

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

2
3 IN THE MATTER OF THE GUARDIANSHIP No. 83967
4 OF THE PERSON AND ESTATE OF
5 KATHLEEN JUNE JONES, AN ADULT
6 PROTECTED PERSON,

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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 VII

1 experience.

2 Q So did that happen?

3 A No.

4 Q Okay. What happened?

5 A Be- we -- (indiscernible) we could -- she wanted to
6 bring her to my house at the time that house that we were
7 living in was having literally all of the ground floors done.
8 I sent you video of it. They were being stripped and -- and
9 redone. And we were accessing my house through the second
10 floor only. It's 12,000 square feet. There's plenty of
11 room. So it didn't impact us. But it literally left no
12 place for my mom to come into my home. And again, this is
13 during COVID time. I wasn't going to take her...

14 Q Could...

15 A ...to the country club. I wasn't going to take her
16 to...

17 Q Could you...

18 A ...fast food restaurant.

19 Q Yeah. Could your mom access your house through the
20 second floor?

21 A N- n- not without it being very dangerous and
22 difficult.

23 Q Okay. All right.

24 A I mean, stairs and could she do it? Yes. I --
25 yes, she could've. We could've pulled her up there possibly

1 on a spiral staircase.

2 Q Okay.

3 A Yes.

4 Q So you -- so you -- but was she in a walker this
5 time...

6 A No.

7 Q ...or a wheelchair?

8 A Walker.

9 Q Okay. All right. Would that have been safe in
10 your view?

11 A I -- no. But no less safe than in other situations
12 where we have to help her get into a really hot car or
13 something.

14 Q Okay.

15 A It wouldn't have been in her best interest.

16 Q Okay. So that's -- all that is why you were
17 saying, can we come over -- do you want to come to the -- is
18 it the Craft house?

19 A Yeah.

20 Q Okay. So then what happened?

21 A I've been asking for months to be able to visit my
22 mom at the Craft house without Kim there.

23 Q Okay.

24 A And (indiscernible) shouted out of the house and my
25 ears are (indiscernible) and Kim's instability in regards to

1 how she interacts with me.

2 Q Were you asking to visit for like two or three
3 days?

4 A How -- you mean how many days was I trying to plan
5 it?

6 Q No, how...

7 A Oh. I...

8 Q What was the duration of your proposed...

9 A I would've taken...

10 Q ...visit?

11 A ...an hour.

12 Q Like were you gonna sleep over there...

13 A No, an...

14 Q ...a couple days?

15 A ...hour...

16 Q Okay. An hour.

17 A ...would've been fine.

18 Q Okay.

19 A Whatever my -- longer if my mom wanted it. But...

20 Q Okay.

21 A ...any amount of time.

22 Q And so with -- what did Kim say about you coming
23 over?

24 A And she said she absolutely would not leave and
25 insisted on bringing her over -- over a 45-minute drive. So

1 45 minutes both ways.

2 Q Okay.

3 A Exhausting (indiscernible)...

4 Q So...

5 A And again, it's not like these drives are easy for
6 my mom.

7 Q So...

8 A And then my mom is like fresh and refresh when she
9 gets there. You put my mom in a car for an hour, she's gotta
10 get in the car...

11 Q Okay.

12 A ...in the drive...

13 Q So...

14 A ...sitting uncomfortably. Then she has to get out
15 of the car.

16 Q At the time your -- your house -- your residence
17 was about 45 minutes from the Craft house?

18 A Mm-hm.

19 Q Okay. So Kim was saying, I don't want to leave for
20 an hour. And I -- I won't leave the house for an hour. Is
21 that correct?

22 A She (indiscernible). Kim (indiscernible) put it in
23 text message me that she will not leave the house while I'm
24 there.

25 Q Okay. But...

1 A So that I can see...

2 Q ...instead...

3 A ...my mom.

4 Q ...she drove mom -- because you had -- did you
5 acquiesce to that and say, okay, bring mom over?

6 A Of course. I -- just like Kim -- just like all of
7 us did. I've done it longer than everybody else. You're
8 desperate to see her even though they're gonna say, well, if
9 you're so desperate, why don't you call? Well, we don't
10 call. We don't try all these times. I try harder a little
11 bit. Or a little (breaking up - indiscernible). And I was
12 desperate to see her for Christmas, yes.

13 Q Okay. So do you know, does Kim have a helicopter?

14 A Not that I'm aware of.

15 Q Okay. So she -- you probably saw her drive. So
16 she drove 45 minutes to -- to bring mom to your -- your house
17 in Henderson. Is that right?

18 A Yes.

19 Q Okay. And then how long would the drive back have
20 been for Kim.

21 A I would say probably the same.

22 Q Okay. So 45 minutes. So it's an hour and a half.
23 And then how long did -- was there time in between where mom
24 was with you?

25 A Yes.

1 Q Kim had to wait. Okay. So rather than leave the
2 home for an hour, she more than likely spent about two and a
3 half hours delivering mom to your house and then bringing her
4 back. Is that right?

5 A Yes.

6 Q Okay. So what happened when you -- when mom was
7 delivered to you in -- in Henderson?

8 A Everything set up in my car. And we put half on
9 each other. And we laughed. And my mom got my son cowboy
10 boots that he loves. And we unwrapped presents and acted
11 like everything was normal to protect my mom's fragile mental
12 state, which by the way I have no idea what that mental state
13 is because I haven't been given any information about whether
14 my mom's been diagnosed with Alzheimer's and what level she's
15 at or whether it's dementia and what level is that.

16 Q Okay.

17 A So we do our best to support her in her current
18 state even though we don't have valid...

19 Q Okay.

20 A ...information about that and to enjoy our time
21 together and not -- and -- and that's the -- that's the
22 unreality, the crazy -- almost like we're dealing with a
23 psychopath. When Kim just wants to put us in a position to
24 like hang out and to see each other when you can't do that.
25 It's not normal. And we do this to protect my mom. It's why

1 we all avoi- I can't talk for everybody else. It's why I
2 avoid calling Kim. It's why I avoid interacting with my
3 mom...

4 Q Okay.

5 A ...at this point because it -- when my mom asks
6 questions, or when my mom says things, I can't explain why
7 they can't happen without making her feel in- insecure,
8 unsafe in her living environment.

9 Q Okay.

10 A I -- I -- it's -- it's -- I can't be honest with
11 her.

12 Q So you -- you celebrated Christmas with your mother
13 for about an hour in your car?

14 A Mm-hm.

15 Q Parked on the side of the road?

16 A In front of my house.

17 Q Okay. Did you -- did you open gifts?

18 A Yes.

19 Q Okay. And -- and your son was able to give a give
20 to his grandmother?

21 A Yes.

22 Q Do you think that your mother understood why you
23 were celebrating Christmas in the car?

24 A Okay. Understood, absolutely not. She can't
25 contextually understand multilayer things.

1 Q Okay.

2 A If you would ask her why are we celebrating
3 Christmas in the car? She would have likely said, it's
4 because Robyn's floors are being done. Did she have an
5 understanding beyond why we couldn't go to her house or why
6 we weren't in her own home or any of those other things?
7 Absolutely not.

8 Q Okay.

9 A She has wishes. But her wishes, like I want five
10 puppies, are not contextual. She can say, I don't want to do
11 this. But she can't explain why it may be a good idea to do
12 it. She absolutely can say what she feels. But it's not in
13 real- realistic con- context.

14 Q Okay.

15 A And that -- that in her -- that cognitive
16 discrepancy or depic- disparity has been used against her
17 again and again and again throughout the last 18 months.

18 MR. BECKSTROM: I just move...

19 Q BY MR. MICHAELSON: Okay.

20 MR. BECKSTROM: ...to strike these nonresponsive
21 questions. There's no pending question.

22 MR. MICHAELSON: Your Honor, I think this goes to what...

23 THE WITNESS: (Indiscernible)...

24 MR. MICHAELSON: ...I mean, why we -- we don't call Kim
25 and what she's done or not done that makes people not want to

1 work with her as the guardian.

2 THE WITNESS: Impossible.

3 THE COURT: I'm not gonna strike her answer. I think it
4 was responsive to -- to the question about did she understand
5 why having Christmas in the car.

6 Continue, Mr. Michaelson. Ask another question.

7 MR. MICHAELSON: I'll try to wrap this up.

8 Q BY MR. MICHAELSON: So moving to Easter then of this
9 year, again we're picking highlights here. Moving to Easter
10 of 2021, did you -- this is fairly recently. What was the
11 context of the guardianship, and what -- what was happening
12 as Easter was approaching?

13 A The civil case had been settled. Kim had not made
14 arrangements to keep my mom home, sheltered in Las Vegas. It
15 -- she had not been given permission from the Court, clear
16 permission from the Court to move my mom to California. I
17 was very well aware, having known my sister for many -- my
18 whole life and having been subject to the fallout from her
19 choices that she -- that was likely not going to be
20 respected, that her -- we had told that her stuff, my mom's
21 stuff, had been packed in the moving trucks. That's not
22 something someone does that's intending to follow Court --
23 you know, to stay in town.

24 Q Okay.

25 A And we were wanting to see my mom and give my son a

1 chance. Because once this goes to California, it's going to
2 be devastatingly financially to my mom and hard for us to
3 retrieval this. So we weren't -- we weren't sure we were going
4 to have access to my mom for quite a long time when she moved
5 to California. I needed my son to have a chance to
6 understand that grandma was moving to California.

7 Q Okay.

8 A That we weren't going to see her. That we couldn't
9 just, you know, like that she wasn't here anymore.

10 Q Okay.

11 A Like before. Like he needed that moment to wrap it
12 up. Of course he wanted to see her, but I'm used to not
13 seeing her at this point.

14 Q Yeah.

15 A Like I'm used to that, you know.

16 Q Okay.

17 A Like it doesn't -- I don't like it. But I'm used
18 to it. My -- my kid's not.

19 Q Okay. So it's the -- it's the week before Easter,
20 and did you ...

21 A And her -- my mom's living situation was very
22 unstable as far as what we were being told or allowed access
23 to. We didn't know where her belongings were, if they were
24 even...

25 Q Okay...

1 A ...in the state.

2 Q How did you know she had moved?

3 A I sent -- because I -- I sent one of my assistants
4 over because I can't trust anything that says Kim says about
5 it or vague Swiss cheese answers of has she moved? Where's
6 she sleeping at? She's at Denny's.

7 Q Okay.

8 A Like so I sent an assistant over to go see if there
9 was anyone in the house. And we dropped of flowers I think
10 for -- and Easter basket...

11 Q Okay.

12 A ...for my mom, as well, because I had made an
13 Easter basket for my son to give to my mom.

14 Q Okay.

15 A But I saw that probably wasn't likely to happen.

16 Q Okay.

17 A So two birds with one stone, drop off the Easter
18 basket.

19 Q Okay. So you -- you go over there and then what
20 did they tell you? Did you...

21 A Crickets. The house was empty. There was no one
22 there.

23 Q Okay.

24 A It was -- it -- it -- quote, unquote, it looked
25 abandoned.

1 Q Yeah.

2 A Like there was nobody living there.

3 Q Okay. So did you ask me to call Kim's attorney?

4 A Yes.

5 Q Okay. And then on Friday before Easter, what
6 happened?

7 A I think we all spent thousands of dollars and
8 plenty of time trying to figure out what the real, real was,
9 you know, what's the location of my mom, simple things that
10 could've been answered. Can we see her over the weekend?
11 And Kim all of the sudden out of the blue says, well, you can
12 take her if you want to see her the whole weekend.

13 Q Okay. So let me just stop you there. So did we
14 hear from Kim before or after your counsel called her
15 counsel?

16 A After.

17 Q Okay. So...

18 MR. BECKSTROM: Objection (indiscernible).

19 MR. MICHAELSON: Okay. It's a -- it's a fact in e-mails
20 that have been submitted and other pleadings, Your Honor.

21 THE COURT: (Indiscernible) two things at the bat is
22 cleared out by other documents. I'll let her testify to it.
23 But I note the objection that that's -- that's not the course
24 of events from Mr. Beckstrom.

25 But continue. Go ahead.

1 MR. MICHAELSON: Okay.

2 THE WITNESS: Okay. So...

3 Q BY MR. MICHAELSON: So Friday -- let me ask you a
4 question...

5 A Mm-hm.

6 Q ...if you don't mind.

7 A Mm-hm.

8 Q So -- so was it late on Friday when you heard from
9 Kim?

10 A I -- I -- I believe it was into the evening that
11 this took place...

12 Q Okay.

13 A ...on. And the -- we -- she eventually just
14 ghosted us and stopped...

15 Q Okay.

16 A ...writing at all. We...

17 Q Let...

18 A ...jumped in the car so...

19 Q Let me slow you down just a little bit.

20 A Yeah.

21 Q Let me ask you. So Kim initially reached out to
22 you and -- and -- what was -- because you had concerns that
23 she was gone or not living there. What was her offer?

24 A That we could take my mom for the entire weekend.
25 But that was it.

1 Q Okay. Why was she wanting you to take her for the
2 weekend? Where was she going?

3 A Well, she ended up -- her neighbors personal view
4 of her and Dean at the Anaheim house loading someone's
5 belongings into that home and my mom ended up on Sunday in
6 California at Kim's best high school friend, Tricia's...

7 Q Okay.

8 A ...house.

9 Q Okay. Did she tell you that she had a social
10 engagement?

11 A Yes.

12 Q Okay. So she was -- she called you late on Friday
13 and said, I have a social engagement.

14 A I don't know if she called or texted.

15 Q Okay.

16 A And I don't recall the exact...

17 Q Okay.

18 A ...in the record.

19 Q Okay. And she indicated you -- had you planned on
20 this? Had you seen this coming?

21 A I had -- I had seen that my sister would disrespect
22 the Court and would do whatever she cared about because she
23 didn't -- doesn't believe that the...

24 Q Okay.

25 A ...consequences are there even though...

1 Q Did you have plans?
2 A ...she (indiscernible) ...
3 Q Did you have plans for that weekend?
4 A Yeah, it was, I mean, normal everyday plans. Yeah.
5 Q Okay.
6 A Of course.
7 Q Okay.
8 A I had people working. I had the ...
9 Q Okay.
10 A ...events. I have my son.
11 Q Okay. So you had ...
12 A Yeah, we did ...
13 Q ...things ...
14 A ...eight hunts.
15 Q ...happening.
16 A We had all kinds of stuff.
17 Q Yeah.
18 A Yeah.
19 Q And then what did you say to Kim when she said,
20 hey, do you want mom for the weekend? I'm -- I have a social
21 engagement. What did you -- how did you respond?
22 A That it would be really difficult. But I think at
23 one point between you and James, you guys were talking. And
24 I said, I will do it. I will get a room ready for my mom to
25 let her stay overnight right now. My mom apparently doesn't

1 have a problem staying overnight with me.

2 Q Okay.

3 A According to Kim, since that was the offer.

4 Q Okay. But then did you say that you would pick up
5 June? Or what happened next?

6 A We said that we wanted to see my mom. At this
7 point, it was all -- we were on the verge of -- on advice of
8 -- of counsel, on the verge of calling Metro to file a report
9 because we could not, beyond she's at Denny's, we couldn't
10 get a location for her for a clear answer that was believable
11 about where she was going to sleep.

12 Q Did -- did she describe the hotel?

13 A Yes, she said Santa Fe.

14 Q Okay. Did she -- did she -- did you ask her for a
15 room number?

16 A I don't recall.

17 Q Okay.

18 A I think she had ghosted us at that point. I
19 believe that I did, but it's on the record.

20 Q Did you start driving over to see if you could find
21 her?

22 A Yes, and we were also not told that anyone else was
23 with her other than Kim. Come to find out if Kim's in
24 California, who was staying with...

25 Q Okay.

1 A ...my mom? We still don't know.

2 Q Who...

3 A We wanted to find my mom. We were driving out to
4 find her and make sure she was okay.

5 Q Okay. So did you ever hear from Kim again the rest
6 of that weekend after you said, where's mom, we're coming to
7 pick her up?

8 A No, as per usual, I got a very awkward strained
9 call from my mom on Sunday saying, hey, we're at Tricia's
10 house.

11 Q A couple days later?

12 A Yes.

13 Q Okay.

14 A And I said, oh, how long have you been there? And
15 she goes uh, um, uh, uh, I gotta go.

16 Q Okay.

17 A Again, where -- that's been -- that's what it
18 always sounds like when she -- we ask a question that doesn't
19 want answered that she's like told to -- who knows why she
20 (indiscernible). I love you. I gotta go. But we called the
21 Santa Fe and asked who was reg- if Kim, Dean, my m- or either
22 of my mom's names were registered to that hotel. And we were
23 told absolutely not. And we -- we didn't finish driving over
24 there.

25 Q Okay.

1 A That's when we gave up.

2 Q All right. Do you think that it's been -- so
3 there's Easter. We -- we've got vacations, Halloween,
4 Christmas, Easter, as a -- a few high points here.

5 A What about my mom's birthday where she said they
6 was maybe going to Arizona the very next day?

7 Q Okay. What -- what -- tell us briefly about that.

8 A I called the day before, but so like 48 hours
9 before -- the -- the day before my mom's birthday. I said,
10 hey, I'd like to see mom. I didn't call. I texted, I think.
11 You know, what's going on? Oh, well, we might be going to
12 Arizona. And I said, it's like two days from now, 48 hours.
13 Kim said, well, actually tomorrow. Okay. Fine. It's
14 tomorrow. You don't know if you're going to Arizona. And if
15 you're going to Arizona, when can I see her for her birthday
16 otherwise? Like, you know, okay. Fine. You're going to
17 Arizona. Great. What time? Like it was just...

18 Q So it's mom's birthday?

19 A ...we might be going to Arizona.

20 Q She's going to Arizona. Okay.

21 A All -- of course.

22 Q Okay. All right.

23 A I mean, which is great. I want her to see Teri.
24 My sister, Teri, loves her.

25 Q Okay.

1 A I want my mom to have as much time with Teri as she
2 possibly can. My sister, Teri, is a good woman who loves my
3 mom...

4 Q Mm-hm.

5 A ...and will go out of her way for her. And...

6 Q Okay.

7 A ...she'll brush the other stuff off her back in
8 order to see my mom, even more than -- than we can. But I --
9 like my mom being taken to Arizona last minute because Teri's
10 willing every time to avoid spending time with the rest of
11 the family, it -- it's just getting old.

12 Q You -- you...

13 A So I ended up seeing her.

14 Q Okay.

15 A So I said, it's tomorrow. And for -- it -- we're
16 gonna have (indiscernible) works out and (indiscernible).

17 Q Okay. Is a visit as proposed in the legal aid
18 filing that -- that plan, that regime, does that work for you
19 on Friday's at 11:00 or 10:00 or 11:00?

20 A Oh that -- that doesn't have anything to do with
21 me. That -- that doesn't record or account for anything with
22 me. I live out of state. Or for Teri for that matter. That
23 doesn't...

24 Q Okay.

25 A I'm not sure what your question's -- 'cause it

1 seems so obvious that that...

2 Q Okay.

3 A ...that that has nothing -- doesn't hamper us.

4 Q Okay. Just wondering, does it address -- did you
5 see anything that addressed vacation time or...

6 A No.

7 Q ...the ability...

8 A And if you're doing this to put it on the record,
9 fine. But if we want to save time...

10 Q Yeah.

11 A ...no, there's nothing in there that works for me
12 that could be a reasonable schedule in the amount of time
13 driving or flying to California for a one-hour visit.

14 Q Okay.

15 A You know.

16 Q Okay.

17 A No.

18 Q What is it that you -- that would help you have
19 visits with your -- with your mom?

20 A A new guardian. A guardian that believes that my
21 mom has a right to not have access to her restricted or
22 denied through beating people up emotionally and financially
23 and physically in order for it to happen; someone that wants
24 my mom to have a full life with the rest of her family, not
25 just handpicked people.

1 I'd like for Kim to be removed as guardian because
2 there are -- because, number one -- well, number one because
3 of the restriction to my mom; but also because my mom's
4 estate I don't believe can sustain it. And there are other
5 family members, my sister and Donna and I, that will gladly
6 take over guardianship together or individually to provide a
7 better life for my mom, that she have access to every day
8 freely. It's not that Kim's saying, no, you can't see her.
9 No, you can't call her. That's not happening.

10 What is happening is that she makes it so difficult
11 that it has the same effect. So what I'd like to see is for
12 her to be removed. Can we -- can -- can we -- do we want to
13 pay for that or can we afford to do that and it's -- it's
14 financially -- it's a financial hardship absolutely. Barring
15 my sister being removed, I'd like to see private non-
16 monitored time in my mom's home or and in my mom's home and
17 other places, private, not-monitored. I'm absolutely
18 terrified of Dean. I think we've enraged him so much. I
19 think my sister is fearful of Dean. I can- I cannot in good
20 faith...

21 Q Okay.

22 A ...put my son in that environment. So I want to be
23 able to...

24 Q Okay.

25 A ...see my mom without people around. I want Family

1 Wizard so that we can communicate and ask questions, like,
2 hey, Kim, what level Alzheimer's does my mom have; or does
3 she have dementia? Can you show us those documents so we
4 know how to best support her and understand what's coming
5 next? And -- and -- and I would like to see consequences for
6 a guardian that regularly, regularly down to this week, is
7 disregarding what the Court orders. And I -- I think that
8 this Judge is...

9 Q So do you -- and you've had -- have you had
10 difficulty with smaller things, even things like, you know --
11 and I don't want to go too much into this because we put it
12 in the brief. But just briefly, are you -- if you asked a
13 size of mom's article of clothing, is -- is that -- is -- is
14 the guardian responsive on giving you that.

15 A There's, on the record, a situation that took
16 probably an entire day where I had asked, hey, mom says she
17 wants some new shorts. She likes the ones she already has.
18 Can you send me eight links to ones that are in stock that I
19 can order. This is during COVID. Nobody was going into the
20 store. And it -- it...

21 Q Okay.

22 A I -- I plead to anyone in this courtroom, read what
23 happened in the record and how difficult it was for my sister
24 to go look at what those shorts were or ask my mom, hey, are
25 these these shorts? And then go on (indiscernible) and say,

1 these are the ones she wants. The ones she really likes...

2 Q Okay.

3 A ...they don't have in stock. These are the ones
4 she (indiscernible).

5 Q Okay.

6 A It was -- it was -- it was like I was being hit
7 with an ax trying to do something for my mom all day long.

8 Q Okay.

9 A Instead of it's just a simple, here's the links for
10 the eight...

11 Q Do you...

12 A ...pair of shorts your mom would like.

13 Q Do you think that you are one of the few if only
14 ones in the family that has the financial ability to stand up
15 to Kim?

16 A Well...

17 MR. BECKSTROM: Relevance (indiscernible).

18 THE COURT: I'm gonna allow it.

19 Continue.

20 THE WITNESS: Our finances are...

21 Q BY MR. MICHAELSON: You don't need to go into your
22 finances...

23 A Our...

24 Q ...I'm just saying are they...

25 A ...financial ability?

1 Q Yeah. Are you...

2 A Without it being devastating, yes.

3 Q (Indiscernible)...

4 A Without it -- without it compromising -- without it
5 compromising people's ability to pay for the things that
6 their own children need or that they need to secure their own
7 futures, yes.

8 Q Okay. And I was just gonna say, do you -- do you
9 feel that the guardian's insistence -- you -- you mentioned
10 it. I just want to confirm, yes or no. The guardian's
11 insistence on being there during all visits or having the
12 right to be there at any time, so you're not sure if she's
13 gonna be there, does that undermine your family's ability to
14 visit with your mother?

15 A Absolutely. I cannot -- can we bring the gun into
16 this?

17 Q No, (indiscernible)...

18 A I -- I cannot be in an environment where my sister
19 becomes unhinged or Dean becomes unhinged, as has happened to
20 my other family members, with my young son.

21 Q Okay.

22 A I also am concerned about that home being raided
23 while either my sister or Dean are there. And I will not put
24 my husband in that position or myself or my -- my...

25 Q Yeah.

1 A ...my son or myself in that position because if
2 they're not...

3 Q Okay.

4 A ...transparent, I don't know how that house will be
5 run.

6 Q Okay.

7 A And it's -- it's concerning.

8 Q All right. Is there anything else, briefly, that
9 you want to tell the Court before we pass on.

10 A Yeah, that if people want to make this about did
11 Kim ever say, no, somebody can't visit? Did Kim ever say,
12 no, you can't call her? Well, that's different than saying,
13 did Kim make that almost impossible or very difficult
14 intentionally to try to not have visits happen? Those are
15 two very different things that I think need to be clarified
16 and -- and really looked into because I -- I think that we
17 meet the -- the bar for was access restricted? Absolutely
18 it's been restricted as evidenced by my sister's own phone
19 records and -- and efforts that have been made that were
20 successful and -- wait, and successful, wait. Successful for
21 me versus successful for other people, successful for Cameron
22 or some of the other grand kid, and there's more of them that
23 we could've brought, versus successful for Teri or versus
24 successful for Maria. And that alone shows that it -- that
25 we have been restricted and that it is possible because all

1 of that communication, all of this ease for those other
2 people, happens regularly apparently, which is good, which is
3 the way it should be; but it is not happening and has been
4 restricted for the rest of us. And -- and that's all I have.

5 MR. MICHAELSON: Thank you. That's all.

6 THE COURT: Ms. Parra- Ms. Parra-Sandoval.

7 MS. PARRA-SANDOVAL: I just have one quick question for
8 the witness.

9 **CROSS-EXAMINATION**

10 **BY MS. PARRA-SANDOVAL:**

11 Q You have stated that you take time to plan all your
12 vacations. Could you clarify if at any point you were able
13 to ask June if she wanted to go with you on vacation?

14 THE COURT: Robyn, you were muted. So now you're
15 unmuted. Please answer.

16 THE WITNESS: Absolutely. Almost every time. It's like
17 an ongoing thing. And if Gerry were still here, he'd
18 probably say the same thing. My mom loves to travel. She
19 may not be able to as she gets older. She may not even be
20 able to now, or it may just be a fantasy in her head. But
21 almost every time we get together, my mom will ask me about,
22 hey, where we going? And we talk about all the places in the
23 world that would be nice to go to. Specifically for the
24 times that we tried to do it per the May agreement, yeah, I
25 asked her a bunch of times. She said she wanted to go to

1 Brian Head. But she says a lot of things that aren't based
2 in contextual wishes that can occur, that are reality. So
3 simple answer, yes.

4 Q But have you ever asked her on the length of
5 vacation time? Go ahead and answer that.

6 A Yes, hey, you want to go to Palm Springs for three
7 days? Do you want to go to Brian's Head for two? Do you
8 want (indiscernible)? Yes.

9 MS. PARRA-SANDOVAL: Thank you (breaking up -
10 indiscernible).

11 THE COURT: (Breaking up - indiscernible) Sandoval.

12 Mr. Beckstrom, go ahead.

13 MR. BECKSTROM: I want to be really quick.

14 **CROSS-EXAMINATION**

15 **BY MR. BECKSTROM:**

16 Q Ms. Friedman, you referenced a date around
17 (breaking up - indiscernible) tenth where you were locked out
18 of your mother's house. Do you recall that?

19 A 13th, June 13th, yes.

20 Q Okay. It's true that you set up a time frame to be
21 with your mother that day, correct?

22 A No, incorrect. The May agreement had a time frame.

23 Q No, I'm not asking about the May agreement. I'm
24 not asking about the May agreement. I want to know, on the
25 date that you claim you were locked out of the house, you

1 were gonna have your mother from 1:00 to 4:00; correct?

2 A Incorrect.

3 Q Okay. So if the text records showed different,
4 would you defer to those?

5 A Sure.

6 Q Okay. Did you bring your mom home early that day?

7 A No.

8 Q Were you aware that Kimberly was across town when
9 you brought her back?

10 A No.

11 Q Okay. You mentioned Halloween. Do you recall
12 that?

13 A Yes.

14 Q Okay. It's true that your son saw your mom on
15 Halloween, right?

16 A Yes.

17 Q So Kimberly didn't prohibit you from having your
18 mom see your son that day, correct?

19 A Kimberly did, but I overcame her.

20 Q You overcame her. Okay.

21 A Mm-hm.

22 Q You mentioned some vacations. You said you were
23 looking at seven different places. Do you recall that?

24 A Yeah, there's a list of them in text messages of
25 options. I think if not, they're -- yeah. I can probably

1 show them on my computer.

2 Q You were aware at that time Gerry was dying, right?

3 A No, actually I wasn't because we weren't being
4 informed. Is that -- we were -- we were aware that he was in
5 bad shape, which had been ongoing for a long period of time.
6 My mom was traveling other places. No, I was not aware he
7 was dying. I wasn't even aware when he was dead.

8 Q Okay. Did you ever ask Kimberly?

9 A Excuse me? What?

10 Q Did you ever ask Kimberly?

11 A Absolutely.

12 Q Okay. So the text messages won't show that
13 Kimberly advised you that Gerry wasn't doing well?

14 A Yeah, that's not the question you asked.

15 Q Okay. You talk a lot about phone calls, your mom
16 not being able to use the phone; right?

17 A Are you saying those as two different things or as
18 one thing?

19 Q Well, it's an introduction to my statement if your
20 position is your mom can't use her own phone; correct?

21 A As -- I will defer to the record that my mom cannot
22 make phone calls without assistance on her own phone, the
23 phone that she was using at the time.

24 Q Would you agree that regardless of who's guardian
25 of your mom, they're gonna have to assist your mom in using

1 the phone?

2 A Yeah.

3 Q Would you then agree that if you want to contact
4 your mom, you're gonna also have to contact the guardian?

5 A I would love -- have you not -- okay. I'm gonna be
6 a little smart ass. Have you not...

7 Q I just want the...

8 A ...(indiscernible)...

9 Q ...question answered. We're running...

10 A All of us would...

11 Q We're running...

12 A ...love to be able to...

13 Q ...out of time.

14 A ...reach out to the guardian.

15 Q Okay.

16 A I'll answer your question. All of us would love to
17 be able to reach out to a guardian to contact, to have visits
18 with my mom.

19 Q Ms. Friedman, my question -- I've heard you run on;
20 and I was very kind, did not interrupt you; right? You would
21 agree with that?

22 A You were less than kind, always. But go ahead.

23 Q I would like to know if you agree with me that
24 regardless of who is guardian, you would have to contact them
25 to speak with your mother; correct?

1 A Yes, please.

2 Q Okay. How many times have you tried to contact
3 Kimberly in the last six months?

4 A Very few because of the on -- because of the cruel
5 way that she has put my mom in a position as a weapon. And I
6 refuse to harm my mom emotionally in her fragile cognitive
7 state.

8 Q Okay. You talked about Christmastime. Do you
9 recall that?

10 A I'm sorry? What?

11 Q Do you recall Christmastime, speaking about
12 Christmastime and how you weren't able to see...

13 A Yeah.

14 Q ...your mom? Okay.

15 A Mm-hm.

16 Q Kimberly bought your mom a gift for your son. Do
17 you recall that?

18 A Yes.

19 Q Okay. And you did see your mom on Christmas Eve,
20 correct?

21 A Was it Christmas eve, guys?

22 Q Christmas Day, Christmas Eve...

23 A No, I...

24 Q ...around then; right?

25 A No, I don't believe it was either of those. I

1 believe it was before that, but.

2 Q Around? Around Christmas (indiscernible)...

3 A Yeah, it was before -- before Christmas. Yes,
4 before Christmas because -- and the reason for that is, is
5 that I wasn't willing to wait until Christmas Eve or
6 Christmas Day and have it fall apart and then miss seeing
7 her. So I chose, I believe, for that to happen earlier.

8 Q Okay. And you said that Kimberly would not agree
9 to leave the house. Do you recall that?

10 A Yeah, I -- there's -- yeah.

11 Q Okay.

12 A (Indiscernible) I've been told that by Kim on
13 multiple occasions, even prior to when it became a big issue.
14 Like she wouldn't -- she told me she wouldn't leave the house
15 for Gerry (indiscernible).

16 Q Okay. That's fine. Have you ever asked your mom
17 if she wants Kim to leave the house when you're visiting?

18 A Yeah.

19 Q Yeah, would you be surprised to know that she's
20 told her legal aid attorney that she doesn't want Kim to have
21 to leave the house?

22 A No, because you can get my mom to say anything you
23 want because she has Alzheimer's and dementia. Have you
24 tried that? That's why it was so important to be able to
25 talk to her this morning, but I understand why we can't. But

1 all of this -- this -- this is all nonsense. Talk to my mom
2 for five minutes, ask guided questions that really are ask-
3 asking if she has contextual reference. (Indiscernible)...

4 Q Okay. I'm not asking...

5 A ...mom (indiscernible)...

6 Q ...(indiscernible) no pending question. Okay.

7 A Okay. Got it.

8 Q The Christmas visit, Kimberly was not there when
9 she dropped your mom off at the house; correct? You visited
10 alone?

11 A Yes, we did, yeah.

12 Q Easter 2021, you said that you didn't know where
13 your mom was. Is that -- do -- do I understand that
14 correctly?

15 A Yes.

16 Q Okay. And you've mentioned your mom -- or Kimberly
17 telling you that your mom was at Denny's. Do you recall
18 that?

19 A Yes.

20 Q You spoke with your mom that day, correct?

21 A No, I -- I don't recall that. It's possible. Or
22 it's possible I got a phone call and a hang up on. I do not
23 recall speaking to my mom that day. If I did, it did not do
24 anything to reassure me where she was or where she was
25 sleeping or what bed she was in, you know, because she's got

1 Alzheimer's and dementia and honestly can't regularly tell
2 you those things reliably.

3 Q That's right. Because you're afraid of your mom's
4 safety under Kim's supervision, right?

5 A At times, yes, I am, for my mom's financial safety;
6 for my mom's health and physical safety; and in particularly
7 in my mom being homeless.

8 Q Okay. Ms. Friedman, the point of you bringing this
9 motion is to remove Kimberly. Isn't it?

10 A Absolutely not. I -- from the very -- now I would
11 love that. I would love for that to be the outcome. It
12 would provide a better life for my mom and my mom having
13 access to the rest of her family. The point of this motion
14 is to secure visitation and the ability to see my mom
15 regularly because that hasn't happened, no matter the whys or
16 the how. For the last 15 months or however long, I -- there
17 hasn't been, for me or other people, regular visits and
18 access. That's the point of this motion. It asks what I in
19 fantasy land would like. Yes, removal of Kim because aside
20 from visitation, there are many other concerns that we have.

21 Q The point being, you want Kim removed.

22 A Want, yeah, I would love that. But that's not --
23 but -- but right now I want visits. I can't have -- if she's
24 got getting removed, visits is what we want.

25 Q My last question for you is, your mom's been in

1 Anaheim for, what, approximately three or four months now.

2 Does that sound about right?

3 A I don't know.

4 Q Okay. Well, since your mom moved to Anaheim, how
5 many times...

6 A You tell me, James.

7 Q ...(indiscernible)...

8 A How long did -- how long has my mom lived in
9 Anaheim actually?

10 Q I couldn't tell you. But I'm gonna ask you the
11 question of, I want to know how many times you've attempted
12 to see your mom at that Anaheim property.

13 A I have not because I believe Kim has created a
14 situation that is harmful for my mom; and it has created
15 absolute restricted access through -- through the way that
16 she's dealt with my mom and with us emotionally and verbally
17 and the -- the hardship she's made in visitation for
18 everyone. I refuse to put -- I'm not gonna walk up and have
19 Dean shoot me with a shot- with the shotgun...

20 Q All right.

21 A ...we found in my mom's house...

22 Q Okay.

23 A ...when we took over temporary -- I'm not gonna
24 have that happen. No, it's not happening.

25 Q Ms. Friedman, how many times have you asked

1 Kimberly to have your mom come and stay at your house since
2 she's moved to Anaheim?

3 A Oh, we're way (indiscernible) not...

4 Q Just answer. Can you answer yes or no? How about
5 yes or no?

6 A If your client can answer yes or no, I would; and
7 she hasn't. She gives vague answers.

8 THE COURT: So, Robyn. Robyn.

9 THE WITNESS: Yeah.

10 THE COURT: I need you to answer the question, please.

11 THE WITNESS: Okay. No, no, no. I -- I'm okay. I'm
12 okay. I won't be shamed for it because I think the Court
13 understands the situation. No, I have not.

14 Q BY MR. BECKSTROM: You have never asked Kimberly to
15 see your mother at your house or any other place since she's
16 moved to Anaheim, correct?

17 A Incorrect, I asked to see her through you, through
18 counsel, on Mother's Day weekend.

19 Q You never asked Kimberly directly, correct?

20 A Isn't -- is -- I think through you is legally
21 directly. But go -- yeah, no?

22 MR. BECKSTROM: No further questions.

23 THE WITNESS: We can play the game all day, James. Of
24 course I didn't contact her. You see (indiscernible)...

25 MR. BECKSTROM: My time is limited, Ms. Friedman. Your

1 attorney...

2 THE COURT: Thank you.

3 MR. BECKSTROM: ...took eight hours for this hearing. So
4 I want to...

5 THE COURT: Thank...

6 MR. BECKSTROM: ...move on.

7 THE COURT: Thank you.

8 Mr. Michaelson, anything else?

9 MR. MICHAELSON: No.

10 THE COURT: Ms. -- oh, thank you. That leaves us then,
11 Mr. Michaelson, is that the extent of your witnesses today?

12 MS. ROBYN FRIEDMAN: That's why I didn't -- ask
13 (indiscernible) that I didn't contact my sister
14 (indiscernible).

15 MR. MICHAELSON: No, it's (indiscernible).

16 MS. ROBYN FRIEDMAN: Okay. So ask. I just want to
17 explain it. It involves attorneys every single time. And it
18 -- we -- we couldn't trust Kim to (indiscernible)...

19 THE COURT: The problem is that -- is I can hear you, Mr.
20 Michaelson, and, Robyn, chatting. If we were in the
21 courtroom, I might not be able to hear you whispering. Those
22 are not conversations that ethically or that I should hear.
23 And I know that you don't mean for me to hear them, but I
24 can. I can hear them. Mr. Michaelson has indicated that he
25 has no other questions. Do you have any other witnesses, Mr.

1 Michaelson. I believe those are all the witnesses you
2 planned on calling.

3 MR. MICHAELSON: That's correct, Your Honor.

4 THE COURT: Thank you.

5 Ms. Parra-Sandoval, indicated that she doesn't have
6 any witnesses.

7 Mr. Beckstrom, you indicated you have two. Who
8 would you like to call first?

9 MR. BECKSTROM: Kimberly Jones.

10 THE COURT: Kimberly, will you raise your right hand to
11 be sworn?

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

15 THE COURT: Kimberly, you're muted. Will you unmute
16 yourself. There you go. Kimberly, can you (indiscernible).

17 MS. KIMBERLY JONES: (Indiscernible).

18 THE COURT: Wonderful. Thank you.

19 MS. KIMBERLY JONES: Okay.

20 THE COURT: Go ahead, Mr. Beckstrom.

21 **KIMBERLY JONES,**

22 having been duly sworn, testified as follows:

23 **DIRECT EXAMINATION**

24 **BY MR. BECKSTROM:**

25 Q Kimberly, you're the appointed guardian for your

1 mother, June Jones; correct?

2 A Yes.

3 Q How many hours a day do you generally care for your
4 mother?

5 A Twenty-four.

6 Q Okay. What does that care entail?

7 A Cooking, medications, shopping, social, everything,
8 completely everything.

9 Q Keeps you pretty busy, right?

10 A Yeah.

11 Q Okay. During the time you've served as guardian,
12 have you ever refused any of your family members access to
13 your mother?

14 A No.

15 Q Have you ever had an instance where a family member
16 asked to visit with your mother and you said, no?

17 A No.

18 Q Has there ever been an instance where your family
19 member has called your mother and you have not allowed her to
20 answer the phone?

21 A No. And if -- if they do call, no, not that I
22 haven't allowed her to answer the phone, never. If they do
23 call and she misses a call, I always make sure to call back.
24 I don't think that's been argued.

25 Q Do you assist your mother in using the phone?

1 A Yes.

2 Q Okay. In what ways do you do that?

3 A I will pick up the phone and say, hey, let's call
4 Donna. You know, or if she sees something, you know, I'll
5 say, okay. Let's call Jennifer. Let's FaceTime her -- her
6 granddaughter, Jennifer. Yeah, so I -- I assist her.

7 Q Okay. And during the time you've served as
8 guardian, have you assisted your mom in calling Robyn on the
9 phone?

10 A Yeah, every time.

11 Q Have you assisted your mother in FaceTiming Robyn
12 on the phone?

13 A Yeah, absolutely. I was gonna say more so at the
14 beginning.

15 Q Okay. How about Donna? Have you assisted your mom
16 in calling Donna on the phone?

17 A Yes, all the time; but she never answers.

18 Q Okay. How about FaceTiming Donna, have you helped
19 her with that?

20 A Yes.

21 Q Okay. Let me just condense a couple of this. Give
22 me one moment.

23 MR. BECKSTROM: Court's indulgence.

24 Q BY MR. BECKSTROM: You're currently living in the
25 Anaheim property with your mother, correct?

1 A Yes, we are.

2 Q Okay. Since moving to the Anaheim property, have
3 any of your family members asked to visit with your mother?

4 A No.

5 Q Okay. Has anyone called to ask to visit your
6 mother?

7 A No. Robyn called like April -- it was the
8 beginning of April and talked to my mom. And then my mom
9 called her a few days later. And they talked for a short
10 time. But nobody else has called. We -- I've called Donna
11 multiple times we've called Scott. Neither of them answer or
12 return calls, for me or for my mom.

13 Q In the last six months, has Donna ever asked to see
14 your mother?

15 A No.

16 Q In May of 2020, do you recall trying to coordinate
17 a visitation schedule for your mother?

18 A Yes.

19 Q Okay. And what attempt did you make to coordinate
20 that schedule?

21 A Oh, I -- I said, okay. Let's -- let's do it.

22 Q It was discussed...

23 A And...

24 Q Oh, I'm sorry.

25 A I'm sorry.

1 Q No, go ahead. Continue.

2 A So I said, yeah, let's go ahead and do it. And my
3 mom didn't want to do it. But I said, let's just give it a
4 try. And she did a few times, maybe for like a month or a
5 month and a half, and absolutely hated every -- every time.
6 And for her, she kept saying, I'm retired. I'm retired. And
7 she wanted to know where she was going, you know? She would
8 -- wasn't involved in any of that decision-making or
9 anything. It was just, like, I don't know. Robyn's just
10 gonna come pick you up. And it was problematic. She just --
11 she hated it. She didn't want to go. And she looked at it
12 like she was being treated like a child.

13 Q Okay. What type of cell phone does your mother
14 have?

15 A She has her iPhone watch and then the regular cell
16 phone.

17 Q Okay. Can you...

18 A iPhone.

19 Q Okay. Can you describe for us the process of your
20 mom receiving a call?

21 A So it'll -- it'll ring on her wrist. And that's
22 how she knows that a call's coming in.

23 Q Okay.

24 A Or we can set it to ring -- ring like where you
25 could hear it, as well.

1 Q Okay. And does she use earphones to talk on the
2 phone?

3 A I'm sorry?

4 Q Does she use earphones?

5 A Yeah.

6 Q Okay. Why is that?

7 A Well, I was trying -- I was trying a lot of
8 different way is to like enhance her hearing. I took her --
9 her to Costo where Robyn bought her ear -- like ear hearing
10 aids two years ago. But she refused to wear them. So we
11 took her back there. She got her ears retested. I tried to
12 encourage her to wear hearing aids again. She didn't want to
13 do it. So I got her hearing amplifiers. She didn't want to
14 do it. I've tried earbuds. Sometimes she'll wear them.
15 Sometimes she'll just do speaker phone.

16 Q Okay. And prior to the guardianship being
17 implemented, how would you describe your -- your
18 communication with your mother over the phone?

19 A You mean, like how many times did I talk to her?

20 Q Yeah, did your mother -- in your opinion, did your
21 mother like talking on the phone prior to the guardianship?

22 A Oh, God no. No, no, no. Historically her entire
23 life, it's always, you know, you're lucky if you get two
24 minutes out of her...

25 Q Your mom's not a...

1 A ...on the phone.

2 Q ...person?

3 A She is really not a big phone person, at all.

4 Q Okay.

5 A She will, however, have like her girlfriend that
6 she used to work with, you know, they'll talk. Her name is
7 Marilyn (ph). They'll talk for, you know, I don't know
8 probably like max, max, eight minutes.

9 Q Okay.

10 A Max.

11 Q And to be clear, there's been a lot of talk about a
12 visitation schedule. You heard that testimony, correct?

13 A Oh, yeah.

14 Q That's not your proposed visitation schedule,
15 right?

16 A Absolutely not.

17 Q Okay.

18 A Absolutely not, no.

19 Q Do you want a visitation imposed?

20 A No, not -- not particularly, no, because it's not
21 what my mom wants. And I think it would be healthier and
22 better for her and everybody else if, like Donna said, when
23 we move to Anaheim, I really believed, as did Donna, that,
24 you know, she was gonna be able to see everybody a lot more
25 often. I mean, that -- that -- that was like looking forward

1 to it, as was Donna, she said. And then we got here and
2 radio silence, which is about the same time that legal aid's
3 proposed visitation came out.

4 And my entire family now thinks that Maria's
5 proposed visitation schedule that she discussed with my
6 mother is my proposed visitation schedule. And that is
7 absolutely not true. And it was heartbreaking to see my
8 nephew and my ne- niece saying, you know, we don't want a
9 visitation schedule. Well, the point is that nobody does.
10 The visitation schedule in and of itself was brought on by
11 Robyn. And if she wants to have a visitation schedule, I'm
12 not against it.

13 However, my mom talked to Maria. She said that
14 that's what she wanted. And that's how that came about. It
15 was -- and -- and I don't support that in any way besides if
16 that's what my mom wants, it's what she wants. I think that
17 it should be just like Donna. And I thought it was gonna be.
18 Okay. Just come and visit your mom. We're moving to
19 California for this reason. So it's now that I'm hearing --
20 now that I'm on this hearing, I'm going, okay. I get it. I
21 get it. Everyone thinks that I want a one-day-a-week, one-
22 hour visitation schedule. That is absolutely not the case.

23 And Maria and my mom had talked about that. And
24 like I said, I -- I'm not in support of it because it's
25 really -- I would like her to see Donna and everyone else

1 much more often like Donna and I were doing and I was taking
2 her to her house on a normal basis and that -- and I was
3 looking forward to moving down here and having that. But now
4 that everyone believes -- I mean, listen to my brother's
5 testimony. My God. You know? I don't want a visitation
6 schedule that's restricting of my -- of my mom. And my
7 concern was that how could a visitation schedule be put in
8 place for my entire family and the grand kids when only two
9 people are bringing the petition and Donna says she doesn't
10 even want a visitation schedule. She just wants it to be how
11 it was.

12 So what I'm saying is, sitting here listening to
13 all of this, it all makes sense. I was agreeable to the
14 mediation visitation schedule, even though my mom doesn't
15 want it. We weren't able to reach a -- an agreement. I'm
16 agreeable to every Friday if that's what they want to do.
17 I'm agreeable to every Friday and then seven days a week.

18 Q Okay. Kim, if -- if Ms. Friedman wants to take
19 your mom on vacation, do you have any problem with that?

20 A No.

21 Q Okay. If Ms. Friedman wants to take your mom over
22 to her house overnight, do you have any problem with that?

23 A I -- I don't have a problem with it, but my mom has
24 expressed she doesn't want to stay the night at anybody's
25 house; however, I -- I think that she would at Donna's house

1 because they've always had a close relationship. But I
2 think...

3 (WHEREUPON THE MATTER WAS TRAILED
4 AT 04:46:58 AND RECALLED AT 04:46:58.)

5 A ...is that I freaked her out so much that she's
6 scared to -- to do -- to do things because this -- this has
7 created so much turmoil and obviously in the family, they're
8 all thinking that I want this one-hour visitation schedule
9 that it -- it has made my mom, you know, she -- she's -- just
10 wants a safe environment. She wants to have normal
11 visitation with her kids. And she doesn't want a forced
12 visitation schedule because she already tried that and she
13 hated it.

14 Q All right. Kimberly let me give you an example.
15 If someone in your family asks their -- your mother if she
16 wanted to see them tomorrow...

17 A Uh-huh.

18 Q ...your mother said, yes; and that family member
19 then called you and said, mom said she wants to see me
20 tomorrow...

21 A Yeah.

22 Q ...would you coordinate that visitation?

23 A Yeah, I'd be like cool, great, just like I have
24 with Donna on other -- on other times, many other times.

25 MR. BECKSTROM: In the interest of time. I don't have

1 any other questions. I'd like to get Ms. Butler, Your Honor,
2 on here. I don't know how late we're gonna go today.

3 THE COURT: I -- I -- I could keep going. We're so close
4 to the end. I -- I prefer to finish this. Does...

5 MR. BECKSTROM: All right.

6 THE COURT: ...anyone or any counsel have any time
7 restrictions today that would limit them from finishing up?

8 There being none, Ms. Parra-Sandoval, do you have
9 any questions for Ms. Jones?

10 MS. PARRA-SANDOVAL: I don't, Your Honor.

11 THE COURT: Mr. Michaelson.

12 MR. MICHAELSON: I do, Your Honor.

13 THE COURT: Go ahead.

14 MR. MICHAELSON: Okay.

15 **CROSS-EXAMINATION**

16 **BY MR. MICHAELSON:**

17 Q You mentioned a few minutes ago that no one has
18 called to visit your mother. Do you think that's unusual?

19 A I'm sorry. Could you repeat the question?

20 Q You mentioned a few minutes ago in response to your
21 attorney no one has reached out to you to visit your mother.

22 A No one has called at all, whether to visit or to
23 say hi to my mom or anything.

24 Q Okay.

25 A Besides the time that I told you that Robyn and my

1 mom called at the beginning of the month but we have called
2 often.

3 Q Okay. Does that strike you as unusual?

4 A No, because my mom hasn't talked to Scott, maybe
5 one time in the last year or year and a half besides
6 Christmas. And because they all think that I only want them
7 to see my mom once a week for an hour, so if they were to
8 reach out or if they were, Donna was to take me up on any of
9 the times that I've offered, you know, for Saturdays or to
10 actually answer her phone, she doesn't even answer the phone
11 for my mom calling her since we've been here. Then it would
12 kind of screw up what they had going on. But the fact of the
13 matter is, yeah, I do think it's unusual. Because if I
14 wanted to see my mom, there's not gonna be a damn thing
15 that's gonna stop me. I'm gonna call, call, call. I'm gonna
16 send mail. I'm gonna do all of those things. So, yeah, for
17 radio silence to occur and I'm in a position where I'm
18 telling my mom, hey let's call Donna. Yeah, (indiscernible).

19 Q Okay. You're -- so, Kim, do you -- would it
20 surprise you if the bigger issue was not the very recently
21 proposed schedule, but more of the fact that you wouldn't
22 leave when people want to visit?

23 A Yes, considering that the only person who's ever
24 said that has been everybody recently because they all think
25 that. But besides before the visitation schedule with the

1 one hour, I was going to Donna's, dropping my mom off, going
2 on boat rides, yeah, so, yes, yeah.

3 Q Okay. So that's surprising you. So have you ever
4 refused -- you testified a moment ago that you've never
5 refused a visit to anyone.

6 A I've never told anybody, no.

7 Q Have you ever -- okay. Have you ever refused to
8 leave when someone wanted to visit your mother?

9 A The only person who's ever -- ever even brought up
10 leaving or asked to see my mother has been Robyn. And I told
11 Robyn, like I'm not gonna leave. She's more than welcome to
12 come over anytime she wants, more than welcome to take my mom
13 wherever she wants because my mom has said she doesn't want
14 me to leave. And I don't want to leave because I live in the
15 same house. So, no, to answer that -- your question, nobody
16 else has ever asked me besides Robyn.

17 Q What do you think of the -- the testimony, you
18 heard a number of members of your family today testify that
19 your refusal to leave would undermine their -- their ability
20 in their mind to visit their mother?

21 A I think that, and obviously through this
22 proceeding, that they all think that I want to restrict them
23 to seeing my mom to one hour as a blanket statement for the
24 whole entire family, when I don't see how an order could be
25 for the entire family. And it's not what I wanted. So I

1 think that -- I think that there's obviously communication
2 issues going on and, you know, that's -- that's -- in this
3 type of litigation, the only one who wins are the attorney's,
4 you know, because hearing my family today just blew me away
5 because no one has ever asked me. No one's ever asked me to
6 leave or any of those things at all. They all think that I
7 want to limit it to one hour visitation a week when I was
8 looking forward to coming down here and having, you know,
9 more family involvement for my mom.

10 Q The question was actually what do -- what do you
11 think of the testimony today of several members of your
12 family saying that your refusal to leave would -- would make
13 them uncomfortable or otherwise make them not feel like they
14 can visit their mother.

15 MR. BECKSTROM: Objection, misstates testimony. The
16 testimony (breaking up - indiscernible).

17 Q BY MR. MICHAELSON: The testimony was also Kim's and
18 -- and that -- there was a number -- I think almost -- I
19 think everyone...

20 UNIDENTIFIED SPEAKER: Monitored.

21 Q BY MR. MICHAELSON: ...testified that it was also
22 saying they don't want to be monitored.

23 A I think that everybody also is under the impression
24 that's all I want is one hour every Friday. That's not true.

25 Q Okay. That's not my -- that's not my question.

1 MR. BECKSTROM: Objection.

2 THE COURT: Mr. Michaelson...

3 THE WITNESS: Can you repeat the question.

4 THE COURT: ...ask it in a different -- in a different
5 way.

6 MR. MICHAELSON: Okay.

7 Q BY MR. MICHAELSON: Do you understand that your
8 refusal to leave family members alone a little while with
9 their mother is inhibiting their ability to visit their
10 mother.

11 MR. BECKSTROM: Same objection, misstates testimony.

12 THE COURT: If you know, Kimberly. Do you understand
13 that? That's the question.

14 THE WITNESS: I understand (indiscernible).

15 THE COURT: Okay.

16 THE WITNESS: They can come get my mom and take her
17 somewhere else or I've offered to have -- not go in the
18 common area. So I think that's sufficient. I'm not -- I'm
19 not withholding at all.

20 Q BY MR. MICHAELSON: Okay. So do you -- is the house
21 that you're living in right now, is it your house or your
22 mother's house?

23 A It's the house that we all grew up in.

24 Q Okay. Who does it belong to?

25 A My mom.

1 Q Okay. So what -- what room does your mother live
2 in right now?

3 A She lives in the front bedroom.

4 Q The master bedroom?

5 A No, she didn't want the master bedroom. She wants
6 that front bedroom.

7 Q Okay. Okay.

8 A I even tried to get her to move into the -- the
9 master or the other one. She doesn't want it.

10 Q Do you understand why someone would not -- some
11 members of your family, the ones who testified today, would
12 not appreciate having you refuse to leave? Do you understand
13 what they're -- where they're coming from?

14 A Yes, I understand. I understand.

15 Q Okay. Do you understand that Dean's presence would
16 be uncomfortable for them?

17 A I understand what they're saying. I speak English,
18 yes.

19 Q Is Dean...

20 A Is there any legitimacy to it? No. But, yes, I do
21 understand.

22 Q Okay. Is Dean at the house a lot?

23 A Yeah, he's here quite often. He doesn't live here.

24 Q Okay. Do you have plans to -- is there plans to
25 live there?

1 A We don't have any plans at this time.

2 Q But that's not out of the realm of possibility?

3 A I don't -- I can't answer that. I don't know.

4 Q Okay. Okay. So, yeah, where does Dean live?

5 MR. BECKSTROM: That's outside the scope, relevance.

6 MR. MICHAELSON: I think it's on...

7 THE COURT: Mr. Michaelson, how is it relevant if he --
8 if she's testified he doesn't live there at the house?

9 THE WITNESS: No, he doesn't live here. He stays here
10 sometimes as a, you know, boyfriend would.

11 Q BY MR. MICHAELSON: Ms. Jones, do you -- do you
12 agree that Robyn and Donna have said if your mother doesn't
13 want to visit with them, then -- then that's okay
14 irrespective of any schedule?

15 A Have I heard them say that?

16 Q Or seen it in pleadings? Or are -- I mean, are you
17 aware that -- that they're okay if mom wants to refuse a
18 visit?

19 A Are you talking about a visit because she doesn't
20 feel good or are you talking about seeing them all together?

21 Q Any -- any reason. I mean, do you...

22 A Yeah, because my mom would never say don't want to
23 see them because that's not the case. But if she's -- if mom
24 is not feeling well, I don't think it would be an issue.

25 Q Okay. But my question was, are you aware that

1 Robyn and Donna have taken the position that if mom -- even
2 if there's a schedule, there's -- let's call it an
3 opportunity...

4 A Why are you calling her that?

5 Q Because it seems like the word schedule seems to be
6 -- has a bad connotation here. So I'm gonna call it
7 opportunity. Let's say that there's some- there's a schedule
8 or an opportunity coming up to visit mom, are you aware that
9 Robyn and Donna have taken the position that if mom doesn't
10 want to do it, they -- they wouldn't want her to be forced to
11 do that?

12 A I -- I couldn't say -- I can't speak for Robyn or
13 Donna; but I would assume that they would, you know, say, if
14 mom didn't want to do something that they would say, okay.
15 However, the fact that we're here right now is a little kind
16 of points to a different -- different fact.

17 Q It's just whether you're aware. And I -- I don't
18 know if I should infer that you're saying that you weren't
19 aware of that because they've made that claim many times in
20 the pleadings in this case that they're not trying to force
21 mom. But you -- a minute ago, you used the word, mom doesn't
22 want to be forces.

23 A Well, that's what she -- that's -- yeah, she wants
24 her own schedule. She said she's retired.

25 Q Okay. So in what way would she be forced to do

1 anything? Who would be forcing her to do something?

2 A I'm not sure I understand your question. I -- if
3 I'm -- are you saying like if she has a court order, a
4 visitation, do I see that as being enforceable?

5 Q No, I'm just saying you mentioned -- and -- and it
6 seems like in the -- in your pleadings, you often talk about
7 mom shouldn't be forced to do anything. And I'm trying to
8 understand who in these proceedings is trying to force or
9 compel mom to do something?

10 MR. BECKSTROM: Objection.

11 THE WITNESS: But I can...

12 MR. BECKSTROM: Lack of foundation.

13 THE WITNESS: Yeah, the only -- I don't know. I really
14 think that when you tried this before, the visitation, she
15 hated it.

16 Q BY MR. MICHAELSON: Okay. Okay. So yours -- your
17 position is -- a minute ago you testified that mom wouldn't
18 say that she doesn't want to see her kids. She -- she wants
19 to visit with her kids.

20 A Yeah, yes.

21 Q Okay. But then I've also heard you say when those
22 visits were arranged, she just hated it.

23 A Yes, because she wants -- she wants to -- and I
24 want her to be -- participate in making her schedule and
25 things like that. That's what she wants to do.

1 Q Okay. But if we're asking -- I mean, it's just --
2 okay. I'm still just trying to understand who's forcing her,
3 who you think is forcing her to do something.

4 A I think that...

5 MR. BECKSTROM: Vague and ambiguous.

6 Hold on. I -- I'm sorry.

7 Vague and ambiguous as to form of the question and
8 lack of foundation.

9 THE COURT: Mr. Beckstrom, we -- we've been through a
10 couple of iterations of this question. And I know that you
11 had an objection previously. I'm not sure how else Mr.
12 Michaelson can state this question.

13 MR. BECKSTROM: Okay.

14 THE COURT: I'm interested though in -- in the back --
15 back and forth here. I think it is relevant. He's stated a
16 few times Robyn's and Donna's position. I'd like Kimberly to
17 answer the question.

18 Mr. Michaelson, I'm happy for you to restate it in
19 another way.

20 THE WITNESS: Please.

21 THE COURT: Or maybe break it down into smaller parts.

22 MR. MICHAELSON: Yeah.

23 Q BY MR. MICHAELSON: Sometimes I worry that we're
24 trying to label things here. And we're saying that any
25 family schedule -- like you said, you brought up a minute ago

1 that, you know, if two people get a schedule that doesn't
2 include the rest of them; right? Do you remember saying
3 that? The rest of the family?

4 A No, I think that what I said was two people brought
5 the petition and then all of a sudden it talks about how my
6 mom can only see her entire family during, you know, one
7 hour; and that is -- I would never -- I would never -- how
8 can you put an order that's going to include your entire
9 family when only two people are bringing a petition?

10 Q You could say then...

11 A And I hope that they would see her more than that
12 one hour.

13 Q Okay. So you would say that it would be fair if
14 there was more coordination with the rest of the family?

15 A Well, I -- I think it would be fair if the rest of
16 the family knew because obviously Donna didn't even know that
17 the petition that's from Maria, legal aid, that's from my mom
18 and her attorney. If Robyn -- you know, if -- if Robyn wants
19 a visitation schedule and that's what my mom said she wanted,
20 fine. But I would hope that anybody, all of them would want
21 to see my mom more than one hour, you know, a week,
22 considering that everybody lives so close by. And like Donna
23 said, that's what I thought was gonna happen when we moved
24 here. And Donna obviously is under the same impression...

25 Q So (indiscernible)...

1 A ...that I'm saying one hour a week.

2 Q Okay. Who -- who do you think -- and I -- I'm not
3 really as going towards the legal aid proposal that's the one
4 hour a week. I'm talking about your words that she's being
5 forced. I'm just trying to get you -- to get an
6 understanding of who you think is forcing your mother.

7 A I think that -- that my mom wants her -- and she's
8 told me, I'm retired. She didn't -- she didn't want to go
9 see Robyn every Tuesday, Thursday or whatever it was. She
10 went. I encouraged it. And it happened until my mom said,
11 no, I'm done. And that's where the word forced in my -- in
12 my perception, that's where that word comes from.

13 Q Okay. So -- so do you think that there's a --
14 there's the idea of a schedule, which is a -- I think in our
15 context means like a recurring thing that happens, like,
16 let's say, every Saturday or every Friday.

17 A Yeah. Like what we tried before, right.

18 Q Okay. So would you agree that -- and I'm not an
19 English major, but would you agree that that's like a noun?
20 It's a thing. A schedule is a thing. Are you familiar with
21 -- and I'm -- I know I mean this with respect because I
22 barely know this. Do you know the difference between a verb
23 and a noun?

24 A So what is -- so you're asking me if -- if I think
25 that a recurring schedule is a thing. It's an -- it's...

1 Q Yeah.

2 A ...like an entity, yes.

3 Q As opposed to the activity of scheduling something.
4 It's like a verb. It's an action.

5 A Right.

6 Q You schedule something.

7 A Right.

8 Q So according to you, if someone calls up your mom
9 and says, hey, I want to visit this Saturday. And -- and
10 your mom says she wants to. And so you will -- you would
11 facilitate that. Is that correct?

12 A Yeah, I have, yeah.

13 Q Okay. And so you -- you would take action there.
14 So the part that you object to is if there's any kind of
15 recurring quality to this schedule. You -- so it's okay if
16 it's this Saturday; but if we said every Saturday, that's not
17 -- every Saturday there's an opportunity, that's not okay
18 with you.

19 A No, so I -- I would be happy and I always have said
20 whenever you guys want. I've been agreeable to the schedule
21 even before we got to mediation. I was agreeable to the
22 schedule in mediation. We can paraphrase it and call it a
23 fake schedule or anything, but the bottom line is that I have
24 been and I always continue to be agreeable so that my mom has
25 relationships with his family. What I'm saying is that

1 seeing this and today listening to all this, they clearly
2 think that I only want them to see her one hour a week. And
3 they all think that that's true, that that is coming from me.
4 They have no idea that I've been open and agreeable to all of
5 this the whole time.

6 Q Okay. So if...

7 A So we can call it...

8 Q ...someone brings...

9 A ...a recurring schedule or not, same thing.

10 Q Okay. So right there, and again, I'm -- I'm -- I
11 don't mean this in a -- in a dismissive way to you; but I --
12 I've heard sometimes you say schedules are bad; and then I'm
13 hearing you say you're okay with that because you want the
14 family to have some expectation of when they can visit.

15 A No, if Robyn needs it -- we're talking about a
16 visitation schedule for one person until they all thought
17 that I was 100-percent supportive of this one-hour Friday
18 thing. You heard Donna testi- testify. She said, we were
19 really looking forward to mom moving down here to see her of-
20 more often. Well, yeah, so was I. And I get down here and
21 it's radio silent, no phone calls, no anything. I'm calling
22 them and no nothing back. So clearly there's a disconnect.

23 Q Yeah, all right. Do you...

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

25 Q ...think that that -- that that has anything to do

1 with your refusal to leave when they come to visit?

2 A It's never been brought to my attention by anybody
3 but Robyn.

4 Q Okay. But you heard it today from a number of
5 witnesses who are under oath. They said that your refusal to
6 leave undermines their -- they just don't feel comfortable
7 feeling like they're being watched over. So...

8 MR. BECKSTROM: Objection.

9 Q BY MR. MICHAELSON: So if...

10 THE COURT: I'm noting -- I'm noting Mr. Beckstrom saying
11 objec- objection.

12 Ms. Jones, is that what you heard today, that
13 people are concerned with that -- what they perceive as your
14 refusal to leave?

15 THE WITNESS: Yes, I heard them say that today, yes.

16 THE COURT: All right. So do you think that is a part of
17 their hesitancy to visit?

18 THE WITNESS: No, not at all. I think Donna's testimony
19 proved that.

20 THE COURT: Okay.

21 Mr. Michaelson.

22 MR. MICHAELSON: Okay.

23 Q BY MR. MICHAELSON: So if you were asked to, and
24 again, not -- not abruptly or at everyone's whim, but in some
25 reasonable way, if you were asked to say, hey, it's mom's

1 house. This family wants to come over and visit, and they --
2 they were wondering if they could do that without you there.
3 What would you say to that?

4 A I would say I have no problem running errands,
5 leaving the house, getting some time to myself or going back
6 in an area that's not a common area.

7 Q Okay. But what if they felt like even you being
8 there just because, you know, you might have to come out or
9 something like that, they -- if they object to that, can you
10 understand why they might object to that?

11 A I'm sorry? Can what?

12 Q I'll just move on here. Do you -- do you think
13 that your mother could arrange a visit on her own?

14 A Well, I do all the scheduling and everything.

15 Q Okay. You mentioned before that your mom does not
16 like overnight visits. On that Easter weekend when you were
17 leaving town, did you -- why did you offer to Donna to -- to
18 take mom for the weekend -- I mean, I'm sorry, for Robyn to
19 take mom for the weekend?

20 A For the same reason that I offered to Donna and
21 Donna testified to today, because I think it's good for her
22 to see her family; and I don't withhold her; and even though
23 my mom doesn't want to, just like with visits, I encourage it
24 and offer.

25 Q Okay. So sometimes overnight visits might be good

1 for mom?

2 A Sure, and Donna and I, both, have talked to my mom
3 about that; and she just didn't want to do it.

4 Q Okay.

5 A But hopefully she'll get to where she does, you
6 know.

7 Q Okay. Do you know, Kim, do you know what kind of
8 dementia or Alzheimer's your mother has?

9 A She has Alzheimer's.

10 Q Okay. And what level is that?

11 A I believe that you guys have the medical
12 information.

13 Q Okay. Well, it may (indiscernible)...

14 A What do you mean what level? What -- what level?

15 Q I just mean, have you had your mother evaluated in
16 the last couple of years?

17 A Yes, so are you asking is it late on -- late onset
18 Alzheimer's? Yes, that's what it is; and that's what she was
19 diagnosed with at Lou Ruvo Center for Brain Health.

20 Q Okay. Okay. All right. Do you -- I -- yeah. Do
21 you have -- do you have a level? Do you know what level it's
22 progressed to?

23 A I don't. I don't know what you're talking about a
24 level to that it's progressed to. She goes to regular
25 doctors appointments at Lou Ruvo, and I turn the information

1 in to the -- to you guys.

2 MR. MICHAELSON: Okay. Thank you.

3 MR. WHITTAKER: Just -- just in the interest of time, I'm
4 gonna ask some questions if that's okay. Just so I'm not
5 funneling (indiscernible) to Mr. Michaelson.

6 THE COURT: Mr. Beckstrom.

7 Hold on.

8 Mr. Beckstrom, Ms. Parra-Sandoval, do you have any
9 objections?

10 MS. PARRA-SANDOVAL: Who was that speaking? I'm sorry.

11 THE COURT: It's Mr. Michaelson's colleague. And I --
12 excuse me because -- wait. Hold on. Mr. Whittaker.

13 MS. PARRA-SANDOVAL: Has Mr. Whittaker appeared before?
14 I don't recall.

15 THE COURT: Yes, he stated his appearance at the outset
16 of today's proceeding and has been present there next to Mr.
17 Michaelson for the entirety of the proceeding. He's asked if
18 he could ask some questions for the sake of time so that he's
19 not passing the questions to Mr. Michaelson. Do you have any
20 objection?

21 MS. PARRA-SANDOVAL: No.

22 THE COURT: Mr. Beckstrom.

23 MR. BECKSTROM: No, Your Honor.

24 THE COURT: Generally, I -- I wouldn't allow it. I -- I
25 would require one attorney per witness, but in the -- in

1 these circumstances I'll allow it to save time.

2 Continue, Mr. Whittaker, if you could speak up.

3 MR. WHITTAKER: Thank you, Your Honor.

4 **CROSS-EXAMINATION**

5 **BY MR. WHITTAKER:**

6 Q Kim, your -- earlier, Mr. Beckstrom was asking you
7 some questions; and he was asking you some questions over the
8 last six months. Do you remember those questions?

9 A Mr. Beckstrom asking me questions over the last six
10 months?

11 Q Yeah, he asked you some questions about restricting
12 communications and phone calls and stuff and all of that was
13 over a six-month period, right at the beginning of your
14 testimony. Do you remember that?

15 A Okay.

16 Q Do you remember those questions? Is that a yes?

17 A Yeah, I remember my testimony with Mr. Beckstrom,
18 yes.

19 Q But you -- you've been a guardian much longer than
20 six months. Is that correct?

21 A Yes.

22 Q Okay. So when he -- when Mr. Beckstrom was asking
23 all those questions, limited to six months, about how often
24 family members have called June, would your answer be the
25 same over the course of your entire appointment as guardian?

1 A I -- I would say that Robyn was calling more often
2 at the beginning; and Donna, it's -- it's been pretty much
3 the same.

4 Q Right. Because six months ago is when we filed
5 this petition back in December. Is that correct?

6 A I'm sorry. Say that again.

7 Q Six months ago is when Robyn and Donna filed this
8 visitation petition. Is that -- is that correct?

9 A I don't know the exact date.

10 Q Okay. Since you've been appointed guardian, how
11 often have you helped June call Robyn?

12 A Every time that she's called Robyn, I've helped
13 her. I help her with all of her calls, in and out.

14 Q So have you (indiscernible)...

15 A So everybody (indiscernible) Robyn.

16 Q Okay. So since you've been guardian, has June been
17 able to make a phone call to Robyn without your help?

18 A I -- I just -- I always assist her. I haven't put
19 in a position to test her on it. You know, I'm her guardian.
20 She needs assistance. And I facilitate that to everybody,
21 not just Robyn.

22 Q Okay. Back -- back -- you were talking about
23 Donna's testimony. And do you recall Donna's testimony? Mr.
24 Beckstrom was asking her questions about what happened
25 surrounding Samantha's 21st birthday. Do you remember those

1 questions?

2 A Yes.

3 Q Okay. Do you disagree with what Donna testified to
4 about what happened around Samantha's 21st birthday?

5 A I believe that that was prior to the guardianship
6 being in place; but I do recall the testimony and Donna
7 talking about it, yes.

8 Q But you don't dispute -- do you have -- do you
9 dispute what she testified to? Do you disagree with what she
10 testified to?

11 A We weren't -- I wasn't given a time or anything
12 that I needed to bring my mom to wherever they were gonna be.
13 There was no -- it was just, hey, we're gonna come up there;
14 and I heard that plenty of times before; and, no, so, yeah.
15 There was question about it, absolutely.

16 Q (Indiscernible)...

17 A There was no time and date, hey, we're gonna pick
18 her up. We're gonna pick her up at this time and this date,
19 no. So..

20 Q (Indiscernible)...

21 A ...yeah, there was (indiscernible).

22 Q Your testimony is that the -- that you disagree
23 with Donna because you were never told specific days that
24 they were gonna be here. Is that what you're saying?

25 A I wasn't given a day and time that she was gonna --

1 wanted to spend time with her or anything like that, no. I
2 was never given that.

3 Q It's just -- it's just a yes or no. Do you
4 disagree with Donna's testimony...

5 A I do.

6 Q ...(indiscernible)...

7 A I do.

8 Q ...believe you were not...

9 A I do.

10 Q ...given (indiscernible)...

11 A I do.

12 Q ...yes or no? Okay. Have you provided Ms. Jones'
13 current landline phone number to all of her family members?

14 A No, well, and it's -- it's our house landline
15 number. It's not just particularly for her.

16 Q Okay. Sure. So if it in your pleadings it -- it
17 says otherwise, you would disagree with what's in your
18 pleadings. Is that correct?

19 A I don't disagree within my pleadings entirely; but
20 that statement I disagree with, yes.

21 Q Is there a reason why you wouldn't want to give
22 your family members that phone number?

23 A No, absolutely -- absolutely not, no. And I've
24 called Robyn and Donna and Scott. My mom's called them.
25 There's been no communication, no call back, no anything. I

1 thought it would be a good thing.

2 Q (Indiscernible) you -- you have the -- you have
3 their cell phone numbers, correct, for Robyn and Donna and
4 other family members; right?

5 A I do.

6 Q And you -- you never just simply put it in a text
7 message, hey, here's mom's landline phone number; right?

8 A No, I -- I know there's been no communication
9 altogether about anything.

10 Q Okay.

11 A No calls back, no calls in, no calls out...

12 Q Okay.

13 A ...since the petition...

14 Q And...

15 A ...for the visitation.

16 Q And you recall Donna's testimony about a visit that
17 happened around the September 2020 hearing in this case. Do
18 you remember that testimony?

19 A No, could you refresh me?

20 Q Yeah, it -- just -- just briefly. Donna was
21 testifying about around the September 2020 hearing. You were
22 actually in California. You scheduled a visit. And they --
23 they were able to get a quick bite somewhere. Do you
24 remember that -- that testimony?

25 A Yes.

1 Q Okay. Do you dispute what Donna testified to about
2 that, what happened that weekend?

3 A Yeah.

4 Q How so?

5 A I'm sorry. Could you ask me what ques-
6 (indiscernible) -- a little bit more direct question. I
7 don't recall of her exact testimony off the...

8 MR. BECKSTROM: Objection, (indiscernible)...

9 THE WITNESS: ...top of my head. Is there a specific
10 part?

11 Q BY MR. WHITTAKER: You said -- you said you disagree
12 with her testimony. So I'm -- I'm asking (indiscernible)...

13 A I do. I -- I just I remember asking. I offered to
14 stay longer if she wanted to see her. This is off the top of
15 my head remembering during that -- that time. I remember
16 asking if she wanted us to stay a day longer. And she said,
17 no, just meet -- I can meet you for lunch or dinner. I think
18 it was dinner.

19 Q Okay. And you -- you heard Robyn, just a little
20 while ago, testify about what -- what she recalls happening
21 on Easter of 2021 weekend. Do you remember that testimony?

22 A Yes.

23 Q Okay. You were in California that weekend,
24 correct?

25 A I think we -- no, because Robyn talked to my mom at

1 Denny's. I'd have to look -- I'd have to look back and see
2 if we went to California or if we stayed in Las Vegas. We
3 were -- we were...

4 Q When -- when would you...

5 A ...contemplating going to Teri's or to California.
6 And then when I talked to Robyn, I was -- or texting Robyn, I
7 was, well, if you want to see her, stay -- or I'll bring her
8 over; and I'll go to California by myself.

9 Q You -- you also reached out...

10 A (Indiscernible).

11 Q You also reached out to Donna Easter weekend and --
12 and offered to drop June off at Donna's house for the entire
13 Easter weekend. Is that correct?

14 A I don't know for the entire weekend, but if -- if
15 she wanted to see her, I was not opposed to it if she wanted
16 to see her the whole weekend, fine. I may have said for the
17 weekend, or I'm coming -- maybe coming down there. Do you
18 want me to bring mom by, or something like that.

19 Q So you -- you don't remember one way or the other.
20 Is -- is that what you're saying?

21 A Well, if I looked back at the text I would remember
22 it exactly. But I -- I know that I've been open to taking
23 her to -- I offered if Robyn wanted to see her if we were
24 going to California, if Donna wanted to see her.

25 Q Where -- where did you end up staying that weekend?

1 MR. BECKSTROM: Hold on. Object as to form, lack of
2 foundation.

3 MR. WHITTAKER: Well, we...

4 THE COURT: Mr. Whittaker.

5 MR. WHITTAKER: ...rely -- I -- I'll rephrase the
6 question, Your Honor. That -- that's fine. It's fine.

7 Q BY MR. WHITTAKER: Robyn testified that -- that she
8 was told that -- that June was staying at Santa Fe, the Santa
9 Fe Hotel, Easter weekend. Do you remember Robyn's testimony
10 about that?

11 A Yes, and we were. We did stay at the Santa Fe
12 Hotel.

13 Q Okay.

14 A Was it exactly Easter weekend that day? I don't
15 know. I'd have to look back and look at the bill and look at
16 my phone.

17 Q Okay. Do you have a copy of the bill?

18 A Not on hand.

19 Q Okay. Who -- who paid for it?

20 A I paid for it.

21 Q Okay. What -- and I would just assume if you paid
22 for it, it was registered under your name. Is that correct?

23 A Yes.

24 Q So Easter weekend, Friday through Monday, at any
25 time during that weekend, were you in California with June?

1 A I would have -- I would have to look and see
2 because I -- I know that we had talked about going out to
3 California and going to Teri's. I'd be happy to do so, if
4 you want to give me a minute.

5 Q Okay. So -- so you're -- well -- well, let me --
6 let me ask you this. In order to refresh your memory of
7 where you were Easter weekend, what would you need (breaking
8 up - indiscernible) know where you were at?

9 A I would need to look at my bill from the Santa Fe.

10 Q Okay. So it -- so it's just a bill from Santa Fe.
11 That's what you would rely on?

12 A I'm sorry?

13 Q So when -- when you're saying that you could look
14 it up where you were that weekend, you're only referring to
15 the bill at Santa Fe. Is that what you're saying?

16 A Right.

17 Q And you weren't -- you weren't in Anaheim with a
18 moving truck Easter weekend.

19 A No.

20 Q Is that correct?

21 A That -- yeah, it's correct.

22 Q When you were -- when you were moving June to
23 Anaheim, what day did you...

24 A Well, you know...

25 Q ...(indiscernible)...

1 A ...I -- I couldn't -- I couldn't tell you that.

2 I'd have to look back at the dates and see exactly where I

3 was and what I was doing at the specific time.

4 Q Do -- do you -- do you recall what day you loaded a
5 moving truck with...

6 A No, I don't.

7 Q ...(indiscernible) the Craft house?

8 A No, I do not.

9 Q So you -- just a couple more questions. You were
10 -- you -- you testified about how often you've helped June
11 call Robyn and Donna. Is that correct?

12 A I've testified that I helped my mom with her phone.

13 Q Okay. And you -- you help her with her phone to
14 call Donna. Is that correct?

15 A Yes.

16 Q Since you've been appointed guardian? Since you've
17 been appointed guardian, you've used your mom's phone -- is
18 -- is it using your mom's phone to help with those phone
19 calls? Is that what you use?

20 A She'd use her phone or my phone.

21 Q Okay. And your -- your phone records would support
22 what you're testifying to, that you use your phone and June's
23 phone to help June call Donna since you've been appointed
24 guardian; right?

25 A Yes.

1 Q Okay. So if we wanted to know how often you were
2 doing that, we -- we would just rely on your phone records.
3 Is that right?

4 A Correct.

5 Q And there was some earlier discussion in the
6 hearing about discrepancies between text messages provided by
7 you and provided by -- by Robyn and Donna. Do you recall
8 that discussion earlier in this hearing?

9 A I -- I wasn't -- I wasn't aware that they had
10 provided any text messages.

11 Q Okay. Well, but do you recall that the discussion
12 we've had earlier in this hearing about differences in text
13 messages between what's provided by you and -- and other
14 parties in this by Robyn and Donna. You don't recall that
15 discussion at all?

16 MR. BECKSTROM: Misstates testimony.

17 THE WITNESS: I'm sorry. I -- could -- I -- I don't
18 understand the question that you're saying because my mom
19 doesn't text.

20 THE COURT: Mr. Whittaker, will you restate the question?

21 MR. WHITTAKER: Sure. Sure.

22 Q BY MR. WHITTAKER: Well, I'll just -- your counsel
23 earlier said that the -- the text messages that were provided
24 by you were pulled from your phone by a -- a professional. I
25 don't know how Mr. Beckstrom called it. So I might call it

1 something different. But some -- some company that -- that
2 pulls text messages from...

3 A Yes.

4 Q ...phones. Okay. Prior to -- to giving your phone
5 over to have those text messages pulled, did you delete any
6 text messages between you and Robyn...

7 A No.

8 Q ...since you've been appointed guardian?

9 A No.

10 Q No, okay.

11 MR. WHITTAKER: I don't have any more...

12 UNIDENTIFIED SPEAKER: (Indiscernible) these texts she
13 sent all (indiscernible) Thursday.

14 UNIDENTIFIED SPEAKER: Well...

15 UNIDENTIFIED SPEAKER: (Indiscernible) door.

16 MR. PARRA-SANDOVAL: Can we (indiscernible) these
17 conversations?

18 THE COURT: I'm unable -- unable to hear exactly what
19 they're saying. I know they're talking, but I -- I hear
20 sound. I don't hear words, for the record.

21 MR. WHITTAKER: Well, it's just...

22 Q BY MR. WHITTAKER: Well, let -- let me -- I'll just
23 ask one more question. Kimberly, have -- have you been
24 texting Robyn throughout the day today during the hearing?

25 A No.

1 Q Okay. So I think just some confusion. Robyn's
2 been receiving some text messages from you throughout this
3 hearing. And isn't -- can -- so are you saying that you're
4 not actively texting her? Is that...

5 A No, no.

6 Q (Indiscernible) some confusion there. Okay.

7 A I -- no. I'm on my phone right now. I'm not even
8 on a computer. I've been sitting here looking at the screen.

9 Q And what -- what's your -- is your -- is -- is your
10 phone number -- I think that it's already come out before.
11 But is your phone number 714-336-8071?

12 A Yes, and my -- I have my two phones. One is work.
13 One is personal.

14 Q Is -- have you ever used your work phone to help
15 coordinate, to help June call family members?

16 A Yeah, yeah.

17 Q So what was the phone number for your -- your work
18 phone?

19 A The one that you just gave.

20 Q What -- what's your phone number for your personal
21 phone then?

22 A The 714-450-2061.

23 MR. WHITTAKER: I don't have any other questions.

24 THE COURT: Ms. Parra-Sandoval.

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

1 either.

2 THE COURT: Mr. Beckstrom.

3 MR. BECKSTROM: No.

4 THE COURT: Thank you so much.

5 Thank you, Ms. Jones.

6 Mr. Beckstrom, you have Teri Butler.

7 Ms. Butler, you changed the view of your camera.

8 So I can see you a little bit. And we've been together a
9 long time today, Ms. Butler; and the light has changed there
10 in the room for you. I see you better now. Thank you for
11 unmuting yourself. Please raise your right hand to be sworn.

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

15 MS. TERI BUTLER: Yes.

16 THE COURT: Go ahead, Mr. Beckstrom.

17 **TERI BUTLER,**

18 having been duly sworn, testified as follows:

19 **DIRECT EXAMINATION**

20 **BY MR. BECKSTROM:**

21 Q Ms. Butler, you're the daughter of Kathleen June
22 Jones; correct?

23 A Yes.

24 Q And during the time Kimberly Jones has been a
25 guardian, have you ever been restricted from accessing your

1 mother?

2 A No.

3 Q Have you ever had difficulty getting a hold of your
4 mother by telephone

5 A (Indiscernible).

6 Q Since guardianship was enacted, have you seen your
7 mother in person?

8 A Yes.

9 Q Approximately how many times? Connection issue.

10 A (Indiscernible) time. I tried to go to Vegas when
11 she was in Vegas once a month, but it ended up being every
12 six to eight weeks.

13 THE COURT: Teri, will you do me a favor? We're having a
14 connection issue. Will you stop sharing your video. That
15 usually allows us to hear you wonderfully. And I -- I --
16 I've looked at you all day.

17 THE WITNESS: And if there's no objection, it -- it's
18 more important that I hear from you.

19 Continue, Mr. Beckstrom

20 MR. BECKSTROM: I don't have any other questions.

21 THE COURT: Thank you so much.

22 Ms. Parra-Sandoval.

23 MS. PARRA-SANDOVAL: I don't have questions for Teri
24 either.

25 THE COURT: Thank you so much.

1 Mr. Michaelson.

2 MR. MICHAELSON: No, I have no questions for her.

3 THE COURT: Thank you so much.

4 Teri, you can start sharing your video again if
5 you'd like. But if you don't want to that's all right, too.

6 Mr. Beckstrom, is that all of your witnesses for
7 today?

8 MR. BECKSTROM: That's all, Your Honor.

9 THE COURT: Thank you so much.

10 MS. TERI BUTLER: I have...

11 MR. BECKSTROM: Oh, I -- I think you did make a statement
12 earlier about Teri being able to provide a statement. I
13 don't know if that's what she's trying to say.

14 THE COURT: Oh, it was. And thank you for reminding me,
15 Mr. Beckstrom.

16 Teri, is there anything else you'd like to add
17 today?

18 MS. TERI BUTLER: Yes, I was under the pre- the -- the
19 perception that this was about visitation rights. I'm seeing
20 something other than this was about visitation rights. And
21 two, this party that Robyn and Donna and my family set up, I
22 was not invited to. I would've loved to have gone. And
23 three, when my mom came to my house, she literally did not
24 want to spend the night at my house. And Kim took her home
25 the next day. She got in the car and stayed there for like

1 an hour until Kim and her went back home. So there are many
2 a times where my mom does not want to spend the night. And I
3 don't force my mom to do things she doesn't want to do. And
4 that was basically all my statement.

5 THE COURT: Teri, will you remind me. About how long of
6 a drive is it from what we've been calling the Craft house to
7 your house in Arizona?

8 MS. TERI BUTLER: It's a four-hour drive from where I
9 live to Las Vegas, and now it's an eight-hour drive. I have
10 not visited my mom in California, but I am planning on going
11 to California in two weeks, and I'm hoping to see my mom
12 during that time.

13 THE COURT: Thank you, Teri. Was there anything else you
14 wanted to add?

15 MS. TERI BUTLER: No, that's it.

16 THE COURT: Thanks, Teri, for being here today.

17 Mr. Beckstrom, Mr. Michaelson, Ms. Parra-Sandoval,
18 anything else today?

19 MR. BECKSTROM: Nothing further. Could we just have
20 clarification on the proposed findings of fact of the closing
21 brief date?

22 THE COURT: I'm gonna give you all those things in a
23 moment. I just wanted to make sure there wasn't anything
24 else.

25 Mr. Michaelson.

1 MR. MICHAELSON: No, Your Honor. Well, other than one
2 thing. When -- when Kim provided her text messages, the 210
3 pages that went to the client's office, those exhibits have
4 discrepancies in them that were not -- they are during the
5 time of the guardianship; but they weren't part of our
6 exhibit coverage that we had. And so in order to show the
7 discrepancies on those portions, we would want to supplement
8 the text message. I mean, they're just more text messages
9 like what we've already submitted. But it would show a more
10 complete in that -- in that pattern deletion there that seems
11 to be happening.

12 THE COURT: Mr. Michaelson, are you indicating that
13 those, and let me take a look, the text messages relied upon
14 by the investigator or provided to the investigator, are
15 inconsistent with text messages provided today?

16 MR. MICHAELSON: No, I think they probably were the same.
17 We're -- what we're saying is we also had Robyn's text
18 messages were professionally extracted. And they show the --
19 the -- the text messages provided by Kimberly Jones omit
20 other very relevant contextual text messages. And so since
21 we just got those yesterday, we haven't had a chance to
22 respond to -- to fully show that. Since those are text
23 messages they supplied, we would like to supplement those
24 missing text messages in our brief.

25 THE COURT: Right.

1 Ms. Parra-Sandoval, as to that issue.

2 MS. PARRA-SANDOVAL: Your Honor, I think at this point we
3 can all submit for closing argument. (Breaking up -
4 indiscernible). I think there's (breaking up -
5 indiscernible) sufficient evidence that this Court can
6 already consider.

7 THE COURT: Mr. Beckstrom.

8 MR. BECKSTROM: I -- I don't (breaking up -
9 indiscernible) leave it to the Court's discretion.

10 THE COURT: I -- I believe -- I will, based on Mr.
11 Michaelson, allow you to supplement the text messages for the
12 relevant period for a few reasons. First, those exhibits
13 were designated by Mr. Beckstrom yesterday. You didn't have
14 an opportunity to respond to those or have time to respond to
15 those. Those were already provided to the investigator. And
16 she's relied on them. I will allow you to submit the context
17 of those text messages that you believe that Kimberly has not
18 included to show the context of the back and forth. And so
19 to that extent I -- I'll allow you to provide those to the
20 Court.

21 Mr. Beckstrom, and, Ms. Parra-Sandoval, you may
22 object in your brief to that supplement, if you would like.
23 I don't want to foreclose your objection period.

24 Today is Tuesday. I would like those briefs within
25 seven days, next Tuesday by 5 p.m. to be filed with the

1 court. I'm gonna set a date in 45 days on my chambers
2 calendar to issue the decision in this matter. I've been
3 taking diligent notes as we've been going. I've printed all
4 of the exhibits and -- and relevant documents. So I -- I'll
5 continue working. I don't expect that it'll be 45 days for
6 me to have a decision, but that is the date that was put on
7 the chamber's calendar for that decision to be issued,
8 counsel.

9 You'll explain to your clients and I'll explain to
10 the unrepresented parties that the date on my chamber's
11 calendar is just a date -- date on my own calendar. It's not
12 a date that we're gonna meet again by virtually or in the
13 courtroom.

14 Anything else I can do to day?

15 MR. BECKSTROM: Your Honor, can we just get a couple more
16 days on that? I don't want to delay this, but I'm out of
17 town for depositions for a number of days this coming...

18 THE COURT: Please extend it to Friday of next week.

19 Would that be sufficient, Mr. Beckstrom?

20 MR. BECKSTROM: Yeah, that helps greatly. Thank you.

21 THE COURT: All right. So that will be June 18th.
22 That's a Friday, at 5 p.m.

23 Mr. Michaelson, Ms. Parra-Sandoval, is that
24 sufficient for you?

25 MR. MICHAELSON: Yes.

1 MS. PARRA-SANDOVAL: Yes.

2 THE COURT: All right. It's about a -- a week and a
3 half, maybe a little bit longer. Wonderful. Thank you so
4 much.

5 In the courtroom, can I have the 45-day date on my
6 chambers calendar?

7 THE CLERK: Yeah, that's gonna be July 21st.

8 THE COURT: Thank you so much. I appreciate it.

9 Thank you everyone for being here today. Have a
10 wonderful day.

11 UNIDENTIFIED SPEAKER: Your Honor.

12 MR. MICHAELSON: Thank you, Your Honor.

13 (THE PROCEEDING ENDED AT 05:42:02.)

14

15 * * * * *

16

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

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21

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SHERRY JUSTICE
Court Recorder/Transcriber

FILED

JUN 13 2022

Sharon A. Williams
CLERK OF COURT

1 TRANS

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3 COPY

4
5 EIGHTH JUDICIAL DISTRICT COURT
6 FAMILY DIVISION
7 CLARK COUNTY, NEVADA
8

9 IN THE MATTER OF THE)
GUARDIANSHIP OF:) CASE NO. G-19-052263-A
10)
KATHLEEN JONES,) DEPT. B
11)
Protected Person.) APPEAL NOS. 81414, 81799,
12) 83967, 84655

13
14 BEFORE THE HONORABLE LINDA MARQUIS
DISTRICT COURT JUDGE

15 TRANSCRIPT RE: ALL PENDING MOTIONS

16 THURSDAY, AUGUST 12, 2021
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APPEARANCES:

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Also Present: JACK BUTLER (Tel.)
Protected Person's son

PERRY FRIEDMAN (Tel.)
Robyn Friedman's husband

1 LAS VEGAS, NEVADA

THURSDAY, AUGUST 12, 2021

2 PROCEEDINGS

3 (THE PROCEEDINGS BEGAN AT 9:33:44)

4
5 THE CLERK: -- record.

6 THE COURT: It's the Matter of Guardianship of
7 Kathleen Jones, G-19-052263-A. I'm Judge Linda Marquis. Also
8 joining us -- I'm going to go straight down the list. So I'm
9 asking (indiscernible) telephone number ending 8109. Your
10 name for the record?

11 MR. POWELL: Richard Powell.

12 THE COURT: Thank you, Mr. Powell. Also joining us
13 from telephone number ending 2061. Your name, for the record?

14 MS. JONES: Kimberly Jones.

15 THE COURT: Ms. Jones. Also joining us, 3398.

16 MR. BUTLER: Jack Butler.

17 THE COURT: Thank you, Mr. Butler. Ms. Brickfield?

18 MS. BRICKFIELD: Good morn -- good morning, Your
19 Honor. Elizabeth Brickfield, 6236, guardian ad litem for the
20 Protected Person.

21 THE COURT: Mr. Beckstrom.

22 MR. BECKSTROM: Good morning, Your Honor. James
23 Beckstrom on behalf of Kimberly Jones, Guardian of the
24 Protected Person.

1 THE COURT: Mr. Michaelson.

2 MR. MICHAELSON: Good morning, Your Honor. John

3 Michaelson, bar number 71 -- 7122 -- 7822, on behalf of Robyn

4 Friedman and Donna Simmons who are both on the hearing.

5 THE COURT: Thank you. Ms. Parra-Sandoval.

6 MS. PARRA-SANDOVAL: Good morning. Your Honor.

7 Maria Parra-Sandoval, bar number 13736, from Legal Aid Center,

8 on behalf of Kathleen June Jones.

9 THE COURT: Perry Friedman is joining us. I see

10 also in the frame Robyn is with him as well. Good morning.

11 MR. FRIEDMAN: Good morning.

12 THE COURT: Donna Simmons is also joining us.

13 Donna, can you hear us all right?

14 MS. SIMMONS: I can. Thank you.

15 THE COURT: Thank you so much. Mr. Kehoe?

16 MR. KEHOE: Yes, good morning, Your Honor. Number

17 6011 for Mr. Powell.

18 THE COURT: Thank you so much. I think that takes

19 care of everybody that's joining us today for today's hearing.

20 On calendar today is the hearing on the amended first

21 accounting, the petition for payment of Guardian's fees,

22 attorney's fees and costs, a status check set by me, the

23 objection by Ms. Friedman and Ms. Simmons to the Guardian's

24 accounting and first amended accounting, Ms. Jones' objection

1 to Ms. Friedman's and Ms. Simmons' objection. Those are all
2 set for today.

3 There are three other issues that are set for the
4 19th that I will take up on the 19th. I know in addition a
5 supplement was filed by Ms. Jones, the second amended --
6 amendment to the first accounting was filed on August 9th
7 along with a memorandum. There was a response filed on the
8 same day, August 9th, by Ms. Friedman and Ms. Simmons. I have
9 reviewed all of those items that were filed and supplemented
10 the record.

11 Is there any other person who wants to make an
12 objection or comment that has not filed a pleading, a
13 responsive pleading?

14 MS. PARRA-SANDOVAL: This is Maria Parra-Sandoval
15 for June Jones.

16 THE COURT: Go ahead.

17 MS. PARRA-SANDOVAL: So Your Honor, I -- my client
18 is not objecting; however, I do wish to make a comment. And I
19 was informed yesterday that the settlement funds were received
20 by the Guardian from Mr. Kehoe. And the amount was a little
21 less than what was agreed on. But Mr. Beckstrom will explain
22 the amount when his turn comes up.

23 In regards to the petition for payment of guardian
24 fees and attorney fees, I just also wanted to make a comment

1 in re -- in regards to Kimberly's request, her \$90,000. My
2 client is not opposing any of that; however, I -- I did -- I
3 was recently made aware what should happen when a family
4 member is also a caregiver. And typically an independent
5 assessment is conducted to determine a baseline of what the
6 community will charge and how many hours of care are required.
7 So I -- there was no independent assessment made here. And I
8 believe that is -- if the Guardian seeks to request the other
9 \$80,000 that -- that an independent assessment be conducted.

10 THE COURT: Thank you, Ms. Parra-Sandoval. Anything
11 else? Mr. --

12 MS. BRICKFIELD: Your Honor -- Your Honor, this
13 is --

14 THE COURT: Go ahead.

15 MS. BRICKFIELD: -- Elizabeth Brick -- Brickfield.
16 I want to concur with Ms. Sando -- Ms. Parra-Sandoval's
17 comments with regard to the individual assessment.

18 THE COURT: Thank you, Ms. Brickfield. Anything
19 else?

20 MS. BRICKFIELD: No, that's it, Your Honor.

21 THE COURT: All right. Mr. Michaelson, Mr.
22 Beckstrom, I reviewed your pleadings and -- and the
23 supplements. My intention is to issue a written decision as
24 to all of these issues that are pending today. Certainly some

1 impact others. Is -- is there anything -- or any additional
2 argument you would like to add today?

3 MR. BECKSTROM: Your Honor, on behalf of the
4 Guardian, there's -- there is some items to discuss about the
5 settlement proceeds Ms. Parra-Sandoval indicated. We do have
6 a prior standing order on the issue of the settlement
7 agreement. The Court ordered a seal on that. It was SCR34H I
8 believe we invoked. And I know that -- that was awhile ago,
9 but there are some details that need to be discussed as to the
10 compliance with that agreement that I'd ask the Court to seal
11 it or at least dismiss Mr. Kehoe and his client.

12 THE COURT: So let's first then take all of the
13 other issues that -- that are pending. Mr. Beckstrom, as to
14 the other issues that are pending so that Mr. Kehoe and his
15 client or anyone else can comment or object and are able to --
16 to hear those issues and arguments, do you have anything else
17 you'd like to add?

18 MR. BECKSTROM: No, I think it's sufficiently
19 briefed. On -- on the independent assessment, we're not
20 really opposed to it, Your Honor, but I mean, we've provided
21 documentary evidence of what the caregiver requires. So we
22 can certainly do that. There has been an assessment as early
23 as last week actually in Orange County. So we can actually
24 provide that to the Court in the form of a supplement. June

1 -- I put this in the memorandum, but June was awarded a grant,
2 actually, two grants. One was through Orange County Elder
3 Services or a similar entity. And they sent a -- a qualified
4 person out there to evaluate June. And part of that grant is
5 a payment for the caregiver system. So we're not opposed to
6 doing it. I think we can get that done fairly quickly,
7 actually.

8 THE COURT: Thank you. Mr. Michaelson?

9 MR. MICHAELSON: Thanks, Your Honor. I just would
10 point out kind of in connection with those fees, that if
11 you'll -- if the Court will recall back to those early days of
12 the case, Robyn and Donna were both willing to provide care
13 for free for their mother. And it was -- in those early days
14 that was one of the issues that was there is who can do that.
15 And so Kimberly indicated she was willing to do that for free.
16 And I think you even canvassed her a bit on that. And so now,
17 you know, here we are 18 months later. We've got a -- a big
18 bill on that.

19 Also, I would point out in connection with the
20 accounting a couple of things. If -- if you go back to -- and
21 I'm going to go off the accounting just a little bit and then
22 come back to why it's relevant to the accounting. But if you
23 go back to Kimberly's petition for fees, she initially says I
24 want \$21 an hour for a maximum of 50 hours a week. And so

1 that comes out to be a little over \$4500. If you do that
2 times 52 weeks and divide it by 12, if you go to their -- to
3 the proposed budget that was filed in June, not only is it
4 missing things that we pointed out and -- and the compliance
5 office pointed out, but the monthly -- there's -- there's a
6 line that says total monthly guardianship expenses. And it --
7 it's \$3,000. But it's actually underestimating both the
8 caregiver fees and the guardian fees. And so -- by -- by
9 quite a lot.

10 I mean, I -- I go off their number. I've spent a
11 lot of time on this trying to put -- cobble these numbers
12 together from a lot of different pleadings. And the -- the
13 burn rate -- and the re -- reason is we just got to kind of
14 come to an agreement of what is the burn rate. What -- what
15 is that rate that Kimberly's services are -- are going to
16 cost. And this comes back to the accounting from that -- that
17 time period that -- that we're looking at which is the October
18 15th, '19 to October 15th, 2020.

19 And my estimate is by the way extrapolating
20 everything. I've really, really tried to give benefit of the
21 doubt, go through, and calculate it. My estimate is that the
22 estate is going to be in the hole about \$70,000 a year. Now
23 that -- maybe that's -- that's something that can be dealt
24 with, but I just -- that's the kind of numbers we're trying --

1 and just begging, that just put it out there, put out what it
2 is. So one of the forms that that takes is in their
3 accounting. They need to list the claims against and for the
4 estate. And so if you look at their first accounting, they
5 have a line for caregiver fees. And it's listed as zero. And
6 then in later versions of the accounting, that's been removed.
7 So there's no caregiver fees. That's -- it's helpful if they
8 would put that back in because we can see maybe she doesn't
9 have an award but she can estimate this is the cost that I'm
10 estimating is -- and just come out with it and say I'm -- I'm
11 not going to do it for free, this is a cost. So that would be
12 a claim against the estate that should be reported in the
13 accounting for that period. There should be a line item that
14 says that -- that details that claim.

15 So they're also -- it doesn't list the lien for
16 Robyn and Donna's fees that were granted in this case. That's
17 not listed there. There's not a list for the claim for cost
18 even though this -- this accounting was amended just days ago.
19 There is a claim against the estate for cost of care during
20 the temporary guardianship. There's estimated caregiver fees,
21 estimated fees for James, estimation of a rent from Kim. And
22 she said in her -- in her petition that she would pay a
23 thousand seventy dollars. Some of that is towards -- it's
24 various expenses, but what is the rent that the estate should

1 expect. So just as she may now claim fees against the estate,
2 the estate has a right to go, fair enough, but what -- you are
3 living here, so what's the estimated rent. What about Dean's
4 rent. And we all know he was living there for a long period
5 time.

6 MR. BECKSTROM: That's not correct. (Indiscernible)
7 take these in turn so we don't have an hour's worth of
8 discussion.

9 MR. MICHAELSON: Give me a chance. So Your Honor,
10 the -- that -- that's some of the complaints about the -- the
11 accounting still. It's gotten warmer. Remember, we just
12 filed days before the hearing. So every time we have to file
13 to force this traction, it starts, Your Honor. As an officer
14 of the court, I will tell you. It starts with phone -- phone
15 calls. A, you've got to file a plan of care. You got to do
16 this. We got to -- we're expecting this, that. After awhile,
17 Counsel for the Guardian gets frustrated and goes you know
18 what, file something if you think you need that. Then we --
19 eventually we have to file. And months and months and months
20 goes by.

21 I mean, the accounting was due in December of 2020.
22 In June and then in August of 2021 right before hearings they
23 supplement and they correct it. I don't know why they didn't
24 do it within a week of filing it in the -- in the beginning.

1 And it's only after we -- and -- and through great expense
2 finally we're forced to file something to get it corrected.
3 And so they've -- they've made some corrections but I would
4 ask that they continue to clean it up and then just add the
5 lien for fees for Robyn and Donna, legal fees, the costs, the
6 estimated caregiver fees for that time period, estimated
7 guardian fees, estimated legal fees for the guardian's
8 attorney, estimated rent from Kim, estimated rent from Dean,
9 and then just address the -- the timeshare issue which they
10 did mention. And -- and that's -- that's what we believe is
11 needed to make that an accurate full picture accounting.

12 MR. BECKSTROM: Your Honor, can I touch on the
13 accounting so we're -- we're not jumping around? There's two
14 things here. There's an accounting and there's a budget. So
15 Mr. Michaelson's incorrect. A budget is an anticipated
16 expense. Okay. An accounting is a look back on what the
17 assets of the Protected Person were. The accounting is not
18 going to foresee liabilities and has a very set time period.
19 So one, he's wrong on that.

20 Two, he also leaves out that the budget has been
21 affected by a number of things. We can go down the list. The
22 Court's aware of. We have the death of June's husband. We
23 have massive amounts of litigation with a party who wouldn't
24 pay us. We had a relocation and a massive remodel of the

1 Protected Person. And then we had COVID. So we have not been
2 sitting idle on this case. June has been through a whirlwind
3 of events. The timing of this issue is absurd.

4 As for the budget, you know, are caregiving fees
5 subject to change? Of course there are. We've put in there
6 she will qualify for Medi-Cal and they will be paying the
7 caregiver fees. That is the goal. It's over \$3,000 a month.
8 So we're hopeful, but unfortunately we can't update that
9 because we're being held up from establishing residency for
10 June. So we're doing the best we can, but this is a case
11 where we have little resources to work with. Kimberly's 24/7
12 caregiving and my job is not to spend as much money as Mr.
13 Michaelson. I'm not going to bill this file for a hundred
14 thousand dollars to manage this estate.

15 So under the totality of the circumstances, this is
16 more than good faith. And Ms. Parra-Sandoval, I have
17 responded to every request she has made. Mr. Michaelson has
18 not tried to pick up the phone or email me in many months. So
19 I don't want to argue anymore on the merits. We have provided
20 the documentation, but there is -- you can't mix the budget
21 and the accounting. And a CPA prepared the accounting.
22 That's why it was wrong in the beginning. They didn't put the
23 credit cards in. Those are in there.

24 I've just asked the Court to issue their written

1 order and we've had so much briefing on these issues.

2 MR. MICHAELSON: Your Honor, may I --

3 THE COURT: I --

4 MR. MICHAELSON: -- respond to that?

5 THE COURT: Let me just make sure that there's no --
6 there's no comment from -- from anyone else who's on the call
7 relative to the accounting, relative to the petition for fees.
8 You may respond, Mr. Michaelson. I'm not hearing that anyone
9 else has a comment. Go ahead.

10 MR. MICHAELSON: Okay. I just want to point out
11 that it is relevant. It is part of the accounting. I mean,
12 I'm -- I'm reading 159.179. All claims filed and action taken
13 regarding the account, there's also a line that says any other
14 information required by the Court, another line says any other
15 information the Guardian considers necessary to show the
16 condition of the affairs of the Protected Person. So if you
17 have people living in the house or they're going to make
18 claims against the estate for that time period, it is
19 relevant. So our order -- judgments awarding fees and that
20 kind of thing. So this is -- this is emblematic of the
21 problem we have.

22 I suggest things that -- and -- and we need this, we
23 need that. The Counsel will say that's not necessary and
24 ridiculous. So we're going to litigate for months over this

1 instead of just doing it. Just what we're -- the point we're
2 talking about right here, there's many issues before the Court
3 today, but this particular issue is simply approving the
4 accounting. The accounting is missing several pieces to it.
5 And I tell you in good faith I have spent a lot of time trying
6 to get these numbers added up. So for example, the number --
7 the line item -- it's just -- it's wrong math in several
8 places. And then when you say hey, correct that, if I had
9 filed something that had that many mistakes or any mistakes
10 and I became aware of it, I would just correct it like within
11 a week.

12 I would go okay, what are the things you want to
13 see, boom, boom, boom, X, Y, Z. Okay. Thank you. That'll be
14 done. I'll put that in, this in. I mean, we're talking --
15 and we're having this long litigation over just correcting
16 basic things. And -- and -- but the problem is it -- that
17 mushrooms into virtually every issue in this case.

18 And -- and that's -- and -- and so I submit to you
19 that people living in the house who are going to claim fees
20 against the estate, that's a relevant thing to put in the
21 accounting. You just put estimated claim, you know, for
22 caregiver fees. Boom, you put that in. And then rent. We
23 have some people -- okay, so likewise the estate, you know,
24 would expect to receive some offsetting compensation. And how

1 much would that be? These are plain simple things.

2 And -- and here's the relevance. We're trying to
3 calculate the burn going forward. Whether the Guardian is
4 good or bad, we need to understand what signature the nature
5 of this going forward. So these are basic corrections that
6 can be done in five minutes, I think. But there -- but there
7 -- and -- and we're being asked to approve the accounting.
8 It's missing some major items.

9 MR. BECKSTROM: And Your Honor, very shortly. There
10 is no specificity as to what missing items except for items
11 that are not required to be in the accounting. Mr.
12 Michaelson's fee award is on appeal. Ms. Parra-Sandoval has
13 appealed that. That is not a certain judgment as of now.

14 And by the way, the Court is well aware of it and so
15 is every single other person just like the request for fees.
16 So everything has been transparent in this case. We have been
17 above and beyond. But the Court as to strike the balances.
18 What resources does the Protected Person have? And they're
19 not there. So we're trying to end this. We ask the Court to
20 approve the accounting.

21 THE COURT: Thank you, Counsel. Let's move to then
22 the request for Mr. Beckstrom relative to the status check
23 that I sent to update as to the settlement. Are there any --
24 first, anybody else want to comment that's on the call as to

1 the request for fees or the accounting?

2 MS. SIMMONS: Your Honor, this is --

3 THE COURT: I'm here.

4 MS. SIMMONS: -- Donna.

5 THE COURT: Hi, Donna.

6 MS. SIMMONS: Hi. My biggest thing is from the very

7 beginning when we talked about this, Kim was not going to

8 charge my mom. If we knew that she was going to charge my

9 mom, me and Robyn would have moved forward taking guardianship

10 over my mom. There's no reason for her to charge my mom when

11 you've got two people that are willing and capable of taking

12 care of her and not charging her a penny. So all this is just

13 costing more and more attorney's fees.

14 MR. BECKSTROM: Your Honor, Donna's wrong because --

15 THE COURT: So --

16 MR. BECKSTROM: -- Ms. Friedman --

17 THE COURT: Hold on.

18 MR. BECKSTROM: -- submitted the request for payment

19 for caregiver fees and that pending in front of Your Honor on

20 the 19th. So Ms. Simmons is represented by Mr. Michaelson.

21 There shouldn't be double talk here.

22 MS. SIMMONS: Well --

23 THE COURT: Okay.

24 MS. SIMMONS: Okay.

1 THE COURT: Hold on.

2 MS. SIMMONS: Well, I --

3 THE COURT: Hold on.

4 MS. SIMMONS: -- just want to point that out.

5 THE COURT: Thank you. Let me be more specific. As

6 to those family members who are not represented, Mr. Powell,

7 Mr. Kehoe, does anyone have a comment where they'd like to be

8 heard on the issue of the request for fees and the accounting?

9 I'm hearing none. Mr. Kehoe, as to Mr. Beckstrom's request

10 that I remove you and your client from my status check portion

11 relative to the settlement, do you have any objection or

12 concerns?

13 MR. KEHOE: I would only say, Your Honor, that we

14 obviously are not -- waiving any arguments. Some of the

15 things that they just said are improper and inaccurate. And

16 I'm not -- they're not on calendar today. They're not -- I'm

17 not sure that they're even subject to this Court's

18 jurisdiction. But as far as you maintaining the ceiling order

19 that you previously entered, we don't object to that.

20 THE COURT: Mr. Kehoe, I do see that I have a status

21 check on today. That is for the status of settlement. So I

22 am scheduled to hear what the status is. I understand that

23 perhaps you may disagree with Mr. Beckstrom or -- or Ms.

24 Parra-Sandoval's interpretation of -- of what happened. And

1 -- and certainly I understand that. And -- and that
2 settlement was reached in a separate civil case. So I do need
3 to -- to have that update on the status of the settlement.
4 I'll take that from them and exclude Mr. Kehoe and -- and Mr.
5 Powell at this time. It sounds like Mr. Kehoe has no
6 objection that I -- I won't hear anything else during this
7 time period relative to the accounting , the request for fees
8 or -- or --

9 MR. MICHAELSON: Your Honor --

10 THE COURT: -- any other matter. Yes. Go ahead,
11 Mr. Michaelson.

12 MR. MICHAELSON: If you were, I was -- a moment ago
13 we were talking specifically about the accounting. If you're
14 asking for any other comment on the request for fees, I -- I
15 do have a couple of parting comments if that's okay.

16 THE COURT: Go ahead.

17 MR. MICHAELSON: just that -- so we're talking about
18 the request for fees for Mr. Beckstrom and from Kimberly. And
19 I just -- I know it's brief, but I just want to point out. We
20 -- we make a lot of this, but emblematic is the fact that we
21 were trying to work through the -- the issue of a plan going
22 forward. And we -- we represented to the Court that it was
23 likely that Kim would leave the state without permission. And
24 the Court said something to the effect of that shouldn't

1 happen and that would get my attention. That exactly
2 happened. She -- we had -- we promised on record that we
3 would pay the fees on the Kraft house so they can stay for
4 another month while we worked through some of the issues.
5 It's not forever. For some reason, the guardian got in -- in
6 her mind to clear the house out, move June somewhere no one
7 knew where and then move her out of state without
8 authorization from the Court. That is typical just like these
9 accountings. They're -- they're not the end of the world.
10 Accountings can be fixed.

11 The problem is they don't get fixed when you ask.
12 You have to file something. And then you file and then they
13 eventually respond partly at the very last minute or else
14 saying it's not relevant. Everyone knows what that lien is.
15 Well, why don't you just put it in the accounting? Why -- why
16 do you wait a week until the hearing to see if you have
17 permission to -- to leave the state? I mean, these are --
18 this is not us paint -- trying to invent things.

19 These are just blatant problems with the -- the way
20 things are going from someone who has a masters in gerontology
21 and claims extensive court experience in these kinds of things
22 represented by Counsel.

23 So we -- we ur -- we just plead with the Court to
24 consider the totality of everything, the -- the waiting, the,

1 you know, occasional phone calls from the guardian after
2 ghosting people at the last minute before a hearing. Put all
3 that in perspective when weighing the fees and -- and as we --
4 as we go forward in the case.

5 MR. BECKSTROM: And Your Honor, the only thing I'll
6 add is the Court is only allowed to take into evidence the
7 consideration of facts. Mr. Michaelson seems to misunderstand
8 what a fact is. It is a fact established by the Court, by
9 admissible evidence. None of that is admissible and it's
10 argument of Counsel is what has permeated this case from the
11 beginning. I'd ask the Court to look at the evidentiary
12 record it has before it in basing all of its decisions.

13 MR. MICHAELSON: And Your Honor, as -- as the Court
14 is aware, in Guardianship Court, there are -- there is
15 evidence -- there's admissible evidence that's taken into
16 trial, but often times the Court takes evidence and statements
17 and perspectives from people that are in the course of these
18 hearings and in the pleadings. And even in the evidentiary
19 hearing you saw the answers and evidence there. And so there
20 is a lot of evidence of this. I was boggled as I read Mr.
21 Beckstrom's pleadings where he claims nothing has happened.
22 There -- everything has been shipped tightly and every -- it's
23 just crazy. I'll conclude at that.

24 THE COURT: Ms. Friedman's raising her hand but Ms.

1 Friedman, Mr. Michaelson and Mr. Beckstrom have briefed the --
2 all of the issues -- all of the issues in detail. I -- I've
3 heard their arguments. I don't know that I need any other
4 statements from Ms. Simmons or Ms. Friedman who are
5 represented by Counsel. Counsel, have -- have we concluded
6 the statements that you want to make about the request for
7 fees and the accounting?

8 MR. BECKSTROM: Yes, Your Honor.

9 MR. MICHAELSON: Yes, Your Honor.

10 THE COURT: All right. Mr. Kehoe and Mr. Powell,
11 I'm going to ask you to leave the call. We'll go to the
12 status check now as to the settlement. Mr. Kehoe, did I
13 summarize your position on that issue correctly?

14 MR. KEHOE: Yes, Your Honor. And I wanted to
15 apologize. I wasn't aware there was a status check on the
16 settlement conference --

17 THE COURT: That's okay.

18 MR. KEHOE: -- today. I'm not served with anything.
19 And so I thought the status check was about your prior
20 evidentiary hearing, your -- your, you know, having take into
21 that under advisement. So I'm not questioning your ability to
22 do that. And I'm taking it. We are done with all the other
23 topics for today. And so we --

24 THE COURT: That's ab --

1 MR. KEHOE: -- can leave permanently.
2 THE COURT: That's absolutely correct. I -- I gave
3 them all second and third chances at --
4 MR. KEHOE: Okay.
5 THE COURT: -- this juncture. And I -- I -- you
6 have my word as we move to the status check. We will talk
7 only about the status of the settlement. And it -- it looks
8 as though we have a date on the 19th. That's the only other
9 thing that I -- I would -- I would bring to their attention at
10 the conclusion of our hearing and note that I'll issue --
11 MR. MICHAELSON: Your Honor --
12 THE COURT: -- a written --
13 MR. MICHAELSON: -- my client --
14 THE COURT: Mr. Michaelson.
15 MR. MICHAELSON: -- wants to say one more thing.
16 May I say one sentence? And I apologize.
17 THE COURT: Ms. Friedman, say your sentence.
18 MR. MICHAELSON: Or -- or I can say it for her, if
19 you would like or she can say it.
20 THE COURT: Oh, go ahead.
21 MR. MICHAELSON: She wants to remind the Court that
22 the -- that the Guardian is saying if she doesn't get these --
23 she's implying in several places in her pleadings if she
24 doesn't get the fee, she won't be able to continue. And so

1 that -- that raises the issue of what about other family
2 members who can do it for free.

3 MR. BECKSTROM: No, it doesn't and it's not in the
4 pleading. So I'd ask the Court to strike that.

5 MR. MICHAELSON: It is in there.

6 MR. BECKSTROM: Okay. Where's the citation?

7 THE COURT: Thank you --

8 MR. MICHAELSON: It's in the --

9 THE COURT: -- Counsel.

10 MR. MICHAELSON: -- proposed budget is one place.
11 And I'll provide that for you after that.

12 MR. BECKSTROM: Let's do that.

13 THE COURT: Thank you, Counsel.

14 MR. MICHAELSON: Yeah.

15 THE COURT: Thank you.

16 MR. KEHOE: Thank you, Your Honor.

17 THE COURT: Thank you, Mr. Kehoe. Thank you. Thank
18 you. Let's give Mr. Kehoe and Mr. Powell a moment, okay. It
19 looks like Mr. Kehoe and Mr. Powell have left the hearing.
20 Mr. Beckstrom, what's the update on the status of the
21 settlement?

22 MR. BECKSTROM: Yes, Your Honor. So Mr. Kehoe has
23 been beyond difficult. It's -- it's intentional at this
24 point. We dragged it through status check with the Court

1 about a week-and-a-half ago. He was refusing --

2 THE COURT: In the civil case?

3 MR. BECKSTROM: In the civil case. We had a filling
4 in judge who fortunately put the pressure on him. It was all
5 over a letter that means nothing and was never required under
6 the settlement agreement. Nonetheless, we provided two to him
7 because we needed to get the settlement funds. Settlement
8 funds were delivered and --

9 THE COURT: Okay.

10 MR. BECKSTROM: -- there is a shortfall. I can
11 break it down -- I just received this shortfall yesterday.
12 Yeah.

13 THE COURT: Well, you --

14 MR. BECKSTROM: We need some --

15 THE COURT: -- tell me -- Mr. Beckstrom, what is the
16 amount you -- you anticipated --

17 MR. BECKSTROM: Yes.

18 THE COURT: -- to receive and what is the amount you
19 received?

20 MR. BECKSTROM: For the record, the original agreed
21 settlement proceeds were 169,937.52, 169,937.52. In the
22 settlement agreement, there are deductions for rent for her
23 living in the house before they can vacate. There's no
24 disagreement. I'll list them for the Court. There was a

1 deduction from 2/11 to 3/10 totaling \$2,000. There is a
2 deduction from 3/11 to 3/26 totaling \$1600. There was a
3 deduction from 3/27 to 4/8 in the amount of 1733.29. Those
4 are undisputed.

5 Now, what also happened and what we disagree with is
6 there was a fridge there that I believe Ms. Friedman paid for
7 long ago for June and Jerry. I could be wrong, but if they
8 can just give me a thumbs up.

9 THE COURT: She's giving you the thumbs up there.

10 MR. BECKSTROM: Right. Which obviously was much
11 appreciated at that time and still is. There's also a washer
12 and dryer. The settlement agreement indicated that appliances
13 would stay. That's undisputed. In the shuffle of this and
14 based on the finances, the appliances went with June. She
15 didn't have those appliances there. You saw the pictures of
16 the condition of the Anaheim property. They were taken.

17 Mr. Kehoe -- and -- and these were used appliances.
18 I mean, I'm sure they were nice when they were purchased but I
19 don't know when Ms. Friedman bought these, but it's been many
20 years. So five years --

21 THE COURT: It's five years.

22 MR. BECKSTROM: -- she's saying. So Mr. Kehoe --
23 and I told him -- I said listen, this doesn't need to be a
24 fight in the beginning when it happened. I said let's come up

1 with a reasonable amount of used appliances. He has deducted
2 without any explanation or agreement a -- a total of 1368.37.
3 He's including a \$1200 breakdown for a fridge plus
4 eight-and-a-half percent tax plus a hundred dollars for an
5 install. Likewise for the washer and dryer, he's saying 1719
6 as a deduction. That's broken down to a \$1400 for a washer
7 and dryer, eight-and-a-half percent tax and \$200 for
8 installation.

9 In -- in all reality, I wanted to apprise the Court
10 of this because there's a cost benefit of fighting this on the
11 washer and dryer. What -- what really made me angry in all
12 honesty, and I know it's going to anger everyone else, is
13 there then was an unexplained deduction that's not within the
14 agreement of \$300 for, quote, Jerry's property. No
15 explanation. So we have a check for 161,216.86 in our office.
16 It has words on it that are not enforceable but it says, you
17 know, final settlement.

18 So I bring that to the Court's attention and I -- I
19 would ask the Court to open it for discussion. And I'm happy
20 to sue Mr. Kehoe, but, you know, that we're suing over very
21 little amounts of money at this point and I think there's a
22 cost benefit that everyone needs to look at here.

23 THE COURT: For me, open this for discussion
24 because, I don't know, tell me what the rate is for a washer

1 and dryer and a refrigerator. Like what -- what's the normal
2 going. And I'm going to guess that it's not like a sub-zero
3 fancy humongous thing. I don't -- I don't know. Robyn,
4 you're raising your hand. So you -- you may have some idea.

5 MR. BECKSTROM: And there's pictures of it. So Ms.
6 Friedman can talk about --

7 MS. FRIEDMAN: I -- I --

8 MR. BECKSTROM: -- it if there's pictures.

9 MS. FRIEDMAN: -- bought -- (indiscernible) house.
10 We just bought --

11 THE COURT: Okay.

12 MS. FRIEDMAN: We just bought them. And you can get
13 decent ones for the whole thing, 3500. Your -- your washer
14 and dryer, the expensive things, those kind of 18 and then,
15 you know, decent fridge. But you find them in all different
16 prices. The 3500 -- the 3200 is more than enough for nice
17 sets, decent sets to use.

18 THE COURT: Okay. That -- that gives me some --
19 some perspective. I appreciate that because I just don't
20 know. I don't know if Mr. Michaelson you want to speak to
21 your clients about this and bring this up to me later. As I
22 wrote down the numbers in the detail or if -- if you -- you
23 want to chat about it now. Ms. Parra-Sandoval?

24 MS. PARRA-SANDOVAL: So Your Honor, I obviously -- I

1 think that Mr. Kehoe charged as if the items were new. And I
2 don't know if this is an issue to fight about or take him back
3 to court, but I'm obviously not happy with that deduction.

4 THE COURT: Okay. Well, I mean, there is going to
5 be a deduction because they were taken. Right. And so it's
6 an argument of what the deduction's going to be. And, you
7 know, if we're close, are we going to spend attorney's fees
8 and court time arguing it -- about it in the A case or are we
9 just going to take it and -- and have that cost benefit
10 analysis? You know, \$300 for Jerry -- Jerry's property.
11 That's not in the -- the settlement agreement. You know,
12 that's a real move I guess on Mr. Kehoe's part. But -- but I
13 -- are we going to argue about \$300?

14 MR. BECKSTROM: And that's why -- I mean, and I'm
15 happy to do whatever the Court orders and the Guardian's on
16 the same page. This is how the entire case has been. So, you
17 know, I'll go fight him over the \$300. I think there is a
18 breach there. There's attorney fee provision arguably. I may
19 have to file a separate lawsuit to do it. Once the settlement
20 agreement's signed, the case law's kind of clear on that. So
21 our -- our position would be we waive it, but that doesn't
22 make me feel good and I know it doesn't make anyone else feel
23 good. I'm just trying to think of the best interest here.

24 THE COURT: Okay. I don't want to rush anybody into

1 this. So I'm not rushing that Mr. Michaelson especially
2 because you haven't been able to speak to Donna and Robyn
3 about this before today and -- and get this breakdown because
4 it's -- Mr. Beckstrom, you just got the money yesterday?

5 MR. BECKSTROM: Yeah, and it's sitting -- or

6 THE COURT: Okay.

7 MR. BECKSTROM: -- I think it was late the day
8 before Yeah.

9 MR. BECKSTROM: Okay. So if you guys want to talk
10 about this first, I'm happy for you to do that and -- and let
11 me know. Or I don't know, Mr. Michaelson, and -- and Ms.
12 Parra-Sandoval. I don't -- I don't mean to -- to rush this.

13 MR. MICHAELSON: And I don't think we would want the
14 -- the estate to fight over that and -- and I think I speak
15 for Robyn. Robyn, you can gesture if you disagree that -- no,
16 I think you just --

17 THE COURT: Okay. She's --

18 MR. MICHAELSON: -- move on.

19 THE COURT: -- giving you the thumbs up. Donna, how
20 do you feel?

21 MS. SIMMONS: Yeah, I don't want to spend money in
22 court over \$300.

23 THE COURT: Right. Or a couple hundred dollars
24 about what the used appliances are really worth.

1 MS. SIMMONS: Right. But I --

2 THE COURT: So --

3 MS. SIMMONS: So Kim should have said something if
4 she couldn't afford those things, you know, and just taken
5 them. But again, that's her not being forthcoming.

6 MR. BECKSTROM: Well, and Your Honor, I don't -- I
7 think it was a miscommunication. There was a lot going on.
8 She took appliances to mean dishwasher and some other things
9 which weren't taken. You know, it's pretty standard to take
10 these types of appliances. So regardless, she needs them.
11 There's a -- they needed to appliances so it is what it is.

12 THE COURT: All right. Anyone else on the call?

13 MS. BRICKFIELD: Yes.

14 THE COURT: Go ahead.

15 MS. BRICKFIELD: Your Honor, this is Elizabeth
16 Brickfield. And I know you've given me a limited purview, but
17 I -- I want to raise this issue with regard to this. And it's
18 actually a little bit broader. And I didn't want to discuss
19 it in front of Mr. Kehoe. But I was quite surprised to see
20 how much damage the tenants -- the departing tenants
21 apparently did to the California house. That's what I assumed
22 from the pictures in -- in Ms. Jones' and Mr. Beckstrom's
23 attachment that showed a lot of damage to the property.

24 Now, I'm not suggesting and I don't think anybody is

1 that -- that you should sue Mr. Kehoe over -- and his client
2 over \$300 going we'll point out since they've been appearing
3 in this proceeding. There's nothing to stop this Court from
4 just issuing an order to say pay that money back. But a
5 little -- just wondered what the Guardian's plan if any with
6 regard to the condition the tenant's left the house in.

7 MR. BECKSTROM: So Your Honor, I can clarify. And
8 it's a good point Ms. Brickfield makes. This was June's son
9 who rented this house before. And that's why he was evicted.

10 MS. BRICKFIELD: I thought there was an intervening
11 tenant.

12 MR. BECKSTROM: No, this was -- this was before
13 that. So this -- these were originally submitted with our
14 petition because we had to repair the house. And I provided
15 those just so there's some before and after there. I -- she
16 didn't want it -- I won't represent -- Ms. Parra-Sandoval I
17 think had a discussion with June but she did not want to file
18 a lawsuit against her son is my understanding.

19 THE COURT: I also would note and remind Ms.
20 Brickfield that this is the home in which all of -- Ms. Jones
21 raised all of her children. So this home is 40 plus years
22 old.

23 MS. BRICKFIELD: Right.

24 THE COURT: And so is that about right, Ms. Friedman

1 and -- and Donna? And so although when you look at those
2 initial pictures -- and you're looking at original bathroom
3 tile, right, and -- and some of those. So we -- we might --
4 we're saying damaged, but some of it I -- I think, you know --
5 and -- and Ms. Friedman's raising her hand. Some of the
6 cracking and settling and other things may just be, you know,
7 years and years of issues. Ms. Friedman.

8 MS. FRIEDMAN: I offered and I have text to
9 represent it about eight years ago, seven years ago to pay for
10 the remodel that was already in desperate need at that point
11 new carpet, the window issues, flooring (indiscernible). I
12 offered to my mom to do that. And she chose not to act. And
13 so we were going to pay for it. She just wanted Scott to be
14 able to stay there without interruption at the time is what
15 she said to me. And she wanted Courtney, his daughter, to be
16 able to graduate from high school before any move took place.
17 But we did offered to remodel because it was -- it was
18 absolutely needed even that long ago.

19 My mom didn't make any improvements or replacements
20 to the house at all while my brother lived there. That just
21 wasn't the agreement. She didn't like update carpet or update
22 like when things broke or anything like that. They did the
23 cheapest repairs possible because that's what my mom wanted
24 and clearly represented to me when we offered to fully remodel

1 it, you know, years ago, because it needed it then.

2 MS. SIMMONS: Right.

3 MS. BRICKFIELD: If I can just clar -- for my own
4 edification clarify for the record. Mr. Beckstrom, are you
5 saying that from the time the son moved out of the house no
6 one lived in that house?

7 MR. BECKSTROM: It -- correct. So the son -- the
8 son was evicted essentially and then the repairs started. And
9 then someone moved in. The tenant moved in. Tenant moved out
10 and then right before June moved in there was some additional
11 repairs because she was going to be living there. So you can
12 see in Exhibit 1 is June's bedroom and some other things. The
13 appliances are in there.

14 MS. BRICKFIELD: Okay.

15 MR. BECKSTROM: Much better --

16 MS. BRICKFIELD: And --

17 MR. BECKSTROM: -- shape than --

18 MS. BRICKFIELD: And so did those tenants take those
19 appliances? Is that what you're saying?

20 MR. BECKSTROM: No, there were no -- they didn't
21 provide appliances. They -- they brought their own.

22 MS. BRICKFIELD: I'm --

23 MR. BECKSTROM: The appliances --

24 MS. BRICKFIELD: I'm sorry, I didn't -- I didn't

1 hear you. Are you saying the tenants rented the property in
2 California without appliances, brought their own appliances,
3 and then took them?

4 MR. BECKSTROM: Yeah, correct. So fridge -- we're
5 talking about refrigerator and washer and dryer.

6 MS. BRICKFIELD: Okay. Thank you for the
7 clarification.

8 MR. BECKSTROM: No problem.

9 THE COURT: Anything from anyone else about
10 settlement funds that were received this week? It sounds as
11 though everyone is disheartened, disappointed, not happy but
12 given the totality of the circumstances does not want to
13 reinstitute litigation regarding the appliances, the \$300
14 deduction, that are arguably inappropriate. Is that what I'm
15 hearing?

16 MR. BECKSTROM: On behalf of the Guardian, yes.

17 THE COURT: I -- I think that's what I'm hearing
18 from Mr. Michaelson and Ms. Brickfield and Ms. Parra-Sandoval.

19 MS. PARRA-SANDOVAL: And the same from -- right, Ms.
20 Parra-Sandoval.

21 MR. MICHAELSON: That's correct, Your Honor.

22 THE COURT: Any other family member that's joining
23 us that has a different opinion? All right. Mr. Beckstrom,
24 Mr. Michaelson, Ms. Parra-Sandoval, I think that a stipulation

1 to that effect may be appropriate unless you just want me to
2 note this for the record. Because of the -- of those specific
3 numbers and that there's certain deductions that you agree
4 were appropriate and certain that you disagree are -- are
5 arguably inappropriate, I -- I leave that to you, Mr.
6 Beckstrom and Mr. Michaelson.

7 MR. BECKSTROM: I can do a one -- a one page quip of
8 breaking that down and just circulate it and submit it to the
9 Court.

10 THE COURT: Mr. Michaelson, Ms. Parra-Sandoval, your
11 thoughts?

12 MR. MICHAELSON: I'm okay with that.

13 THE COURT: Ms. Parra-Sandoval?

14 MS. PARRA-SANDOVAL: I am -- I am in agreement with
15 that too.

16 THE COURT: All right. I think that's appropriate.
17 I will issue as I indicated before just to summarize a -- a
18 written decision as to these issues and the evidentiary
19 hearing. I note that we have a hearing. I'll see you all on
20 that date. Anything else?

21 MR. BECKSTROM: No, Your Honor. Thank you.

22 THE COURT: All right.

23 MR. MICHAELSON: No, Your Honor. Thank you.

24 THE COURT: Thank you so much. Have a great day.

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(PROCEEDINGS CONCLUDED AT 10:17:35)

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

Adrian Medrano

Adrian N. Medrano