDMAN: I affirm.

15 THE COURT: Mr. Beckstrom, Ms. Parra-Sandoval, she
16 indicated that she affirms. Are you satisfied with that?

17 MR. BECKSTROM: Yeah, I have no objection. I think it's
18 sufficient on statute.

19 THE COURT: I do, as well.

20 Mr. Parra-Sandoval, any objections?

21 MS. PARRA-SANDOVAL: No, no objections.

22 THE COURT: Thank you so much.

23 Continue, Mr. Michaelson.

24 MR. MICHAELSON: Thank you, Your Honor.

25 ////

1 **ROBYN FRIEDMAN,**
2 having affirmed to tell the truth, testified as follows:

3 **DIRECT EXAMINATION**

4 **BY MR. MICHAELSON:**

5 Q Robyn, what's your name?

6 A Robyn Friedman.

7 Q And what's your current address?

8 A 1315 Enchanted River Drive, Henderson, Nevada,
9 89012.

10 Q And what's your education background?

11 A Some college, six or eight certificates from UNLV.

12 Q Well, what kinds of certificates, just generally?
13 You don't have to list all six but -- but what kinds of...

14 A Marketing, public relations, design, human
15 resources, legal secretary.

16 Q Okay. And when you were in school, what area did
17 you study?

18 A (Indiscernible) business.

19 Q Okay.

20 A And general.

21 Q What's your work experience?

22 A Operations management on events and then marketing,
23 public relations, and then just recently, owning
24 (indiscernible).

25 Q Okay. How long have you -- how do you know

1 Kathleen June Jones?
2 A She's my mother.
3 Q How long have you known her?
4 A My life.
5 Q Okay. Who is Ms. Jones' guardian?
6 A Kimberly Jones.
7 Q And did you serve as her temporary guardian?
8 A I did.
9 Q Isn't it true that this Court entered an order
10 appointing Kim as your mom's guardian on November 25th, 2019?
11 A Yes.
12 Q Before that time when your mom had a guardian, how
13 did you communicate with your mom?
14 A When I was guardian?
15 Q Yes.
16 A All different -- I talked to her. I used words. I
17 -- I mean...
18 Q Did -- did she respond to text messages herself?
19 A Back about at that time, no. It -- her -- not --
20 not as recently as guardianship on -- on her own, no.
21 Q Okay. How often did you exchange text messages
22 with her?
23 A When?
24 Q Just prior to -- well, when -- in the temporary
25 guardianship; or did you exchange any during that time that

1 you recall?

2 A I -- I'll have to refer to the records and let the
3 record stand on -- on that with...

4 Q Okay.

5 A ...phone calls and text messages. I -- I don't
6 know if I'm not standing with her what she's -- or that she's
7 replying (indiscernible) or they're being helped.

8 Q Okay. All right. So we'll just...

9 (WHEREUPON THE MATTER WAS TRAILED

10 AT 03:02:03 AND RECALLED AT 03:02:03.)

11 Q ...focus on since the guardianship, the November
12 25th. How often do you speak with your mom on the phone?

13 A Hardly at all.

14 Q Okay. How often do you FaceTime with her?

15 A Not at all. It's difficult at best. She is off
16 the phone in mere minutes. I don't think I've had a phone
17 call for -- or anything longer than two minutes in a year.
18 And she -- I often hear people in the background saying get
19 off the phone, not often, but it's happened, actually. I
20 mean...

21 Q Okay.

22 A ...not often, but it's happened. She seems very
23 uncomfortable if I bring up anything about when to see her.
24 She'll say, I'll call you back. I'll call you back. I've
25 been in your office before when that's happened on speaker

1 phone.

2 Q Okay. All right.

3 MR. MICHAELSON: Your Honor, can you refresh
4 (indiscernible), you know, which exhibits exactly then are
5 still at issue to lay a foundation for? These ten exhibits?

6 THE COURT: Counsel, I will defer to the court clerk.
7 But I believe your transcript of the recording and the
8 recording itself have not been admitted. Let me tell you the
9 numbers of those.

10 Is that correct in the courtroom?

11 THE CLERK: That's correct.

12 MR. MICHAELSON: Okay.

13 THE COURT: And those are numbers 2 and 3. The remaining
14 exhibits have been admitted.

15 MR. MICHAELSON: Okay. All right. It's pretty small in
16 what we've got here.

17 Q BY MR. MICHAELSON: But if you look at Exhibit 1...

18 A Give me a second (indiscernible).

19 Q Yeah, this marked the Bates stamp is MNA1.

20 A Mm-hm.

21 Q And in the first (indiscernible) it reads from --
22 actually it's -- sorry. We're gonna do past that here.

23 A We're passing?

24 Q Yeah, we're gonna -- because we're -- we're staying
25 if that's already admitted.

1 A Will you let me know (indiscernible).

2 Q Yeah, yeah.

3 MR. MICHAELSON: Your Honor, Robyn wants to reflect on
4 the record that her -- she's got some eyesight issues. And
5 so she's getting some help from her husband. She also does
6 magnifying glass to kind of help with that.

7 THE COURT: I -- I don't know that...

8 Ms. Parra-Sandoval, Mr. Beckstrom, do you have any
9 objection to Robyn utilizing a magnifying glass?

10 MR. BECKSTROM: No objection.

11 MS. PARRA-SANDOVAL: (Indiscernible), Your Honor.

12 MR. MICHAELSON: Yeah, just that Perry sometimes will
13 have to help her on the computer to scroll, so.

14 Q BY MR. MICHAELSON: Okay. Looking at the page
15 marked MNA1, in bottom of each bubble there are dates.
16 What's the -- what -- what are these pictures of? Let me
17 just say that.

18 A They're various events. It's Disneyland,
19 Halloween, (indiscernible). Let me see on here. Yeah,
20 Disneyland and Halloween.

21 Q Okay. Are these dates before and/or after December
22 25th when Kim was appointed guardian?

23 A After.

24 Q Okay. Are you sure?

25 A Are they? No- November 25th.

1 Q Yes.

2 A This is October.

3 Q Yeah.

4 A So October, before.

5 Q Okay. Okay. So how much -- so these are -- what
6 are these pictures? What do they depict?

7 A Me sharing with my mom my son's life to keep her
8 connected to him as he grows up.

9 Q Okay. How much assistance did your mom need using
10 her cell phone before Kim was appointed guardian?

11 A (Indiscernible) phone...

12 Q Okay.

13 A All -- all of it. All of it. It's been a long
14 time since she's used a phone on her own.

15 Q Okay. All right. Let's go to the Exhibit Number
16 2. And it's Bates stamped MNA5 and 6. Can you describe what
17 this is?

18 A Yeah, on -- this was when we were doing sort of
19 regular visits that were working famously for like two months
20 or three months. We'd been approached on to approve Kim's
21 fees and at the same time it was brought up, well, we -- we
22 might, you know, if you guys approach -- approve the fees, we
23 also have something, you know, maybe you can have visitation.
24 So we set up a visitation or visits, regular visits, access
25 to my mom because I hadn't been able to successfully do that

1 before. So in this time period I was seeing her every
2 Wednesday and every other Saturday. And then we asked for
3 phone calls that never happened and we asked for vacations
4 that never happened.

5 Q Okay.

6 A But this is one of those visits, we'd gone to -- do
7 you want to hear the -- the whole...

8 Q No, I'm gonna ask you specific questions going
9 through it.

10 A Yeah, okay.

11 Q We'll get to that here in a second. So what --
12 what is this document?

13 A This is a transcript from -- this is a transcript
14 that shows my mom trying to use her phone to call Kim.
15 And...

16 Q Okay. Who (indiscernible) -- I'm sorry.

17 A And I saw that my mom wasn't -- everybody's been
18 saying, just call mom. Just call mom.

19 Q Okay.

20 A And I saw this as an opportunity to show my mom
21 can't use her phone.

22 Q Okay.

23 A I saw my mom struggling to make this phone call.

24 Q Okay.

25 A I took out my phone and recorded.

1 Q Okay. So let me...

2 A She -- she had just seen it. She hadn't made the
3 phone call yet.

4 Q Okay.

5 A She was not on a live (indiscernible)...

6 Q I'm gonna lay the foundation who's dialing first.
7 Who -- who drafted this transcript?

8 A We did.

9 Q Okay.

10 A My husband, Perry.

11 Q Okay. What recording did you review to draft this
12 transcript?

13 A A video on my cell phone.

14 Q Who captured the source recording?

15 A I did.

16 Q Was it a video recording?

17 A Yes.

18 Q Okay. Now because we've got the audio of it here.

19 All right. Is Proposed Exhibit 2, this transcript, an

20 accurate transcript of the recorded video?

21 A Yes, to the best of my knowledge.

22 MR. MICHAELSON: Okay. Your Honor, I'd move for
23 admission of Exhibit Number 2.

24 THE COURT: Ms. Parra-Sandoval, any objection?

25 MS. PARRA-SANDOVAL: No, no objection to the foundation.

1 THE COURT: Or any other objections, evidentiary
2 objection, Ms. Parra-Sandoval?

3 MS. PARRA-SANDOVAL: I -- I don't.

4 THE COURT: Mr. Beckstrom.

5 MR. BECKSTROM: I don't think it's the best evidence.
6 But for purposes of moving this along, I'll -- I'll consent
7 to it being admitted.

8 THE COURT: So Exhibit 2 will be admitted.

9 Continue, Mr. Michaelson.

10 Q BY MR. MICHAELSON: Okay. I just want to go to the
11 related Exhibit 3 here. So can -- so, Robyn, can you turn to
12 Exhibit 3? It's Bates stamped MNA7. And can you describe
13 what that is?

14 A That is two thirteen twenty (indiscernible) video
15 call...

16 Q (Indiscernible)...

17 A ...I mean, video of the -- of...

18 Q Okay.

19 A ...the (indiscernible).

20 Q Okay. And all right. It's the video recording for
21 which we just laid the evidentiary foundation. Is that
22 right?

23 A Yes.

24 Q And -- and who took this video?

25 A I did.

1 Q Okay. And what device did you use to create it?

2 A My iPhone.

3 MR. MICHAELSON: Okay. Your Honor, I'd move for
4 admission of this Exhibit Number 3, which is the recordings
5 made with Robyn's iPhone.

6 THE COURT: Ms. Parra-Sandoval, any objections?

7 MS. PARRA-SANDOVAL: Your Honor, I know that my client in
8 the past have stated that she has not consented to being
9 recorded.

10 THE COURT: What is your objection?

11 MS. PARRA-SANDOVAL: Lack of consent.

12 THE COURT: Lack of consent for a video recording?

13 MS. PARRA-SANDOVAL: Yes.

14 THE COURT: In person?

15 MS. PARRA-SANDOVAL: Yes.

16 THE COURT: Okay. What is your legal authority? And I
17 just want to make it clear.

18 Mr. Michaelson, what I'm understanding is that this
19 was not both Robyn and the protected person were physically
20 in the same place. And the record- the video recording was
21 made of Robyn. Robyn made it on her phone of the protected
22 person. This was not a recording of Robyn on the telephone
23 with the protected person on the telephone. Is that correct,
24 Mr. Michaelson?

25 MR. MICHAELSON: That's correct.

1 THE COURT: All right.

2 MR. MICHAELSON: It's (indiscernible) phone call.

3 THE COURT: But I say that only because it's an
4 evidentiary issue.

5 Ms. Parra-Sandoval, did you understand that that --
6 that was a recording -- a video recording made in person?

7 MS. PARRA-SANDOVAL: Yes.

8 THE COURT: All right. And so what is your legal
9 authority relative to that objection?

10 MS. PARRA-SANDOVAL: So I can't find one that would
11 exclude it, but just simply based on lack of consent.

12 THE COURT: Thank you.

13 Mr. Beckstrom.

14 MR. BECKSTROM: No objection. It's in person. I think
15 it's one-party consent in Nevada, just to streamline it.

16 THE COURT: I -- I -- I believe that is true, as well,
17 despite Ms. Parra-Sandoval's objection, I will admit the
18 video.

19 Continue, Mr. Michaelson.

20 MR. MICHAELSON: Your Honor, it's a scary moment as I am
21 trying to go over something. It's a scary moment as I am
22 attempting to use this technology here. But I would like to
23 try to play this. I don't -- I'm not certain why this is not
24 coming through as a video. I have the audio because I had
25 our technical people do this. It's just Robyn and June on

1 the doorstep.

2 THE COURT: I -- I have the -- the documents and all the
3 things you e-mailed to my office. Now that it's been
4 admitted, I will watch the video later after the hearing.
5 I've read through the transcript. It's just -- after it was
6 admitted, it's just a one-pager. It's very quick. I'm happy
7 for you if you're having technical difficulties to move on.

8 MR. MICHAELSON: Okay. I mean, so, yeah. We're just --
9 it's just an example of June trying to use the phone during
10 the relevant time frame, so. Yeah, we're gonna -- I think
11 we're gonna get into that here, so. We will get into more of
12 the details of what happened there, Your Honor.

13 Q BY MR. MICHAELSON: Okay, so -- so this is -- we --
14 is it an -- so in June 13th, 2020, is when this taken. It
15 was approximately six and half months after Kim was appointed
16 your mother's guardian. Is that correct?

17 A Yes.

18 Q Okay. What had happened prior to the video being
19 recorded?

20 A We had gone to pick her up for a visit. My husband
21 was camping at Mount Charleston. We had arrived at 1 p.m.
22 We went to...

23 Q Let me just ask, where did you arrive?

24 A At the Craft house where my mom was living at the
25 time.

1 Q Okay.

2 A We went to the door, and my mom brought her walker
3 to the car. And Kim brought out her wheelchair, which was
4 not necessarily normal because at the time it was COVID
5 restrictions; and we weren't getting -- we weren't going
6 anyplace that you could get out and go places. These were
7 drives that we were taking at the time or over to my house.

8 And I also didn't need a wheelchair because I had
9 recently purchased one, and it had just arrived, and I had it
10 in the trunk of my car. Kim was aware of that because she
11 heard me ordering it with my mom while we were in the house a
12 week before that or right before that. So Kim strangely had
13 the wheelchair out there. And I was like, no, I'm good. I
14 don't need it. I got the -- the walker. We're not gettin'
15 out anywhere.

16 So he walked my mom to the car like normal and then
17 got my mom in the car. That was less than five minutes. And
18 then my -- I turned and looked at my mom; and I said, hey,
19 have you had lunch? Because that indicates what we're gonna
20 do for the rest of the visit. And she said, I don't know.
21 So I immediately started trying to like ask Kim, didn't get a
22 response. At the time, my mom said she had to go to the
23 bathroom, as well. And so within 60 seconds of when Kim went
24 in the house, I went back up to knock on the door and got no
25 answer. I sat there for 15 minutes waiting for replies to my

1 texts.

2 Q How did you know it was 15 minutes?

3 A From the text on my phone where I'd said -- first
4 texted and then I said, hey, we left.

5 Q Okay.

6 MR. MICHAELSON: Okay. Your Honor, these...

7 THE WITNESS: I can see the front door. Like I can see
8 the front door. I could see where my sister couldn't have
9 taken her car out like, you know, like.

10 MR. MICHAELSON: Okay. Your Honor, this is the --
11 one of the first places where there's a -- a great
12 discrepancy between the text messages provided by Kimberly
13 and the text messages provided by Robyn and Perry. And some
14 are from Robyn's phones. And so, I don't know, I mean, for
15 example, it seems like that -- that what's happening is that
16 Robyn is texting Kim saying, I'm locked out of the house.
17 What are you doing? But Kim's recitation, her text messages
18 show Kim just saying, hey, here's the key. Do that. In
19 other words, the pleas that are coming to her have been
20 omitted. And so I don't know if that's easier for the Court
21 to understand in a written form that we submit if we're -- if
22 we're able to submit these briefs. Or we can just compare
23 for the Court that -- that differences that happen in these
24 text messages.

25 THE COURT: You -- you -- you think -- you've noted that

1 Mr. Michaelson and -- and highlighted that this is a
2 discrepancy. I will make a note that this specific date and
3 time frame, you allege there may be a discrepancy in the
4 exhibits provided. And you can further highlight that in
5 your post-hearing briefs if you like. But I -- I think
6 that's probably an issue where I'm going to have to review
7 them side by side. I don't know that that's a good issue for
8 Robyn to -- to testify about those messages. But she can --
9 but you can continue.

10 MR. BECKSTROM: Is there a Bates number, just for the
11 record?

12 MR. MICHAELSON: Yes, Your Honor, we're in -- this is in
13 Kim's text messages. We're looking at -- it says GUARD181.
14 And then you can compare it with MNA44.

15 MR. BECKSTROM: Thank you.

16 THE COURT: Thank you.

17 MR. MICHAELSON: 44 through 46.

18 THE COURT: Continue, counsel.

19 MR. MICHAELSON: So, yeah, okay.

20 Q BY MR. MICHAELSON: So -- so, Robyn, you've been
21 talking about you -- you came to pick up your mother. This
22 was during kind of a brief...

23 A Brief time.

24 Q ...time frame when there was some visitation
25 happening after the May agreement, which we'll get to in a

1 while. You go to pick your mother up. You said that you --
2 you got out to the car and then just one more time she --
3 what happened when you got to the car?

4 A I asked my mom if she had eaten, had lunch already.

5 Q Okay.

6 A And she said, I don't know.

7 Q Okay. She didn't know?

8 A Yeah.

9 Q Then what else did she tell you at that time?

10 A While I was trying to get a hold of Kim, she said,
11 I have to go to the bathroom.

12 Q Okay. So you went back up to the house, correct?

13 A Yeah.

14 Q Okay. So you had literally just seconds come out
15 of the house, not gone anywhere, and just turned around.
16 What -- could you see the garage where her...

17 A I could see the entire house.

18 Q ...where Kim's car was parked?

19 A ...except for the...

20 Q You could see...

21 A ...(indiscernible)...

22 Q Okay.

23 A ...(indiscernible).

24 Q Okay. So had you seen Kim leave?

25 A No.

1 Q So you walk back up to the house. And did knock?
2 A I knocked and rang the doorbell.
3 Q Rang the doorbell?
4 A Yeah, a bunch of times.
5 Q Okay. Texted?
6 A Yeah.
7 Q Called?
8 A Yeah.
9 Q Okay.
10 A It was only 60 seconds from when I -- when Kim shut
11 the door until I was back at the front door.
12 Q Okay. And then you -- you had to leave, and -- and
13 you went -- you must have -- do you recall...
14 A The bathroom. I (indiscernible) in a...
15 Q ...where you went to the bathroom?
16 A ...gas station and drove to -- right -- right there
17 (indiscernible)...
18 Q Okay.
19 A ...(indiscernible). I then went to Mount
20 Charleston.
21 Q Okay.
22 A Saw Perry.
23 Q And so was this during COVID times?
24 A Yeah, uh-huh.
25 Q Okay.

1 A And Perry was camping. So we just drove by and sat
2 in the car and said hi.

3 Q Okay.

4 A Then...

5 Q And then you took her to a public gas station to
6 use the bathroom?

7 A Yes.

8 Q Okay. All right. Then you went (indiscernible)...

9 A Which was -- which is not safe, which is not good;
10 but she -- I'm not going to have her urinate on herself.

11 Q Okay.

12 A Like that's not happening.

13 Q Okay. And then what happened when you came back?

14 A So we were gone for about two hours...

15 UNIDENTIFIED SPEAKER: (Indiscernible).

16 THE WITNESS: We were gone for about two hours. I never
17 heard back from Kim at all over those two hours about
18 anything about her -- anything to be able...

19 Q BY MR. MICHAELSON: So -- so what you mean is you
20 had texted her many times and called...

21 A I don't know if it was...

22 Q ...her.

23 A ...many times. I had texted her and told her what
24 the problem was. I don't know. I don't...

25 Q Okay.

1 A ...called her. The records will stand
2 (indiscernible) for what they are.

3 Q And so...

4 A (Indiscernible)...

5 Q ...(indiscernible)...

6 A ...(indiscernible) I made an attempt...

7 Q Yeah.

8 A ...to make her very well aware.

9 Q Okay. Then you went up to the mountain, came back.
10 Two hours later, there's still no response...

11 A Yeah.

12 Q ...to any of those pleadings.

13 A But that's not abnormal...

14 Q Okay.

15 A ...of being ignored when I -- when there's
16 something that's (indiscernible). It's...

17 Q So...

18 A ...not abnormal.

19 Q So what happened when you got back to the Craft
20 house?

21 A We get out of the car, get my mom up to the front
22 door. She had to go to the bathroom again. And my son heard
23 her say, I have to go to the bathroom. And I'm knocking on
24 the door to get in, and nobody's answering.

25 Q Okay.

1 A So at that point, I -- I know that I haven't gotten
2 any response from Kim. There's no point in me trying to
3 reach out to her again. I've already reached out to her.
4 And so I use my mom's phone to call and, you know, put my mom
5 on the phone to like get through to Kim. Like, hey, Kim.
6 I'm not playing. Like this isn't a game here. Mom is
7 sitting out here without a way to get in her house in the
8 middle of COVID. And now my son's gotta go to the bathroom,
9 as well. My -- that call went through. So I get a text from
10 Kim right after that says, the key was in the wheelchair.
11 The key to the house was in the wheelchair.

12 Q Okay. Can I pause you there?

13 A Yeah.

14 Q So you -- you -- you came back with your mom. Are
15 you at this point, are you on the front porch again?

16 A Yeah, we're on the front porch. It's really hot
17 out. It's June.

18 Q Okay. And -- and you were -- were you able to get
19 a hold of Kim?

20 A My mom did.

21 Q Okay. Did Kim know you would be gone about two
22 hours?

23 A No, because she's always just been at the house.
24 She's never asked us before. It was COVID. She wasn't -- we
25 weren't -- she wasn't going anywhere.

1 Q But she...

2 A She could've. And if she'd said, hey, can you keep
3 your mom for two hours, I would've been totally fine with
4 that.

5 Q Okay. Did you let her know that you were on your
6 way back or something when you're...

7 A No, because...

8 Q ...(indiscernible)?

9 A ...she always -- every visit before she's always...

10 Q Been there.

11 A ...been there. And that wasn't a request or
12 anything like that. And in normal times, I would've. In
13 normal times we would've discussed those things.

14 Q Okay.

15 A Or in a normal situation that would've been
16 discussed. It was COVID. Nobody was going anywhere.

17 Q Okay.

18 A And like...

19 Q So...

20 A ...(indiscernible).

21 Q So did you call -- did you first try to call Kim
22 on your phone?

23 A I don't recall.

24 Q Okay. But at some point you started using June's
25 phone or you (indiscernible)...

1 A Well, yeah, I just hadn't heard back from her. I'd
2 been ghosted that day.

3 Q Okay.

4 A I never (indiscernible)...

5 Q Why...

6 A ...expect that she was gonna answer a call...

7 Q Okay.

8 A ...or text from me.

9 Q So you're saying you -- you switched to June's
10 phone because you thought it might...

11 A To get her attention because I have a four-year-old
12 that has to go to the bathroom.

13 Q Okay.

14 A And my mom, who's gonna soil herself.

15 Q Why -- why would June's phone help in this
16 situation?

17 A Because maybe Kim would pay more attention to that.

18 Q Okay. All right. So you -- and then at that point
19 did you -- you wanted your mother to use her phone. Is that
20 right?

21 A Yeah.

22 Q Okay. And so is this about the time you made that
23 recording...

24 A Yes.

25 Q ...of your mom using her phone?

1 A Yeah.

2 Q And what happened?

3 A We can see, let the record stand. She -- she'll
4 review the record.

5 Q Okay.

6 A And my mom can't do it. She physically can't do it
7 on her own.

8 Q Okay. All right. So she -- okay. All right.

9 A There was a text...

10 Q All right.

11 A ...Kim wrote back in the text -- in the text, as
12 well. The key was in the wheelchair.

13 Q Okay.

14 A I -- and I said, I, you know, I can't hear you.
15 I'm (indiscernible). It's windy out, so. On top of that, we
16 were sitting in the wind.

17 Q Okay.

18 A And that's when -- that's when she said she'd be
19 back in half an hour. I can come pick her up at your house.
20 She knew I wasn't at her hou- my house. She knew we'd gone
21 to Mount Charleston.

22 Q Okay.

23 A And at that point, now I've got an emergency. So
24 I'm taking my mom and her walker, because there's a neighbor
25 across the street. We had to use the neighbors bathroom.

1 And this -- none of this is a big deal like if it was just an
2 accident or if it was an isolated situation or if it wasn't
3 regularly how we were treated and how my mom suffers when Kim
4 needs to make a point against somebody she's not happy with.
5 So we're trying across the street with my walker and my four
6 year old using a neighbor's bathroom in the middle of COVID.
7 And then back across the street to wait. My mom didn't want
8 to -- even though it was very hot out, she didn't want to
9 walk back to my car where there was air-conditioning, which I
10 understand. She has her walker. She doesn't like to walk...

11 Q Okay.

12 A ...long distances.

13 Q So let's go back to where -- where was the key to
14 the house?

15 A It was in a bag on the back of the wheelchair that
16 I hadn't needed, that Kim knew I wasn't going to...

17 Q Okay.

18 A ...need because my mom and I were very excited that
19 I had bought a wheelchair so that my assistants could lift it
20 to the back of the car each visit instead of...

21 Q Okay.

22 A ...having to struggle with it.

23 Q Was the wheelchair out on the porch when you came
24 back?

25 A No.

1 Q What -- okay. Do you know where it went?

2 A I don't know where it went, no.

3 Q Okay. So Kim was telling you the key is in the bag
4 of the wheelchair that she knew you hadn't taken?

5 A Yeah.

6 Q Okay. So -- and so she let you know it'll be --
7 I'll be there about a half hour. You went to a neighbors
8 house to...

9 A Yeah.

10 Q ...use the...

11 A Luckily...

12 Q Okay.

13 A ...there was a neighbor outside. I mean, I would
14 knock on any door.

15 Q Okay.

16 A Every door.

17 Q Okay.

18 A I mean, my boy could've peed outside, but...

19 Q Okay. All right. If we look at Exhibit 4, you'll
20 turn to that. That's Bate stamped MNA8 through 16.

21 A Mm-hm.

22 Q And we -- we don't need to lay the foundation. But
23 on -- on MNA8, page MNA8, whose number is the 702-553-6060?

24 A My mom's.

25 Q Okay.

1 A Well, it was. I don't know.

2 Q Okay.

3 A I don't know if it rolls over now somewhere else or
4 what.

5 Q All right. And so in -- in your own words, what is
6 this -- so this is your mother's phone. And -- and what does
7 this represent, this -- this summary?

8 A The summary is -- that's (indiscernible) one year
9 calls taken from the AT&T online -- online account.

10 Q Okay.

11 A We did it while we were in your office.

12 Q Okay.

13 A And it represents over 600 phone calls per month of
14 my records and 10,000 of texts. It's -- it's voluminous.

15 Q Okay. So what's the date range, if you see? It
16 looks like the bottom, it's in reverse chronological. So
17 what -- what appears to be the date range of these calls?

18 A 11/28/2019 to 9/3/2020.

19 Q Okay.

20 A I mean, I haven't reviewed (indiscernible) if we
21 hadn't had you. It would be financially devastating to my
22 mom or to me to review...

23 Q Okay.

24 A ...to review any of this.

25 Q Okay. So you've got 11/28/2019. Is that close to

1 when Kim became the guardian?

2 A Yes.

3 Q Okay. And so -- so (indiscernible) call these
4 calls between you and your mother, is it -- do these calls --
5 if someone called for ten seconds, would it say that; or
6 would it just default to a minute?

7 A It would just default.

8 Q So it rounds up?

9 A Yeah.

10 Q Okay. So if you just kind of eyeball that, you
11 know, over -- it goes to -- so we start at 11/28/2019; and
12 then what's the end date of this summary?

13 A 9/3/2020.

14 Q Okay. So about how long is that, time frame, would
15 you say? How many months are we talking?

16 A I mean, (indiscernible).

17 Q Okay. Oh...

18 A It's a year's worth.

19 Q ...(indiscernible).

20 A Yeah.

21 Q Got it.

22 A (Indiscernible). Perry pulled a year's worth of
23 files in the office.

24 Q Okay.

25 A And we did the breakdown of it while we were there.

1 Q Yeah. Okay. And so as we go on with this, what --
2 the other number here, this seven. So we got the 6060 number
3 is your mother's number. Whose number is the 714-336-8071?

4 A I believe it to be my sister's; but she has, as
5 Cameron alluded to, often multiple different phones, some
6 that are hooked up and some that aren't.

7 Q Which (indiscernible)...

8 A It's difficult to track (indiscernible).

9 Q Which sister are you talking about?

10 A Kim.

11 Q Okay.

12 A Right. (Indiscernible).

13 Q All right. Okay. So let's move -- so this is a --
14 all right. (Indiscernible) yeah, let's just jump. Why don't
15 we do this. Let's jump to MNA16.

16 A Okay.

17 Q And based on this, if you -- if you look at these
18 two graphs here, the top graph is showing -- what is it
19 showing here? Do you know?

20 A The -- it's the number of minutes on -- of phone
21 calls and the number.

22 Q Okay.

23 A And the weird little spike is because there's so
24 few calls that even like a couple of calls will make a big
25 difference...

1 Q Okay.

2 A ...and show a big spike. It's not like we had.
3 You know, but there are times where if something was
4 happening, like we were coordinating the A case, our COVID
5 supplies.

6 Q Okay.

7 A Kim needed something and felt like she, you know,
8 wanted to pop, then that happens. (Indiscernible) ghosted
9 when it's not. I mean...

10 Q Okay. So does the -- the top graph represent --
11 it's kind of graphical representation of communications with
12 who?

13 A Kim.

14 Q Okay. And the bottom graph is representation of
15 communications with?

16 A My mom.

17 Q Okay. And so it shows kind of -- all right. I'll
18 -- I'll just leave it at that. It's a -- it's kind of a
19 graphical representation of calls during this time frame.
20 And I said it wrong here. It kind of starts at -- at -- if
21 you go on MNA15, kind of get a handle on the time frame. And
22 I -- I -- actually I guess the exhibit speaks for itself.
23 But it's some -- some records of representations on calls.
24 Would those calls, in your opinion, were they a lot?

25 A No, for example, with my mom, on the -- the -- the

1 spike at the highest point...

2 Q Mm-hm.

3 A ...is only eight calls...

4 Q Mm-hm.

5 A ...and totaling 16 minutes. Calls with my mom are
6 exceptionally brief. She sounds distressed. She's just --
7 it -- it's -- yeah.

8 Q Okay.

9 A Calls with my mom are very brief.

10 Q And they do round up. Is that correct?

11 A Yeah.

12 Q So if she calls for it's a few seconds, it just
13 rounds up...

14 A Mm-hm.

15 Q ...to minute?

16 A Like, for example, December 2020 is eight calls.
17 That was Christmastime. We were trying to...

18 Q Okay. Okay.

19 A Like even it's a voice mail, it still counts.

20 Q Yeah, okay. During this time, if you recall, were
21 you calling your mom; or was she calling you?

22 A We can't tell when my mom calls because it comes up
23 as no caller ID.

24 Q Okay.

25 A So we can't tell when my mom calls.

1 Q Okay. Was that -- did your mom always do that
2 earlier in her life (indiscernible)?

3 A No, she's never. Until just recently, she's never
4 had no caller ID on her phone.

5 Q Okay. So did her phone number change recently, or
6 you -- you don't...

7 A I...

8 Q ...know?

9 A I dial the same number.

10 Q Okay.

11 A I don't know if that is the number that rings to
12 her phone, or if it's a rollover. I don't...

13 Q Okay.

14 A I don't know.

15 Q So when you -- the times when you have been able to
16 speak with your mom briefly on the phone, it's typically
17 there's no caller ID?

18 A Yeah.

19 Q Okay. Do you know why that is?

20 A I know that Kim made some changes to my mom's phone
21 plan at a certain point; and around that time, I no longer
22 had access to call my mom on Facetime. I don't know if
23 that's changed since.

24 Q Okay.

25 A And we were told that all that stuff had to go

1 through Kim.

2 Q Okay. Did you -- did you use to FaceTime a lot
3 with...

4 A Prior for many years I FaceTimed with my mom very
5 regularly.

6 Q Okay.

7 A As much as people would like to characterize as we
8 didn't have a strong relationship, we traveled together. We
9 spoke all of the time. I have text messages to show it. And
10 if we can't use it this time, that's okay. But we had a
11 very, very strong relationship.

12 Q Okay.

13 A Regular communication.

14 Q Okay.

15 A Until -- till -- until her cognitive decline
16 started to preclude that and then when the house was sold
17 right around that time, everything just dropped off
18 completely.

19 Q Okay. Okay.

20 A And it's never gotten better.

21 Q Okay. Can we move -- let's move to Exhibit 5. I'm
22 gonna turn to Exhibit 5 in the book there.

23 A Yeah.

24 Q And I know we -- we don't need to lay a foundation.
25 But just briefly, what are these? As you flip through the

1 pages, this is Bates stamped MNA17 through 31.

2 A These are e-mails between Mr. Michaelson and Mr.
3 Beckstrom, James, regarding -- oh, this is when there was
4 discussions about fees being approved for Kim. And we were
5 adamantly against it saying, you know, (indiscernible). And
6 then all of the sudden there was the visits we'd been asking
7 for, like regular visits, so that we didn't have to keep
8 getting beat down by Kim being so difficult about it or, you
9 know, just making it so horren- like so challenging to
10 schedule. We'd been asking to see my mom regularly. And
11 then all of a sudden, we -- there's, you know, hey, we're
12 gonna ask for fees. What do you guys think about this? And,
13 oh, by the way, let's start visits. And of course, we jumped
14 at that chance. We denied (indiscernible) fees. We were
15 adamant against it.

16 Q Okay.

17 A Because Kim had said that she wouldn't do that.
18 And my mom...

19 Q Okay.

20 A ...we would've tried for guardianship at that time
21 on our own if we knew she -- that my mom's estate was going
22 to be bled and not on things like her enjoyment but...

23 Q Okay. So what -- what agreement -- if you look at
24 these, the...

25 A It's the May agreement.

1 Q Okay. So the May -- this Tuesday, May 19th, 2020,
2 at 6:31 p.m. It's an e-mail from James Beckstrom responding.
3 There's -- there's a string of e-mails. And you're saying
4 that became known, kind of in our vernacular, as the May
5 agreement.

6 A Yes, because there had been a window of time where
7 I had very little visits with my mom...

8 Q Okay.

9 A ...before that. And this was when we luckily...

10 Q Okay.

11 A ...got to see my mom regularly for a short period
12 of time.

13 Q Okay. How much time went into getting the May
14 agreement?

15 A It was months. It was months of me saying, hey,
16 I'm -- this is so hard. This is -- you know, she's ghosting.
17 She doesn't reply. She uses (indiscernible) answers. Kim
18 gives vague -- you ask one question, she'll answer another.

19 Q Mm-hm.

20 A This is getting nowhere. I'm not seeing my mom
21 regularly. I can't keep doing this. I'm not gonna keep
22 calling my mom and being cruel to my mom and saying, hey,
23 mom, let's get together. And my mom says, yes. And then it
24 -- my -- it falls apart because it's not followed up on.
25 Like it was months of that.

1 Q Okay.

2 A And then we just quit. Just like everybody else.
3 You -- you quit putting my mom in a situation to be abused
4 emotionally when she wants to see you, and then she doesn't
5 have the ability to follow through on that. She doesn't have
6 the ability to say, hey, Kim, you know, Robyn wants to see me
7 this date. And then it got to the point where my mom when we
8 were trying to do that, my mom was like stressed about it.
9 I'm like, I'll call you back. I'll call you back. Love you.
10 I love you. I'll call you back. Every time any type of
11 like, let's get together regularly. Hey, you want to see
12 each other? You know...

13 Q Yeah.

14 A ...let's -- like any time visits were -- any kind
15 of visit was discussed. So thousands and thousands of
16 dollars with attorneys and months of trying to do it Kim's
17 way to give her a shot to be able to effectuate it for me.

18 Q Okay. So in a -- in just a basic sense, very
19 basically, what was kind of the substance of the
20 understanding. I'm not holding you to, like, the exact dates
21 and times; but just generally what -- what was the May
22 agreement about? What -- what did it -- what tools were
23 implemented to help with visitation?

24 A That we would see my mom every Wednesday and every
25 other Saturday and that we would get a phone call one -- one

1 night a week on FaceTime; that they would institute that call
2 to make sure that my mom was available so I wasn't just...

3 Q Mm-hm.

4 A ...calling for no reason. This has happened...

5 Q Mm-hm.

6 A ...plenty of times before and being told, oh, she's
7 gotta go. She's at the store. Or, you know, which would be
8 fine, like you know what I mean? But like every time when we
9 tried to call her before -- not every time, but a lot of the
10 time it would be super, can't talk. Bye. You know?

11 Q Yeah.

12 A So the phone calls were important so that we could
13 have a time that worked for my mom. And if they were to
14 call...

15 Q Okay.

16 A ...us, we knew it was a good time for her. Two
17 weeks a year vacation, one week each, two different times.
18 And then knowing that Kim was going to -- they told me as
19 soon as just Gerry dies that no matter what, regardless of
20 what the Court says, we're going to California.

21 Q Okay.

22 A I knew that that was coming. So we included in
23 that agreement something about people being out of state.

24 Q Okay. Let me pause you if that's okay. Can you
25 look at MNA17.

1 A Mm-hm.

2 Q It's Bates stamped MNA17. And then look at
3 paragraph 4.

4 A Mm-hm.

5 Q And can you just -- can you just read that first
6 sentence there?

7 A To eliminate confusion over phone communication,
8 especially during COVID-19 lockdown, on Tuesday and Friday at
9 6 p.m., Kimberly will call Robyn on behalf of June, so June
10 and Robyn can talk. Again, subject to June wanting to do
11 this and subject to (indiscernible) that all family members
12 of June can contact her anytime. This should help eliminate
13 confusion...

14 Q Okay.

15 A ...and assure Robyn feels she has a clear line of
16 communication.

17 Q Okay. So did you let Kim and her attorney know
18 that you were okay if you didn't -- if it wasn't right at
19 6:00, did you...

20 A Yeah.

21 Q ...tell them that?

22 A Yeah.

23 Q Why? Why did you tell them that?

24 A Because this is about being convenient for my mom.
25 And I -- I don't need a set time. I'm not trying to hold her

1 to 6:00 if it's not 6:00. If you're having dinner, then call
2 me later; or...

3 Q Yeah.

4 A ...you know, send a text; or just call me the next
5 time.

6 Q So would you say that this expectation was kind of
7 aspirational? It's kind of like a...

8 A In that we...

9 Q ...(indiscernible) do it.

10 A ...could do it?

11 Q Yeah, well, yeah. I mean, it -- it was -- it was a
12 -- it was an agreement. But...

13 A Did I -- was I hoping it would happen?

14 Q I guess...

15 A Absolutely. Did I believe it was gonna happen?

16 Q Yeah.

17 A Based on all of my -- all of my past experienced
18 with Kim, there wasn't a chance it was...

19 Q Okay.

20 A ...gonna happen.

21 Q Did -- did those phone calls happen?

22 A No. Maybe...

23 Q So...

24 A ...on -- maybe one.

25 Q Just...

1 A No.

2 Q Just to be clear, it was -- the agreement was it
3 would be Tuesday and Friday at 6:00. But you were saying,
4 it's okay, hey, if it's 6:30 or 7:00 because you got -- it's
5 just basically around 6:00.

6 A Yeah, yeah.

7 Q Did it -- did it ever happen?

8 A Maybe once, twice. No, it did not happen
9 regularly. It was not reliable.

10 Q Okay. So who was supposed to initiate the call?

11 A Kim to make sure that my mom was in a situation
12 where she could talk...

13 Q Okay. And has...

14 A ...and (indiscernible) because my mom can't make
15 calls.

16 Q Who's this e-mail from?

17 A James.

18 Q And who is James?

19 A James Beckstrom.

20 MR. BECKSTROM: Objection, (indiscernible) given him
21 leeway to get the document in. And I don't think we need to
22 waste time talking about the document, which in this case,
23 does speak for itself.

24 THE COURT: We're -- we're at 3:30. Counsel, I'm -- I'm
25 concerned about our time. I'd like to finish up today. I've

1 indicated I'm happy to read all of these documents and for
2 you to highlight the high points in your post-hearing brief
3 that you want to draw my attention to.

4 Mr. Michaelson, will you move -- move on to another
5 area of...

6 MR. MICHAELSON: Sure.

7 THE COURT: ...testimony? Thank you.

8 MR. MICHAELSON: Yeah, I mean, I just -- I -- and I
9 wanted to ask her two quick questions if I could.

10 Q BY MR. MICHAELSON: Just was this -- did it cost a
11 lot of money?

12 A Yes.

13 Q Okay. And you -- and we -- and were you at
14 multiple attorneys' offices?

15 A I think we did a phone call, the final one about
16 it.

17 Q Okay.

18 A (Indiscernible) and then your office, yes.

19 Q Did you ever go to Solomon Dwiggins?

20 A Yes.

21 Q Prior to this, leading up to this, did you go to
22 Marquis and Aurbach, Mr. Beckstrom's...

23 A Yes.

24 Q ...firm? Okay. So they're -- all right. Let's
25 look at your -- if we could go to Exhibit Number 6. Let's

1 see. This is MNA32 to 71. And, yeah. So and we lay the
2 foundation for this. Let me -- if you go to page 35. Yeah,
3 go ahead.

4 A This is -- this is (indiscernible) case.

5 Q Okay. Yeah, is there a -- I mean, if you were...

6 A Yes, it should (indiscernible) restricted access
7 (indiscernible) effective facilitation (indiscernible)
8 messaging (indiscernible).

9 Q Okay. So I'm -- I'm starting at MNA35.

10 A Okay.

11 MR. MICHAELSON: Okay. Your Honor, can we -- would it be
12 possible to take a short break at this point?

13 THE COURT: Sure. Let's take a five-minute break. It's
14 3:41. I'll see everybody back at 3:46.

15 MR. MICHAELSON: Thank you.

16 (WHEREUPON THE MATTER WAS TRAILED

17 AT 03:41:49 AND RECALLED AT 03:46:58.)

18 THE COURT: (Indiscernible) Simmons, Mr. Kehoe's client,
19 Ms. Carroll and Teri Butler are joining us back. And we're
20 back on the record.

21 Mr. Michaelson, continue.

22 MR. MICHAELSON: Speed this up, Your Honor. And we've
23 had a lot to show in these -- in these text messages. But
24 we'll -- I think we'll do that in the -- in the brief -- in
25 the writing. And then we'll -- we'll just try to hit a

1 couple of high points here and -- and move through.

2 Q BY MR. MICHAELSON: So -- so, Robyn, can you
3 describe during towards Halloween time some of those events
4 and -- and around Halloween and -- and interacting with Kim
5 in trying to get visitation with your mother?

6 A Sure. It's been -- it's like I said, it's the crux
7 of this case is that because of Kim, there's been restricted
8 access through lack of effective facilitation. And it --
9 it's the same as always. It's delayed responses to text
10 messages. It's -- it's vague Swiss cheese answers. It's
11 answering -- not answering most questions and answering a
12 random question. It's being asked directly and not coming
13 back for the answers. It -- it -- but it's -- it's arduous.
14 It shows the arduous extended last-minute planning, the war
15 of attrition that Kim thought would -- would -- we would just
16 quit on -- on. And most of my family members have...

17 Q Okay.

18 A ...because of that. And that's where -- that's
19 where the restriction, the denial of access, has been in --
20 in (breaking up - indiscernible) instead of (breaking up -
21 indiscernible) my mom's ability to see her family members.
22 And that's what happened at Halloween.

23 Q Okay.

24 A That's what happened at Christmas.

25 ((Technical difficulty))

1 THE COURT: (Indiscernible) mute Ms. Jones' device.

2 Thank you.

3 Mr. Michaelson, I think Ms. Jones was putting her
4 earbuds in; and so I had a lot of feedback.

5 Don't -- it's not your -- your problem. I know you
6 didn't intend it.

7 Mr. Michaelson, will you ask Robyn to -- to -- I
8 kind of lost her, that's what happened at Halloween. That's
9 what happened at Christmas. To -- to kind of restate that
10 sentence please.

11 THE WITNESS: That shows these -- we can go over what
12 happened at Halloween, at Christmas. It shows where I stick
13 it out at all costs. I cry to my husband. I pay attorneys
14 to guarantee access to my mom like any normal, capable
15 guardian would be able to do.

16 Q BY MR. MICHAELSON: Okay.

17 A And it shows that Kim is not -- not only is she
18 restricting access through lack of effective -- effective
19 communi- or facilitation and communication, she's not capable
20 of it.

21 Q Okay. I'm gonna guide you through a couple quick
22 examples. One -- one that comes to my mind is you -- you
23 were talking about taking your mother out of town and you
24 were asking -- this was early COVID. And you were asking Kim
25 what the doctor was saying about traveling with your mother.

1 Can you just briefly describe that interaction, those text
2 messages?

3 A Yeah, I could be wrong. We'll have to let -- go to
4 the record. But it was over the course of weeks. And she
5 ignored it a bunch of times.

6 Q Ignored what?

7 A My request to find out if taking my mom to Brian
8 Head was safe.

9 Q And what -- what...

10 A Or...

11 Q ...specifically...

12 A ...(indiscernible).

13 Q ...were you asking Kim to do?

14 A The record is gonna have to stand. We don't have
15 time for me to review it. But I was asking her to confirm
16 with her doctor.

17 Q Okay.

18 A There's altitude issues there as well as COVID at
19 the time.

20 Q Did Kim answer your -- your text messages? You
21 were getting ready to leave town with your mother. Did she
22 answer within a couple of hours?

23 A Oh, wait. Getting ready to leave town with my mom?
24 No. We spent weeks and lawyers trying to figure out if per
25 the May agreement my mom was actually going to go on vacation

1 with us. And my mom is very indecisive. She needs help with
2 those decisions. She can't do her own calendar. And my mom
3 was being told, well, maybe we're gonna go to Arizona. Don't
4 you want to go to Arizona? And I heard this in Kim's home.
5 My husband was there to witness that. Kim lost it at that
6 point, started berating my mom. My son was there. I stood
7 up to -- in front of my mom because Kim was like, just tell
8 her. Just tell her. Just tell her. And that was -- that --
9 at that (indiscernible)...

10 Q Kim was telling your mom to just tell who what?

11 A Just tell us where she wanted to go. But Kim
12 already knows that my mom has a hard time. I mean, that's --
13 you need to gently ask my mom and get an -- get a decision
14 from her. It's -- you -- you can't stand in front of her and
15 yell at her just -- especially with my four-year-old
16 (indiscernible).

17 Q Is this similar in your mind to what Donna
18 experienced about which restaurant to go to?

19 A Yes, yes.

20 Q And Kim's counsel -- so you're saying that Kim was
21 suggesting that it's not good to give mom too many choices
22 because it -- it overloads her. Is that what...

23 A Yeah, I...

24 Q ...you're saying?

25 A ...actually sent a text (indiscernible) that day

1 that says, hey, can you come help? Mom doesn't know what she
2 wants to do. We were days away from when this trip was
3 supposed to take place. And that was -- that -- that's --
4 that's why I won't be...

5 Q Okay.

6 A ...won't have my family around Kim.

7 Q Let me ask you this. So the -- so the trip, where
8 were you looking at going with your mother?

9 A I -- there was a list -- a list of about seven
10 place like because Kim would not give us an answer.

11 Q Okay.

12 A Kim would not say, hey, mom wants to go here, here
13 or here.

14 Q Did...

15 A Or mom doesn't want to go at all.

16 Q Did that...

17 A She wouldn't give us a set answer.

18 Q Did that vacation end up happening?

19 A No.

20 Q Where did your mom go instead?

21 A Arizona like normal where Kim...

22 Q With who?

23 A With Kim and Teri.

24 Q Okay.

25 A The -- the Teri has seen her more times in another

1 state that Kim has managed to get her to...

2 Q Okay.

3 A ...than I saw living in the same...

4 Q Okay.

5 A ...county.

6 Q So your -- your vacation that was planned and
7 contemplated under the May agreement didn't happen for a
8 number of reasons. But do you -- do you feel it was because
9 of Kim?

10 A It was because there isn't a guardian in pla- in
11 place for my mom right now that puts my mom's interests first
12 beyond her -- her own personal life and desires to what seems
13 like make life difficult for her.

14 Q Okay.

15 A Specifically me, but also other people in the
16 family.

17 Q So had you put a lot of planning into that trip?

18 A Well, what do you mean a lot of planning for that
19 trip? I had to plan seven trips.

20 Q Yeah.

21 A I had to go find seven different places that worked
22 in the middle of...

23 Q Okay.

24 A ...COVID that...

25 Q And...

1 A ...had Airbnbs that we could rent that were safe.
2 That might be optional, make sure they were available. Yes,
3 I put a lot of planning...

4 Q Did they have to be...

5 A ...into that.

6 Q ...accessible to your mother?

7 A Yeah.

8 Q Okay. And so and but your testimony is that that
9 trip just ended up not happening.

10 A Yes.

11 Q Okay. But -- but June ended up going with Kimberly
12 to Arizona.

13 A That -- that's what I was told. I -- I don't...

14 Q Okay.

15 A ...I don't...

16 Q Okay.

17 A ...know.

18 Q Who told you that?

19 A I -- I do have to go look at the record. I -- I...

20 Q Okay.

21 A ...don't know...

22 Q Okay.

23 A ...at this point. I don't know if it was...

24 Q Okay.

25 A ...through you with James. I don't know if it was

1 with Kim. But I'm sure we can look...

2 Q It's...

3 A ...it up.

4 Q It's in there. Okay.

5 UNIDENTIFIED SPEAKER: Yeah, she (breaking up -
6 indiscernible).

7 THE COURT: (Breaking up - indiscernible).

8 Q BY MR. MICHAELSON: Okay.

9 THE COURT: Teri, now is not the time for your testimony.
10 I understand that Mr. Beckstrom plans to call you in a
11 moment. Thank you.

12 Mr. Michaelson, continue.

13 MR. MICHAELSON: Okay.

14 Q BY MR. MICHAELSON: So can you talk about getting
15 into the fall, Halloween? There was some interaction with --
16 and you were trying to set some things up for your -- your
17 son. Can you talk about that? Because remember the -- the
18 scope of this evidentiary hearing is -- is the guardian doing
19 or not doing things that are impairing visitation? So can
20 you talk about what -- what was -- what were you trying to do
21 around Halloween?

22 A Bring my son over so that my mom could see her --
23 him in his costume as she had every Halloween of his life.

24 Q Okay. So is that a complicated thing?

25 A No, usually, even with Gerry, I would say, hey,

1 when you guys available? He would...

2 Q Okay.

3 A ...say, this -- anywhere in this time frame. And
4 we would say, okay. We're gonna come over.

5 Q Okay.

6 A And (indiscernible) that with Gerry was just a
7 phone call.

8 Q Okay.

9 A And we -- and then we would come over.

10 Q All right. How old was your son at the time -- at
11 this time?

12 A Four.

13 Q Okay. Was this last year, so 2020?

14 A Or he would be...

15 Q He would turn...

16 A It was four, yeah.

17 Q Okay. This is 2020?

18 A 2020, yeah.

19 Q Okay. All right. So then what happened? Did you
20 -- did you try just calling June to set this up?

21 A Well, our -- I -- I -- probably not because that's
22 not -- that's cruel...

23 Q Okay.

24 A ...to put my mom in a position to do something
25 again and again that she...

1 Q Okay.

2 A ...can't do...

3 Q Okay.

4 A ...is why...

5 Q Okay.

6 A ...none of us do that because we would rather my
7 mom not be...

8 Q Okay.

9 A ...put in that position but to effectuate something
10 she can't.

11 Q So who did you call?

12 A I don't know if I called or texted Kim, probably
13 text.

14 Q Okay. So you contacted Kim. And -- and what
15 happened?

16 A As -- as per usual, it took an extended period of
17 time down to the point -- and -- and (indiscernible) it was
18 just the day before that I called her to schedule it. But
19 halfway through to -- to -- within 30 minutes of when I said
20 we'd like to come over, I had not gotten confirmation that
21 that was going to happen. So we went through all of
22 Halloween morning when he could have been going out to see
23 other people. We had gymnastics. We had other things
24 planned, not knowing whether it was gonna happen. Is that a
25 big deal? No. Is it anxiety ridden? Does it make someone

1 not want to engage in -- in -- with these people because it's
2 so frustrating? Absolutely.

3 Q So...

4 A It happened. I mean, I...

5 Q ...if you had to estimate...

6 A ...forced it.

7 Q You don't have it right in front of you. We'll
8 turn this in with the brief. But if you had to estimate how
9 many times you reached out to Kim to confirm because -- so
10 you had had -- you had had experiences before like on the
11 Mount Charleston trip...

12 A Mm-hm.

13 Q ...where you went where you thought maybe Kim was
14 gonna be there and then she wasn't. Is that...

15 A Mm-hm.

16 Q ...correct? Okay. So it's -- so this time you
17 were confirming that June and Kim would be there if you
18 brought your son over and would -- just estimate how many
19 times did you reach out (indiscernible)...

20 A I -- I don't know. It's gotta be on the record.

21 Q So...

22 A ...even if it was just a couple of times because at
23 this point this late in the game...

24 Q Okay.

25 A ...I know how it goes and having doing what I did

1 with long e-mails and text messages and trying to sort things
2 out and trying to have communication, that ship sailed.

3 Q Okay.

4 A I was not -- I don't know that I was doing that
5 anymore.

6 Q Okay.

7 A Multiple times.

8 Q Okay. All right. So moving on to Christmastime,
9 there was an interaction with -- with -- I -- I think the
10 record shows and the text messages will show that you -- you
11 were trying to -- were you trying to set up a visit with your
12 mother around Christmas?

13 A Yes, and also to confirm whether my mom received
14 flower delivery.

15 Q Okay. And so who did you reach out to -- to make
16 that contact?

17 A Kim. But it might have been Kim and my mom at that
18 point on a text. But my mom doesn't read her own text.

19 Q Okay.

20 A She (indiscernible) but I probably did I think at
21 that point included my mom on that text as well...

22 Q Okay.

23 A ...in the off chance that she would...

24 Q So you -- so one objective was to confirm because
25 you -- had you heard back whether she received a...

1 A No.

2 Q ...flower arrangement?

3 A No.

4 Q Okay. So no contact there. And then the other

5 thing was -- what -- what else were you trying to -- to...

6 A To exchange...

7 Q ...discuss?

8 A ...see my mom and exchange gifts.

9 Q Okay. And so what was your idea initially? What

10 were you trying to do? Was it go over there or go somewhere

11 else?

12 A Yeah.

13 Q ...or...

14 A Go to my mom's house...

15 Q Okay.

16 A ...where she usually has a Christmas tree set up

17 every year and...

18 Q Okay.

19 A ...put her presents under the tree so that she had

20 them for Christmas in case there weren't that many for her.

21 And to let Amph (ph) run around like a normal kid and...

22 Q Mm-hm.

23 A ...to do that for my mom.

24 Q Okay. And so...

25 A And for Amph -- for Amph, my son, to have that