

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Nov 17 2021 11:27 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Desmon Brandes,

Appellant,

vs.

Lacey Pictum, n/k/a Lacey

Krynzel,

Respondent.

Supreme Ct Case No. **83399**

District Ct Case No. **D-10-440022-D**

APPELLANT'S APPENDIX

VOLUME II

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William A. Hoffman
CLERK OF COURT

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EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

DESMON BRANDES,)	
)	
Plaintiff,)	CASE NO. D-10-440022-C
)	
vs.)	DEPT. E
)	
LACEY PICTUM,)	APPEAL NO. 83399
)	
Defendant.)	
)	

BEFORE THE HONORABLE CHARLES J. HOSKIN
DISTRICT COURT JUDGE

TRANSCRIPT RE: ALL PENDING MOTIONS

TUESDAY, JUNE 1, 2021

APPEARANCES:

The Plaintiff:	DESMON BRANDES (Tel.)
For the Plaintiff:	BRUCE I. SHAPIRO, ESQ. (Tel.)
	8925 S. Pecos Rd., Suite #14A
	Henderson, Nevada 89074
	(702) 388-1851
The Defendant:	LACEY KRYNZEL (Tel.)
For the Defendant:	PRO SE

1 LAS VEGAS, NEVADA

TUESDAY, JUNE 1, 2021

2

P R O C E E D I N G S

3

(THE PROCEEDINGS BEGAN AT 1:28:24)

4

5 THE COURT: All right. We are on the record,
6 440022, Brandes matter. Mr. Shapiro, your appearance.

7 MR. SHAPIRO: Good afternoon, Your Honor. Bruce
8 Shapiro, bar number 4050, for Plaintiff Desmon Brandes.

9 THE COURT: Thank you. Ma'am, are you there?

10 THE DEFENDANT: I'm here. I don't know what just
11 happened. My video went off and I'm trying to get it back on.

12 THE COURT: All right. Well, while you're working
13 on that, if you can tell me your name.

14 THE DEFENDANT: Lacey Krynzal.

15 THE COURT: And you're representing yourself today,
16 ma'am?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Well, certainly I can't have
19 you testify without video, but while we're doing that, we're
20 on today for an evidentiary proceeding on the Plaintiff's
21 request to modify the physical custody arrangement last
22 controlling order in this case from July of 2011. I'll be
23 looking at the Ellis standard with regard to that request for
24 a modification. I have reviewed the pretrials, the trial

1 briefs that were submitted to the Court. Any housekeeping we
2 need to deal with at this point?

3 MR. SHAPIRO: No, Your Honor.

4 THE COURT: Ma'am, do you have anything we need to
5 deal with before we get started?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: All right. Just so everybody is aware,
8 I -- we're set for a half time. I will be keeping time. I'll
9 be giving you countdowns if we need to do make sure that we
10 get done on a timely basis. Mr. Shapiro, you want an opening
11 statement, you want to waive opening? How do you want to --

12 MR. SHAPIRO: I'll waive opening, Your Honor.

13 THE COURT: All right. Ma'am, opening statement's
14 essentially an opportunity to essentially restate what's
15 already in your pretrial memorandum. Mr. Shapiro has elected
16 to waive which is typically the case in my courtroom. Would
17 you like to waive opening as well?

18 THE DEFENDANT: Yes, please.

19 THE COURT: All right. Mr. Shapiro, who would you
20 like to call?

21 MR. SHAPIRO: I will call the Plaintiff first, Your
22 Honor.

23 THE COURT: All right. Sir, if you want to raise
24 your right hand for me, we'll get your sworn in.

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

4 THE WITNESS: I do.

5 THE COURT: All right. Put your hand down, sir.
6 Mr. Shapiro, go right ahead.

7 MR. SHAPIRO: Yeah.

8 DESMON BRANDES
9 called as a witness on his own behalf, having been first duly
10 sworn, testified upon his oath as follows on:

11 DIRECT EXAMINATION

12 BY MR. SHAPIRO:

13 Q Please state your name.

14 A Desmon Brandes.

15 Q Your address?

16 A 7637 Genesis Court, Las Vegas, Nevada 89128.

17 Q How long have you lived there?

18 A Going on two years.

19 Q Are you currently employed?

20 A Yes, I am.

21 Q Where are you employed?

22 A NV Energy.

23 Q How long have you've been employed with NV Energy?

24 A Twenty-three years.

1 Q What is your date of birth?

2 A February 7th, 1976.

3 Q How many children do you have?

4 A I have two.

5 Q What are their names and ages?

6 A I have Jayden (ph); she's 16 years old, and I have
7 Paige, who is 14.

8 Q Okay. What is your custodial arrangement with --
9 with Jayden and Jayden's mother?

10 A 50/50. I have Jayden on Wednesday, Thursday, Friday
11 let's say of week one and week two I have her the Thursday,
12 Friday, Saturday, Sunday which equates to seven days in a 14
13 day period.

14 Q Okay. And Paige is the child at issue in this case;
15 is that correct?

16 A Yes, she is.

17 Q And what is Paige's date of birth?

18 A April 7th of 2007.

19 Q And what is the current timeshare for -- for Paige?

20 A Currently, as of January, I've had her full-time,
21 but prior to that, it was 50/50 just like Jayden's, the same
22 days.

23 Q Okay. Now, let -- let's talk about what do you mean
24 since January you've had her full-time?

1 A Yeah, in January, Paige came to me with some video
2 evidence and stuff and said she didn't feel safe at her mom's
3 house anymore. She talked to her mom about it. Her mom,
4 Lacey, was okay with her staying with me. She wasn't going to
5 force her to go back to her house at that time. And she's
6 been with me ever since.

7 Q Has Paige seen her mother since January?

8 A Yes.

9 Q And how often has she seen her mother since January?

10 A I would say since January, honestly, just a handful
11 of times. She might have FaceTimed a couple times, but other
12 than that it would be at her softball tournaments when -- when
13 her mom did show up or maybe at a family function on her mom's
14 side.

15 Q Okay. Has Paige stayed with Lacey overnight since
16 January?

17 A I believe one night.

18 Q Okay. Now, let's go back for a minute and -- and
19 we'll circle back. You and Lacey reached an agreement
20 regarding the custody and support of Paige back in July 2011;
21 is that correct?

22 A Yes, it is.

23 Q And what did the July 2011 order provide regarding
24 custody?

1 A It gave Lacey full custody and gave me visitation.

2 Q Well, the order actually stated that Lacey had
3 primary custody, correct?

4 A Oh, primary. Primary. Yeah.

5 Q And when you agreed to that order back in July of
6 2011, what was the actual timeshare with -- with Paige between
7 you and Lacey?

8 A Right after that, it's -- it's always been 50/50 up
9 until Paige -- shortly after that 2011 order, Paige came and
10 started living with me full-time back then even.

11 Q Okay. Well, what -- what was the actual timeshare
12 in the July 2011 order?

13 A The timeshare of that one was she had her primarily
14 -- I got visitation two days a week, I believe.

15 Q Okay. And you're saying that that would -- that
16 never really happened?

17 A Yeah, I -- honestly, I had to reread it to see that
18 I had her two days, but we've always had her 50 -- it was
19 always kind of 50/50.

20 Q Okay. So some time after the July 2011 order, did
21 it top being 50/50?

22 A Yes, it did.

23 Q Okay. When was that?

24 A Probably either late 2011, early 2012.

1 Q Okay. And what did the original order provide with
2 regards to child support?

3 A I was to pay \$400 a month.

4 Q Okay. Now, when -- after the custodial order of
5 July 2011, you testified that -- that Paige started living --
6 living with you most of the time; is that correct?

7 A That's correct.

8 Q And that started sometime in late 2011 or early
9 2012; is that correct?

10 A Yeah, some time -- yeah, sometime around there.

11 Q Okay. Now, why -- why did it change in -- in either
12 late 2011 or early 2012?

13 A Lacey went into rehab into Riverside, California
14 around there and she wasn't able to care for Paige and I took
15 Paige full-time at that point.

16 Q Now, did you and Lacey discuss this change where
17 Paige would live primarily with you?

18 A Yes, Paige -- Lacey was in agreement with it.

19 Q Okay. Well, tell me about the conversations that --
20 that you and Lacey had when Paige came to live with you
21 full-time sometime in late 2011 or early 2012.

22 A Yeah, she just was unable to care for her at the
23 time and wanted me to take care -- take over and take care of
24 Paige while she went through what she was going through.

1 Q So you agreed to take full custody of Lacey (sic) at
2 that point?

3 A Of Paige? Yes.

4 Q Oh, Paige. I'm sorry. And -- and Lacey was in
5 agreement?

6 A Yes, she was.

7 Q Now, after Paige started primarily living with you,
8 did she have any contact with Lacey?

9 A Yeah, she did.

10 Q What was her contact with Lacey after she started
11 living with you?

12 A She would -- of course the phone all the time when
13 she could. When she did get back from rehab, she did -- Lacey
14 moved in with her mom, her parents, and Paige would go to her
15 grandparents, Lacey's parents. And every other weekend Paige
16 would be over there and during the summers Paige would also go
17 over there because the grandparents were there to kind of
18 supervise -- have supervised visits while -- while Lacey was
19 there to make sure everything was safe.

20 Q Okay. So for some period of time, let's -- let's
21 just use early 2012 as a point of reference, for -- for some
22 period of time after 2012 Paige lived with you full-time but
23 then with -- would live -- would visit her mother at her
24 grandparents' house every other weekend?

1 A Correct. During the school year, Paige was -- has
2 always been with me her whole school career. She's always
3 lived with -- stayed with me. During the summers, I would
4 allow her to go to her grandparents if Lacey was busy doing
5 rehab or whatever she was doing. And that's when -- when
6 Paige would go over there. During the summers, I would
7 actually get Paige every other weekend. It would always
8 switch. But I would always have Paige during the school year,
9 during the school week.

10 Q And were there any conditions as far as Lacey seeing
11 Paige when she was at her parents' house?

12 A She would have to test sometimes. We would have her
13 do a drug test. And same as if she came to come pick up Paige
14 from my house. She would do a -- a -- an at home drug test.

15 Q Okay. So when was it that -- that Paige started
16 spending the summers with Lacey?

17 A Lacey, I think moved out of her parents' house
18 somewhere around 2016 and then she started -- Paige started
19 actually just being with Lacey I believe in the 2016 at her
20 mom's house during the summers.

21 Q Okay. So let -- let's just be clear here with the
22 different time periods. From 2012 to 2016, Paige saw Lacey,
23 for the most part, every other weekend?

24 A For the most part, yes.

1 Q And then in 2016 then she started spending more time
2 with Lacey at Lacey's parents' house in the summer.

3 A I would say maybe 2015 around there in the
4 summertime and then 2016 is when she moved off to her own
5 house and same summers. That's the only time she really got
6 her was the during the summers.

7 Q Okay. Now, did that arrangement change again around
8 March of 2020?

9 A Yes, it did.

10 Q Okay. How did it change and -- and -- well, let's
11 talk about why did it change in March of 2020?

12 A In March of 2020, COVID hit. Like with everything,
13 things got crazy. So they stopped school. They closed the
14 schools. And at the time, Lacey I felt was doing good. I
15 allowed her to start the summer early for Paige to go to her
16 mom's in March as if it was summer break again. So we started
17 off like it was summer starting in March.

18 Q Okay. So what was the actual timeshare in March
19 then?

20 A So that went to -- she got her during the summer
21 break. I got her every other weekend. That was it. Besides
22 softball tournaments and things like that, but --

23 Q Okay. And then that lasted from March of 2020 until
24 around December of 2020?

1 A I would say til August, til school started again
2 then --

3 Q Okay.

4 A -- we would go back to school. She normally would
5 be with me, but school still wasn't in. And so Lacey wanted
6 to go 50/50 at that time. And so we went 50/50. And that's
7 when we went to the -- the same order that my oldest is on
8 which is the Thursday, Friday, Saturday, Sunday one week and a
9 Wednesday, Thursday, Friday the second week. So 50/50.

10 Q Okay. And then for -- what about from August til
11 December? What was -- what was the -- the custodial
12 arrangement during that period?

13 A That's -- that's what it was. That was during the
14 school. That was exactly the -- the 50/50.

15 Q Okay.

16 A And --

17 Q I got you.

18 A -- right after December and January which is 2021,
19 that is when Paige came to me and said I -- I don't want to go
20 back to my mom's. And she said she didn't feel safe and she
21 wanted to stay with me and she did.

22 Q Okay. Well, it sounds like for the most part since
23 the order of 2020 that -- that you and Lacey have pretty much
24 cooperated as to changes in the timeshare and when -- when

1 Paige would -- would live with you. And -- and do you believe
2 that that's accurate?

3 A Yeah, we -- we co-parented for sure and -- and we --
4 we did what was in the best interest I think of Paige.

5 Q Okay. Now let's go back. After the stipulation
6 from 2011, you stated that -- that Lacey went to a rehab; is
7 that correct?

8 A That's correct.

9 Q Okay. Do you know what's -- why specifically she
10 went to rehab after that July 2011 order?

11 A For an opioid addiction.

12 Q And did -- other than the opioid addiction, did she
13 have any other issues shortly after that 2011 stipulation?

14 A She did get a DUI in 2012. I think it was all based
15 around the opioid addiction.

16 Q Okay. Now this -- from -- essentially from -- from
17 2012 to 2016 -- well, actually it sounds like from -- from
18 2012 pretty much through the present except for a short period
19 you had primary custody of Paige. Is -- is that accurate?

20 A That's correct.

21 Q Okay. With having primary custody of Paige, you
22 know, for -- for more than 10 years, did you ever take Lacey
23 back to court to get an order for primary custody?

24 A No, I did not.

1 Q Why didn't you do that?

2 A Lacey had given me -- let me have Paige full -- full
3 custody or full -- full-time at that point. I didn't see a
4 reason to. She said I didn't have to pay child support once I
5 took over and haven't paid while she was having her struggles.
6 And I didn't see a reason to, I guess.

7 Q Okay. Well, after -- after the 2011 rehab and --
8 and the 2012 DUI, are you aware of any other issues that Lacey
9 had after that?

10 A In 20 -- due to this case, I've learned that in 2018
11 she got -- I think she got fired from her job from -- for drug
12 use. That was one thing I learned since this case has
13 started, yes.

14 Q Well, are you aware of -- of Lacey ever testing for
15 opiates?

16 A Yes. Yes. Besides that, I mean, like I said
17 earlier though from 20 -- roughly about from 2012 when she got
18 back from rehab until she went out on her own to her -- to her
19 parent -- to her own house. So about 2016, yeah, she would --
20 she would test positive for opiates before -- I mean, we would
21 give her a test before she could even take Paige or see Paige.

22 Q Okay. So does the test -- the test that you and
23 Lacey's parents gave her, she did test positive?

24 A Correct.

1 Q Okay.

2 A I caught her -- I caught her actually cheating a few
3 times. Her mother also caught her cheating as well.

4 Q Okay. What do you mean caught her cheating?

5 A Falsifying the test, using someone else's pee, using
6 water. I've caught her at my house using my -- her own
7 daughter's pee, actually. Come to find out it was Paige's
8 urine.

9 Q So what happened if -- if she tested positive?

10 A If she tested positive, she was not allowed, of
11 course, to take Paige. I believe over at her Mom's house she
12 wasn't allowed to be alone with Paige. We've kind of -- we're
13 trying to protect the best we could Paige at all costs.

14 Q Okay. Now, do you had reason to have -- well, have
15 -- have you had any recent concerns about Lacey?

16 A Just what Paige has told me once in January when she
17 told me she didn't want to go back to her mom's house, that
18 she didn't feel safe. And I -- I was like why, what's going
19 on. And she actually showed me a video of her mother and --
20 and said this was happening at -- at her house.

21 Q Okay. I'm going to -- that video has been marked as
22 Plaintiff's Exhibit 3. So I'm going to play that video for
23 you and ask you if you can identify that video. See if I can
24 do this anyway. Not cooperating.

1 (COURT AND CLERK CONFER BRIEFLY)

2 BY MR. SHAPIRO:

3 Q Okay. I think -- okay. I'm going to play this
4 video and I'm going to ask you to -- if you can identify this.
5 Is that video on the screen?

6 A Yes, it is.

7 Q Okay.

8 1:48:03

9 (VIDEO PLAYED)

10 1:48:41

11 Q Okay. Who -- who is the person in that video?

12 A That was Lacey and her -- one of her youngest girls
13 who -- Stella (ph), I believe.

14 Q And how did -- how did you become in possession of
15 this video?

16 A Like I said, when I picked Paige up in like
17 mid-January she told me Dad, I need to show you something and
18 I don't want to go to my mom's house again or go back to it.
19 I just don't -- Mom's -- you know, she didn't feel safe she
20 told me. And so she showed me the video and said Mom, thing
21 -- this has been happening frequently and that she would just
22 stand there and be zoned out for -- you know, at that point
23 she said after she stopped videotaping she sat there for 30
24 minutes like that standing there.

1 Q Well, did -- did you ask Paige to take this video?

2 A Absolutely not.

3 Q Okay. Would -- would you a -- would you ever ask
4 Paige to spy on her mother?

5 A I would never.

6 MR. SHAPIRO: Your Honor, I would like to admit
7 Plaintiff's Exhibit 3.

8 THE COURT: Ma'am, any objection to 3 coming into
9 evidence?

10 THE DEFENDANT: No.

11 THE COURT: All right. 3 -- 3 will be admitted by
12 stipulation. Thank you.

13 (PLAINTIFF'S EXHIBIT 3 ADMITTED)

14 BY MR. SHAPIRO:

15 Q Now, I'm going to -- and now I'm going to have you
16 take a look at what's been marked as Plaintiff's -- I'm going
17 to have you look at what's been marked as Plaintiff's Exhibit
18 1. And do you recognize this exhibit?

19 A Yes, it is. Yes, I do.

20 Q Okay. What is this? What is the document?

21 A That is a text message screenshot, I guess you could
22 call it, from Paige to her sis. That's what she says. She
23 calls her sis. So in that little image, that's her older
24 sister and then Paige in it. But that's Paige -- you'll see

1 -- how did you act when you were high -- so that's Paige
2 talking in the black. So this is actually from Jayden, now
3 that I have read it. It's like a serious question. Like when
4 I was high or la -- so that's a text message between Jayden
5 and Paige.

6 Q Okay. And -- and so if we go to -- to the second
7 page of -- of this, who is this in blue?

8 A In blue is my oldest daughter --

9 Q Okay.

10 A -- Jayden.

11 Q So Jayden was asking Paige is your mother high. And
12 then that's Paige responding in -- in the black.

13 A Correct. Correct.

14 Q And you -- is that in the middle where she's moving
15 slow? Is -- is that Paige's description?

16 A Correct. Yes, she said that -- that was one of the
17 multiple occasions of -- of Lacey driving like that.

18 Q Okay. This was when Lacey was driving?

19 A Correct. That's -- she was swerving in the lanes
20 and going super slow and Paige was worried she was going to
21 get in a wreck. And she was trying to find out. I guess her
22 mom had stepped out of the car. That's why I think she said
23 hurry or something. And this actually, text message, came
24 from my oldest daughter because she was worried. At that

1 time, Paige hadn't told me yet. She was maybe still scared of
2 protecting her mom. I'm not sure. She just didn't know what
3 to do about it at that time.

4 MR. SHAPIRO: Okay, Your Honor. I would like to
5 move to exhi -- move to admit Exhibit 1.

6 THE COURT: Man -- ma'am, any objection to Exhibit 1
7 coming into evidence?

8 THE DEFENDANT: No, Your Honor.

9 THE COURT: All right. 1 will be admitted. Thank
10 you.

11 (PLAINTIFF'S EXHIBIT 1 ADMITTED)

12 BY MR. SHAPIRO:

13 Q Okay. Now, we're going to -- we're going to go to
14 Exhibit 4. And do you recognize this text message?

15 A This is Paige -- from Paige's phone and house phone
16 would be Lacey's cell phone I'm guessing or their hou -- the
17 phone that they used at their house. But it was a -- a mobile
18 phone I'm taking it. I'm -- but it was Lacey's house or
19 Lacey's phone.

20 Q Okay. So this would be a -- a message exchange
21 between Lacey and Paige?

22 A That's correct.

23 Q Okay. And -- and in your -- what's the gist of this
24 message exchange?

1 Q Okay. Now, I want to talk -- well, do -- do you
2 know if -- if Paige has expressed her concerns about Lacey to
3 anyone other than you?

4 A Definitely her sister. Definitely my girlfriend.
5 But other than that, I -- I don't think so for the most part.
6 Maybe her grandma and grandpa which is Lacey's mom and dad.
7 Oh, and to her aunt. I know she has to her aunt which is
8 Lacey's sister, Aunt Kiley (ph). She's --

9 Q I -- are you aware if -- if -- well, do you have any
10 reason to believe that Paige has also reported these
11 incidences to CPS?

12 A Oh, yes. Yes. CPS. The -- it's documented as well
13 a bunch of these instances.

14 Q Okay. Now I want to -- I want to talk real quickly
15 about the -- the tax exemption for -- for Lacey. Excuse me,
16 for Paige. Have you been claiming Paige on -- on your taxes
17 as -- as a dependent since around 2011?

18 A Yes, I have.

19 Q Okay. Why have you been doing that?

20 A When Lacey first went to rehab and I took -- had
21 Paige full-time, Lacey was in agreement that I could keep
22 Paige. It only made sense that I didn't pay child support
23 after I started keeping her full-time mostly and that I could
24 claim her on my taxes.

1 Q Okay. So the order from 2011 allowed you to claim
2 Paige every other year, but based upon the agreement with
3 Lacey you claimed Paige every year; is that correct?

4 A That is correct.

5 Q Okay. And -- well, let's talk about the same thing
6 with the child support. The child support was ordered in in
7 July 2011 of \$400 per month, correct?

8 A Yes, it was.

9 Q Okay. Immediately after that order was issued, did
10 you comply and pay the \$400 a month?

11 A Yes. Yes, I did.

12 Q How long did you pay the \$400 a month?

13 A I would say easily a year to a year-and-a-half. So
14 in late July I would say -- I would even say even about
15 mid-2012 is when I stopped paying.

16 Q Okay. For some point did you -- had you continued
17 paying it even when Paige was living with you?

18 A Very short time, I believe. I can't --

19 Q Okay.

20 A -- quite remember, but I think I did and I realized
21 the money was going to -- to enable her habit. And she wasn't
22 getting paid enough to be able to use it towards Paige. And
23 so I stopped paying child support at that time.

24 Q Okay. So and exactly why did you stop? Well, let

1 -- let me rephrase that. Did -- did you and -- and Lacey have
2 any discussions with regarding you paying child support?

3 A I'm sorry, I got distracted when Lacey left the
4 call.

5 THE COURT: Hold on a second.

6 THE WITNESS: Say that again.

7 THE COURT: Mr. -- hold on. Don't -- don't
8 answer --

9 THE WITNESS: Yeah.

10 THE COURT: -- the question yet. I -- I need her
11 back so we can --

12 THE WITNESS: Yeah.

13 THE COURT: -- continue. So let's hold off for just
14 a second.

15 THE WITNESS: Yeah, I thought that might be the
16 situation.

17 THE COURT: We'll give her a minute and see if she
18 logs back on.

19 (COURT AND CLERK CONFER BRIEFLY)

20 THE COURT: We tried contacting her and her phone
21 just went to voicemail. So let me give it a minute or two
22 here.

23 (PAUSE)

24 THE COURT: Okay. We're going to call one more time

1 and see. And -- I don't know your preference at this point,
2 Mr. Shapiro. I don't know that I can proceed forward without
3 her. I have switched it over to her time rather than your
4 time as far as timekeeping is concerned, but we'll give her
5 another --

6 MR. SHAPIRO: Well, I don't think --

7 THE COURT: Go ahead.

8 MR. SHAPIRO: Time's not going to be a problem. I
9 mean, I have just a couple more minutes with him and I
10 anticipate 15 or 20 minutes with her.

11 THE COURT: Okay. And I'm going to -- I'm going to
12 go ahead and -- and go off the record for a minute and then
13 we'll come back. Oh. Oh, she may have gone back into the
14 general room since we're in a breakout. She's not? All
15 right. Now let's go off the record for a minute anyway.

16 (COURT RECESSED AT 2:01 AND RESUMED AT 2:07)

17 THE COURT: All right. Can you hear us, ma'am?

18 THE DEFENDANT: Yes, sorry about that. My laptop
19 crashed.

20 THE COURT: All right. We'll go back on. We are
21 back on the record in 588253 (sic). Everybody's back. Mr.
22 Shapiro, you were still on direct examination.

23 MR. SHAPIRO: Yes, Your Honor.

24 BY MR. SHAPIRO:

1 Q Desmon, I think we left off as to why you stopped
2 paying child support.

3 A And it was because Paige was living with me
4 full-time and Lacey agreed that since I had her full-time I
5 didn't have to pay. And that's why I stopped.

6 Q And did you ever go back to court to change your
7 child support obligation?

8 A No, I did not.

9 Q Why not?

10 A Because Lacey had agreed that I didn't have to pay
11 child support. I had Paige full-time and -- and I didn't -- I
12 wasn't asking for any child support. So I didn't feel that I
13 needed to.

14 MR. SHAPIRO: Okay. I have no further questions,
15 Your Honor.

16 THE COURT: All right. Ma'am, now is your
17 opportunity to cross examine this witness.

18 THE DEFENDANT: Okay.

19 CROSS EXAMINATION

20 BY THE DEFENDANT:

21 Q Des, I wanted to talk about back in 2011 and 2012
22 after I did my rehab at Riverside. Can you -- do you remember
23 like how far after the rehab stint before I started seeing
24 Paige again and she was back coming to me on the every other

1 weekend and summer schedule?

2 A How soon after you got back from rehab?

3 Q Yes.

4 A I would say -- I would only be guessing. Maybe a
5 month or so, a couple months. Because it was at your parents'
6 house and they were overseeing the visitation.

7 Q And just to be clear, there was never any order
8 given by anybody that I had to have supervised visits with
9 Paige ever, correct?

10 A Correct. That's something that we agreed to.

11 Q We agreed to personally. Correct. And then after
12 -- let's see. So around the time between 2011 and 2015 when I
13 was married I was living with my parents. Can you kind of go
14 over what the arrangement was at that time knowing -- knowing
15 I was just out of rehab, I was living with my parents? What
16 was that arrangement until I got married to Dave?

17 A Correct. It was just like I had said before.
18 During the summers Paige would go over there. You were --
19 they always had grandma and grandpa there to supervise. And I
20 would get her every other weekend during the summers. During
21 school, it was still the same. Every other weekend she would
22 go over there.

23 Q Okay. And then when I did --

24 A And they were supervised at all times.

1 Q Sorry about that. And when I did get married in
2 2015, I was married February 14th of 2015. And I moved out of
3 my parents' house with my -- with my husband and my brand new
4 baby daughter in August of 2015. Can you tell me, was Paige
5 coming over to my house and what was the arrangement when I
6 moved out on my own?

7 A The same thing. Paige pretty much during the school
8 was with me; during the summers, that was the first time that
9 she was able to go with you without supervi -- well, without
10 your grand -- your mom or dad overseeing it. So that was the
11 first time not supervised.

12 Q I would say --

13 A But during the summers.

14 Q -- unsupervised --

15 A And then I would get her every weekend.

16 Q Correct. By -- by how me and you had talked about
17 it. Not that I -- not that she needed supervision by the
18 court.

19 A Correct. It was never supervision by the courts.
20 It was something we always agreed with --

21 Q Correct.

22 A -- due to --

23 Q Okay. And when -- when I was living at the house on
24 Chelsea Grove with Dave and Reese (ph), when I had Paige on my

1 weekends, can you tell me what days I would pick her up and
2 what day I would take her back?

3 A I -- I really don't --

4 Q On my weekends.

5 A On your --

6 Q I'm sorry --

7 A -- weekends?

8 Q -- on my weekends. Yes.

9 A Gotcha. You would get her -- if it was your
10 weekend, you would come get her on Friday after school if it
11 was --

12 Q I would pick her --

13 A -- during school.

14 Q -- up from the school. Right.

15 A Correct. You would pick her up after school on
16 Friday and then you would take her back to school on that
17 Monday.

18 Q Okay.

19 A That was your weekend --

20 Q So I had her more -- I had her more than just two
21 days of the week. I kept her Friday all the way until Monday
22 when I took her to school on my weekends, correct?

23 A Correct.

24 Q And that went on all the way through until our

1 adjustment changed as of the pandemic in March of 2020.

2 A Correct.

3 Q That's a yes. Okay.

4 A Yes.

5 Q And then as far the child support and this whole
6 case goes, did I do this -- did I start a case against you?
7 Did I start a child support case against you? Was that me --

8 A That, I don't know.

9 Q -- or -- okay. So my point was is that when I
10 applied for welfare, when I applied for TANF, that is what
11 started the child support case against you. It wasn't me
12 going into somewhere to the court saying I need child support,
13 this is what's going on --

14 THE COURT: Okay. Ma'am --

15 THE DEFENDANT: -- is that correct?

16 THE COURT: Okay. Yeah, just -- I just need
17 questions instead of statements. That sounded like a
18 statement until the very end where you've made it into --

19 THE DEFENDANT: I apologize.

20 THE COURT: -- a question. So it -- you're going to
21 -- I'm going to give you an opportunity to testify yourself,
22 but now is the time to ask him questions.

23 THE DEFENDANT: Okay. I'm sorry, Your Honor. I got
24 to --

1 THE COURT: No. No. You're fine.

2 BY THE DEFENDANT:

3 Q And then going back to Paige's school, when she
4 originally started kindergarten, why was the arrangement to
5 where she can only go to school by you? Why -- why did she
6 get stuck going to school by you instead of with me?

7 A They did have all day kindergarten.

8 Q And so you and I agreed to letting her go to
9 kindergarten and elementary school near you. And did we have
10 any other arrangements for the future for middle school and
11 high school? Did we come to any agreements after that?

12 A No, we did not.

13 Q Okay. I remember some -- and then moving forward to
14 now, why -- why has -- I have submitted drug tests for the
15 court and I came back negative for opi -- opioids. So I'm
16 just -- I guess I'm concerned and questioning why CPS was
17 called. Were you the one that called CPS?

18 A Yes, I did.

19 Q And you gave CPS all the information that Paige gave
20 you?

21 A Correct.

22 Q so you have never seen me high on drugs in the last
23 five years personally.

24 A I have not.

1 THE DEFENDANT: No further questions, Your Honor.

2 THE COURT: Mr. Shapiro, any redirect?

3 MR. SHAPIRO: No, Your Honor.

4 THE COURT: Who else would you like to call?

5 MR. SHAPIRO: I'll call Lacey next, Your Honor.

6 THE COURT: All right. Ma'am, if you can raise your
7 right hand for me, we'll get you sworn in.

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

11 THE WITNESS: I do.

12 THE COURT: All right. Mr. Shapiro, go ahead.

13 LACEY KRYNZEL

14 called as a witness on behalf of the Plaintiff, having been
15 first duly sworn, testified upon her oath as follows on:

16 DIRECT EXAMINATION

17 BY MR. SHAPIRO:

18 Q Please state your name.

19 A Lacey Krynzel.

20 Q Your current address?

21 A 6530 Annie Oakley Drive, Apartment 814, Henderson,
22 Nevada 89014.

23 Q Okay. And you have four children, correct?

24 A Correct.

1 Q You have two children with your current husband; is
2 that correct?

3 A I'd like to say three since he's listed as the
4 father on the birth certificate.

5 Q And that would be of who?

6 A Reese, Reese Thomas, my six-year-old.

7 Q Okay. You don't know who the father of Reese is
8 though?

9 A I do know who her biological father is, yes.

10 Q Now, Desmon is the father of Paige, correct?

11 A Correct.

12 Q And Paige is your oldest child?

13 A Correct.

14 Q She's 14?

15 A Correct.

16 Q You and Desmon reached an agreement regarding the
17 custody and support of Paige back in July of 2011, correct?

18 A Correct.

19 Q And after that order was entered, you went into
20 rehab, drug rehabilitation in Riverside, California, correct?

21 A Correct.

22 Q And you were inpatient for 45 days, correct?

23 A Correct.

24 Q And you believe that it was all Desmon's fault that

1 you have the drug addiction, correct?

2 A I don't believe it's all his fault. I had a choice
3 in the matter but he introduced me to it.

4 Q Well, in -- in the opposition that you filed in this
5 case, you said that it was all Desmon's fault. Do you -- do
6 you not believe that anymore? I'll -- I'll withdraw that.
7 After you entered rehab, Desmon told you that he thought it
8 was best for Paige to live with him and you were in agreement
9 with that, correct?

10 A Yes.

11 Q Okay. And, at that point, Paige lived with Desmon
12 and you -- as Desmon testified you saw her at your parents'
13 house every other weekend, correct?

14 A Every other weekend and the summers, yes.

15 Q Okay. Well, initially you were just seeing her
16 every other weekend, correct?

17 A No, it had never been just every other weekend.
18 I've always had her in the summers.

19 Q Now, do you agree that since the order of July 2011
20 that you have never had primary custody of Paige?

21 A The paperwork says that I have, but I know that I
22 haven't. I've been trying to fight my way back to get more
23 time with her all the way up until now. And my fight was with
24 Desmon, not with the court.

1 Q So despite the multiple allegations in your
2 opposition that you filed on December 7th of 2020 suggesting
3 that -- that you did not believe that Desmon had primary
4 custody of Paige. At this point, you're acknowledging that
5 he's had her the majority of the time, correct?

6 A I would say in terms of percentages it's like
7 between 65 percent and 35 percent, him having the 65.

8 Q Okay. And the arrangement whereby you had every
9 other weekend time, that lasted until about March of 2020,
10 correct?

11 A Yes. And then I -- then I -- we took on half and
12 half.

13 Q Okay. And then from -- from March of 2020 until
14 around December of 2020, that's when you and Desmon went about
15 50/50?

16 A Yes. Correct.

17 Q And then sometime in January you agreed that -- that
18 Paige would -- would stay with Desmon full-time and she didn't
19 have to see you?

20 A I agreed that she could at that moment stay at her
21 dad's. I thought she was confused about -- about things. And
22 I -- I figured that once I drug tested for the court so that
23 they could see it wasn't drug related and induced then she
24 would feel comfortable coming back over. But I feel that it's

1 -- it hasn't -- it hasn't worked out that way. She has not --
2 it's -- it's like she's being kept under something and she
3 won't even allow me to take her.

4 Q Well, do you understand what Paige's concerns are?

5 A I do. I understand what her concerns are but I also
6 have my own concerns and the truth of it which is not what her
7 concerns are. And that's -- that's what I'm fighting for.
8 It's because I'm -- I'm not the same person I used to be. And
9 I want my daughter just as much as my other kids.

10 Q Well, you -- you agreed that you and Desmon have
11 effectively co-parented, correct?

12 A I would agree. I -- I us -- I tend to give Desmon
13 whatever he wants.

14 Q And you believe that Desmon's a great father,
15 correct?

16 A Of Paige, absolutely. Yes.

17 Q Okay. Now, after you got out of rehab, you had
18 continued issues with -- with drug abuse, correct?

19 A Correct.

20 Q Okay. In 2012, you were arrested for a DUI,
21 correct?

22 A Correct.

23 Q And your substance abuse continued into -- to 2015,
24 correct?

1 A Correct.

2 Q When you gave birth to Reese in 2015, you tested
3 positive for opiates, correct?

4 A Correct.

5 Q And you were -- you tested positive for opiates that
6 you did not have a prescription for, correct?

7 A Correct.

8 Q In fact, you were using drugs that were prescribed
9 to your husband, correct?

10 A I had taken two pills the night before I gave birth.
11 Yes.

12 Q Okay. And when CPS was -- was called regarding you
13 testing positive -- well, when Reese was born on January 31st
14 of 2015, she tested positive for opiates as well, correct?

15 A Yes. Correct.

16 Q And after that, you were in the hospital a couple of
17 times in 2018, correct?

18 A Yes, for gallbladder surgery.

19 Q Okay. Well, that isn't completely true, is it?

20 A It is.

21 Q Okay. Where -- isn't it true that -- that you were
22 fired for suspected drug use?

23 A That's not true. No. I was --

24 Q And is it als --

1 A -- fired for (indiscernible).

2 Q Well, on July 11th, 2018 did Noah Van Rosen (ph)
3 from Western Elite, your employer, find you unresponsive and
4 slouched in the chair?

5 A He may have. He was sitting next to me.

6 Q Okay. He may have or he did?

7 A I'm sure he did.

8 Q Okay. And you were described as blue and pale with
9 a weak pulse and unresponsive for eight minutes, correct?

10 A If that's what they say.

11 Q Okay. And 911 was called?

12 A Yes.

13 Q And you were transported by ambulance to the
14 hospital.

15 A Correct.

16 Q Okay. And there was a second incident on August 1st
17 of 2018 when Mr. Van Rosen again found you unresponsive at
18 your desk, correct?

19 A Correct.

20 Q And the paramedics were called a second time,
21 correct?

22 A Correct.

23 Q And you went to the hospital for a second time,
24 correct?

1 A Correct.

2 Q And you ended up being let go for excessive
3 absences, correct?

4 A Yes.

5 Q And you were also suspected of -- of stealing money
6 from your employer, correct?

7 A No, I've never heard of that before.

8 Q You -- you've never heard of that.

9 A No.

10 Q Okay. Let's -- I'm going to go to Exhibit 5. I'm
11 going to go to Exhibit 5. On the bottom pages of this
12 exhibit, you'll notice there's a Bates stamp. So on Bate --
13 I'm on Bates Stamp 83. And -- and the notes from Western
14 Elite, it notes; in addition we had an incident on 7/26 when
15 you were filling in at the scale house where the cash drawer
16 was \$40 short.

17 Although we can't prove that you took the missing
18 cash, your behavior is suspicious and indicates your
19 involvement -- involvement, changing your story about the
20 order of events when you gave the customer change, when you
21 got change from the kiosk attendant on duty, going into the
22 restroom with cash in your hand and only staying there for 10
23 seconds. Did -- does that refresh your recollection?

24 A I remember that incident, yes, but I don't remember

1 them ever saying that I stole \$40. My drawer had just come up
2 short that day.

3 MR. SHAPIRO: Okay. Your Honor, I would like to
4 move to admit Exhibit 5.

5 THE COURT: Ma'am, do you have any objection to 5
6 coming into evidence?

7 THE DEFENDANT: No, Your Honor.

8 THE COURT: All right. 5 will be admitted. Thank
9 you.

10 (PLAINTIFF'S EXHIBIT 5 ADMITTED)

11 BY MR. SHAPIRO:

12 Q So your -- your position is is that the issues you
13 had at work had to do with your gallbladder and appendix?

14 A Correct.

15 Q And it's your testimony that your doctor advised you
16 to have your appendix removed, correct?

17 A Correct. He did.

18 Q Okay. And you declined to have it removed, correct?

19 A Correct.

20 Q And you were in the hospital from August 23rd to
21 August 25th, correct?

22 A I'm not sure of the dates. If that was for the
23 appendicitis, I believe it was only overnight. So making it
24 three to two day -- two to three days doesn't seem correct.

1 But I'm not sure.

2 Q Okay. Well, you were not willing to sign a HIPAA
3 release to allow my office to get those records; isn't that
4 true?

5 A That is correct.

6 Q Okay. You don't want your medical records from 2018
7 released; isn't that true?

8 A I -- I don't want them released to you. No.

9 Q Because you don't think that they're relevant,
10 correct?

11 A Correct.

12 Q Even though they just have to do with your
13 appendicitis.

14 A That's --

15 Q Correct?

16 A -- what it has to do with, correct.

17 Q Okay. And you acknowledge you've had -- over the
18 past several years you've had at least three interactions with
19 CPS, correct?

20 A In the last how many years?

21 Q The last several years.

22 A I mean, how many years do you want me to go back?

23 Q I'll say 2015.

24 A Since 2015, there would only be two. The incident

1 with Reese and then the incident where Des called CPS.

2 Q Okay. Now, your position is you've been in recovery
3 since 2015, correct?

4 A I have, yes.

5 Q And it's your position that you've maintained
6 sobriety since 2015, correct?

7 A I've been off of opiates since 2015.

8 Q Okay. Well, do you maintain that you've maintained
9 sobriety since 2015?

10 A I mean, I -- I don't know what you consider that. I
11 mean, if you consider -- because I -- my drug tests clearly
12 have marijuana in it. So I -- and it's stated in there that I
13 socially smoke marijuana. So if you're going to tie that into
14 being sober, then I can't answer that.

15 Q Okay. Well, your opposition on page 4, line 4 since
16 you've been -- says you've been drug free since 2015; is that
17 true?

18 A Yes. Besides the marijuana.

19 Q Okay. And you also consume alcohol on a regular
20 basis, correct?

21 A Not regularly. No. Occasionally.

22 Q But you -- you consume alcohol and use marijuana on
23 at least an occasional basis, correct? I'm sorry, I didn't
24 hear you. Is that correct?

1 A Oh, I said occasionally. Yes.

2 Q Okay. And you've been taking Suboxone since
3 September 2015; is that correct?

4 A Yes.

5 Q And Suboxone is an opioid; isn't that true?

6 A No, it's not. I think --

7 Q Well --

8 A -- it's --

9 Q -- you -- you've never asked your doctor if it was
10 an opiate, correct?

11 A I did recently and he said it's not.

12 Q Okay. You -- you did after I took your deposition?

13 A Correct.

14 Q You've been given the opportunity to review the CPS
15 records, correct?

16 A I haven't. I have not reviewed the CPS records. I
17 did not know how to get them.

18 Q Okay. Well, you've been given the opportunity,
19 haven't you?

20 A Not that I know of.

21 Q Okay. So you don't believe that the Judge's
22 chambers have contacted you to -- giving you the opportunity
23 to review the records?

24 A No, I don't. I don't believe that I have.

1 Q Okay. But you are aware that Paige has expressed
2 concerns that you've been under the influence while at home
3 caring for her and your younger children, correct?

4 A Yes, I've heard those were her concerns.

5 Q And that she believes that you leave the home in the
6 middle of the night to -- to buy drugs?

7 A Yeah, she mentioned that one time. That's happened
8 one time.

9 Q Okay. And you're also familiar with her concern
10 that you drive with her and your other children in the car
11 while you're under the influence of alcohol or drugs, correct?

12 A I've heard that that is her concern.

13 Q Now, you're aware that Desmon has claimed Paige on
14 his taxes every year since 2012, correct?

15 A Correct.

16 Q And you agree that you and Desmon had a conversation
17 about him doing that, correct?

18 A Correct.

19 Q You told him that he could declare -- well, he could
20 claim her on his taxes every year, correct?

21 A Not every year. No. We specifically said until I
22 was better.

23 Q So you -- you -- your position is that you told
24 Desmon that he can claim Paige on his tax return every year

1 until you were better.

2 A Correct.

3 Q Okay. When's the last year that -- well, have you
4 ever -- have you ever claimed Paige on your tax return?

5 A On the years that I was supposed to; every year that
6 I went in to do it, it said that she had already been claimed.

7 Q Okay. So you -- you acknowledge that you told him
8 he could do it, but you didn't have any clear understanding of
9 when he can no longer do it, correct?

10 A Correct.

11 Q Okay. Now, as far as child support, after the
12 original child support order was entered in July of 2011, you
13 acknowledge that -- that Desmon paid you child support,
14 correct?

15 A Shortly yes, he did.

16 Q Okay. And sometimes he paid you in cash, correct?

17 A Sometimes, yes.

18 Q Okay. And you don't remember how much or when he
19 paid you in cash, correct?

20 A No, it would have been back in 2011.

21 Q Okay. And, at some point, he stopped paying you
22 child support, correct?

23 A I would assume it was -- it was when I started going
24 to rehab.

1 Q Okay. And you remember when he stopped paying child
2 support, correct?

3 A I would just say it was about -- around the time I
4 went to rehab.

5 Q Okay. When Paige started spending most of the time
6 with Desmon, you agreed that Desmon would no longer have to
7 pay you child support, correct?

8 A Yes, until I got better.

9 Q Okay. Well, you're -- you're saying until you got
10 better, but you -- you -- that's -- you didn't have that
11 condition on -- when I took your deposition, did you?

12 A I don't know that I stated it, but that's -- that's
13 what all of these conditions were. Everything was conditioned
14 on me getting better.

15 Q Well, you're just putting those conditions on it
16 now, aren't you?

17 A No, I'm not.

18 Q You -- you and Desmon never discussed those
19 conditions.

20 A Yes, we have. All -- all the major ones like
21 school, child support, custody. It was all based on lea --
22 leaving it how it was until I got better and then we would re
23 -- redo it.

24 MR. SHAPIRO: Okay, Your Honor. I would like to

1 publish the Defendant's deposition.

2 THE COURT: Okay.

3 BY MR. SHAPIRO:

4 Q Okay. So I'm going to -- I'm on page 47 of your
5 deposition. Do you remember having your deposition taken via
6 Zoom on -- on April 20th of 2021?

7 A Yes.

8 Q Okay. And on page 47, I'm going to reference you to
9 line 11. I asked you okay, when he had Paige during the
10 schooling times that you stated earlier, did you agree that he
11 would not have to pay you child support while he had her? And
12 your answer was yes and I will say that from the time that Des
13 took her to help me I didn't want child support. And I will
14 say that I have been saying that. I did not. I'm only asking
15 help in child support from the time me and my husband got
16 married in 2015. Did I read that correctly?

17 A Yes, that is correct. That's --

18 Q So --

19 A That's correct.

20 Q -- when Desmon -- when Desmon had Paige, you told
21 him he didn't have to have child support and you've never done
22 anything to pursue child support but now you want child
23 support beginning in 2015 when you got married, correct?

24 A Correct.

1 THE COURT: About 25 minutes, Mr. Shapiro.

2 MR. SHAPIRO: Okay.

3 Q And you never went to court to get -- to -- to have
4 Desmon pay child support, correct?

5 A Correct.

6 Q And you never went to the District Attorney's Office
7 and asked for child support, correct?

8 A Correct.

9 Q Okay. When you received public assistance, the
10 District Attorney's Office then went after Desmon for child
11 support, correct?

12 A Yes.

13 Q And you never told them that you had an agreement
14 with Desmon that he didn't have to pay child support, correct?

15 A I did not tell them that. No.

16 Q Okay.

17 A Because I think the year that I applied was 2019.
18 So that was well -- well within me having -- me having had
19 Paige and being on our own. So I felt like it was time for me
20 to get assistance with that.

21 Q Okay. And if you were going to go back to court, it
22 would have been to get more time with Paige and not for child
23 support, correct?

24 A I'm not sure. I mean, I'm not sure of that answer.

1 Q Okay. You were last employed in 2018; is that
2 correct?

3 A Correct.

4 Q And that was with Western Elite, correct?

5 A Correct.

6 Q And you were earning \$15 per hour, correct?

7 A Correct.

8 Q And you -- you currently have no disabilities,
9 correct?

10 A Correct.

11 Q And you haven't tried to find a job since they fired
12 you in 2018, correct?

13 A That's not completely true. I've been helping my
14 husband with his own business.

15 Q Okay.

16 A I'm listed as the treasurer of our business.

17 Q Okay. And you and your husband are -- are both
18 unemployed, correct?

19 A From the pandemic, yes.

20 Q Okay. And you're both receiving unemployment
21 benefits?

22 A Correct.

23 Q Okay. And beginning in March 2020 you started each
24 receiving \$527 per month?

1 A Correct.

2 Q And --

3 THE COURT: I'm sorry, Mr. Shapiro. 527 a month?

4 MR. SHAPIRO: Oh, I'm sorry. 527 per week.

5 THE COURT: Okay.

6 THE WITNESS: A week.

7 BY MR. SHAPIRO:

8 Q And other than you and your husband both receiving
9 unemployment, are you receiving any other public benefits that
10 weren't stated on your financial disclosure form?

11 A No.

12 MR. SHAPIRO: Okay. I have no -- no further
13 questions, Your Honor.

14 THE COURT: All right. Ma'am, if you had an
15 attorney now, it would be the -- the opportunity for the
16 attorney to cross examine you. I don't want you to ask
17 yourself questions, but certainly you're under oath and you
18 can go ahead and -- and testify. The only admonishment I
19 would give you is that if you hear Mr. Shapiro's voice voicing
20 an objection, just stop talking for a minute and let me rule
21 on the objection and then we can go forward at that point,
22 okay?

23 THE WITNESS: Okay.

24 THE COURT: All right. Go right ahead and tell me

1 what I need to know.

2 CROSS TESTIMONY

3 THE DEFENDANT: Okay. I will -- I'll start with
4 after I went into Riverside rehab in 2011, early 2012. And
5 then after that time I -- from that time I did leave Paige in
6 Des' care. And he did have her and he was taking care of her
7 until I got better. I would say, and I'm only asking that I
8 have help with child support from the time that I moved out on
9 my own in 2015 of August until now.

10 And as far as the scheduling with Paige goes, I feel
11 up until May, I would say, probably 2014 -- '13 and 2014 I've
12 had Paige I -- like I would say 35 percent of the year. Des
13 has had her probably 65 percent of the year. And with that
14 arrangement, it was because she went to school at -- at a
15 school that was zoned by him. And I didn't have any
16 objections with that as long as I still got to see her on my
17 times and on my weekends in -- in which I did.

18 I would just like also the Court to note that there
19 was never any -- Des never came back in to change anything, to
20 change the fact that I was the primary custodial guardian,
21 that child support was owed. I didn't come after him for
22 reasons of feeling obligated like I -- I owed it to him for
23 helping me take care of her. I've been scared and terrified
24 to come at him with asking for a better or newer arrangement

1 because I'm scared to be told no. And I'm scared to not have
2 my daughter with me anymore.

3 And as far as the Western Elite goes, I did pass out
4 twice at work and in the middle of my pass outs I wasn't -- I
5 did get admitted into the hospital for gallbladder surgery and
6 I was out for almost a week. And the reason why I declined my
7 appendix to be removed was because I was still healing from my
8 gallbladder surgery and I didn't -- couldn't be out that much
9 longer. So that's the reason why I declined that order. I
10 was let go for reasons of absences, not for drug use.

11 Shannon Derbin (ph) and Ryan Seastrand (ph), the HR
12 head and the CFO of our company, came to do a surprise visit
13 to my house after my very first pass out. And they took me to
14 do a drug test. And I completely tested negative. And that's
15 why I was able to remain employed there until October when I
16 was let go for missing another day of work for being sick.
17 But it had nothing to do with drug use. And as far as CPS
18 records go, CPS has not been involved in my family's life up
19 until this phone call that was made by Des which was after the
20 child support hearing. I -- I feel like it -- it was
21 retaliation for this happening. I -- I have -- I have a
22 couple of exhibits that I submitted. One was from my doctor
23 claiming that I have been doing the program that he -- that
24 I've been put into since 2018. And I'd like to move to submit

1 that into evidence.

2 THE COURT: Hold on, ma'am. Hold on.

3 THE DEFENDANT: Sure.

4 (COURT AND CLERK CONFER BRIEFLY)

5 THE COURT: We don't show that you submitted
6 exhibits. Did you get exhibits --

7 THE DEFENDANT: My --

8 THE COURT: -- Mr. Shapiro?

9 THE DEFENDANT: -- paralegal --

10 MR. SHAPIRO: I didn't get exhibits, Your Honor.

11 THE DEFENDANT: I'm sorry, I was told my paralegals
12 scanned them in into trial exhibits for me.

13 THE COURT: All right. We'll take a peek and see if
14 they're sitting out somewhere, if the exhibits are on hold, or
15 one of the other locations where they can be sent. We just
16 don't have any currently. So your -- your first exhibit, I'm
17 assuming Exhibit A is what?

18 THE DEFENDANT: It is a doctor's note from my doctor
19 that I've been seeing for my addiction every month. And it's
20 a letter claiming that I have been following the program ever
21 since I started back in 2018 and that he's had no problems
22 with me and that this medication that he has prescribed me
23 gives me no side effects and I am able to take care of my
24 children.

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THE COURT: And when is it dated?

THE DEFENDANT: January 14th of 2021.

THE COURT: Objection to A, Mr. Shapiro?

MR. SHAPIRO: Yes, Your Honor. Authentication, hearsay. That should do it.

THE COURT: Well, and -- and -- well, it appears as though she's able to authenticate it if it's a note to her. I do have some hearsay concerns. Ma'am, is -- is there an exception that you're aware of to the hearsay rule to get this in?

THE DEFENDANT: No, I can -- I can send emails to Mr. Shapiro now from my -- I have a scanned copy of it in my email that I can send to Mr. Shapiro right now.

THE COURT: No, ma'am. He has the exhibits. He has them.

THE DEFENDANT: Oh.

THE COURT: I don't --

THE DEFENDANT: I'm sorry.

THE COURT: -- have them. His objection was that the -- a letter from the doctor would be an out of court statement which puts it into hearsay category. So I'm asking if you can overcome that hearsay objection.

THE DEFENDANT: He signed it personally. I -- I don't know what other -- what other form I can get that into.

1 THE COURT: Well, he -- he can come here and -- and
2 personally testify would be the way to avoid the hearsay
3 unless there's an exception to the hearsay rule that you're
4 aware of it.

5 THE DEFENDANT: Okay.

6 THE COURT: So no?

7 THE DEFENDANT: I mean, I -- I can have him come in
8 and testify if I need him to.

9 THE COURT: Well, now -- now would be the time. All
10 right. Then we'll -- we won't admit A. And you said you had
11 other ones?

12 THE WITNESS: I had an email that I submitted from
13 Desmon.

14 THE COURT: Is that Exhibit --

15 THE DEFENDANT: That was --

16 THE COURT: -- B?

17 THE DEFENDANT: -- dated -- yes.

18 THE COURT: An email --

19 THE DEFENDANT: It was dated about --

20 THE COURT: -- from the Plaintiff?

21 THE DEFENDANT: Yes.

22 THE COURT: Dated when?

23 THE DEFENDANT: April of 2020.

24 THE COURT: Okay. And the purpose for asking for

1 this to be admitted?

2 THE DEFENDANT: In there, he states that he thinks
3 that I am just as important to Paige's life that he is and I
4 -- I would just like the Court to -- to see that I've been
5 trying to fight to get more time with Paige with Desmon and
6 these are the kind of responses that I would get. And this
7 would -- he says that he wouldn't ask for child support and a
8 bunch of other things that are in there.

9 THE COURT: Okay. Mr. Shapiro, Exhibit B?

10 MR. SHAPIRO: I don't see -- I don't have that
11 exhibit, Your Honor. I have -- it looks like I have three
12 exhibits. The medical -- the letter from the doctor was
13 Exhibit B. Her FDF is Exhibit C. And her Exhibit A was just
14 some Venmo statements. So I -- I don't have what she's
15 referring to or don't see it marked as an exhibit.

16 THE COURT: Ma'am?

17 THE DEFENDANT: I apologize. I -- I thought my
18 paralegal put all these in the trial -- in for trial exhibits.

19 THE COURT: No, it's -- it's a separate question of
20 whether you provided it to -- to Mr. Shapiro ahead of time.
21 He's indicated that your financial disclosure form is one.
22 Some Venmo statements, is one of the other ones you're looking
23 to --

24 THE DEFENDANT: Yes, that is another one.

1 THE COURT: Okay. So I -- it looks like we still
2 don't have them. So we're still efforting. So what's the
3 Venmo statements?

4 THE DEFENDANT: Just showing that I pay monthly dues
5 to Paige's softball team.

6 THE COURT: And when -- is there a date on it?

7 THE DEFENDANT: I believe it was just last week.
8 It's May of 2021.

9 THE COURT: And Mr. Shapiro, you said that's the one
10 that's marked as Exhibit A?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. Let me rearrange. So the
13 doctor's note was marked as B before?

14 THE DEFENDANT: Yeah. And -- and what I was given,
15 it's B.

16 THE COURT: Okay. So this would be A. Objection to
17 A, Mr. Shapiro?

18 MR. SHAPIRO: My objection would be relevance,
19 because I don't think it has anything to do with -- with the
20 issues before the Court today.

21 THE COURT: Ma'am, the purpose of Exhibit A, the
22 Venmo statements, is to -- to establish what?

23 THE DEFENDANT: Showing that I'm -- I financially
24 provide for Paige and that I'm taking care of her financially

1 every month as well.

2 THE COURT: All right. I can see how that could
3 potentially be relevant. Any other objection, Mr. -- Mr.
4 Shapiro?

5 MR. SHAPIRO: Well, I would also object hearsay
6 because it -- it -- I mean, it -- I don't know where it came
7 from. I don't -- I mean, it -- it -- it's clearly a hearsay
8 document and it -- it -- looking at it, you can't really tell
9 where it came from or how it was generated, when it was
10 generated. There's some months on it, but there's no years on
11 it. It doesn't say who it's for. So I don't -- I don't think
12 it can be authenticated. Even if it is relevant, it's
13 certainly hearsay. I don't know what else to really make of
14 it, Your Honor.

15 THE COURT: All right. Then what I'm going to do,
16 given the -- the concerns, I'll admit A and give it the weight
17 that it deserves once I have a chance to take a look at it.

18 (DEFENDANT'S EXHIBIT A ADMITTED)

19 THE COURT: And the email, ma'am, it doesn't look
20 like he has a copy of that. Are you able to --

21 THE DEFENDANT: Okay.

22 THE COURT: -- to forward that for him so he's --

23 THE DEFENDANT: Yes.

24 THE COURT: -- able to look at that and see if

1 he's --

2 THE DEFENDANT: Sure.

3 THE COURT: -- received it in the past?

4 (COURT AND CLERK CONFER BRIEFLY)

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: And it looks like my Court Clerk sent
7 you an email to email the exhibits directly to her so we can
8 get them.

9 THE DEFENDANT: Okay.

10 THE COURT: Are you able to take care of that,
11 ma'am?

12 THE DEFENDANT: Yes, I'm doing it right now.

13 THE COURT: Perfect. You have it?

14 THE CLERK: Yes.

15 THE COURT: Okay. Mr. Shapiro, did you get a copy
16 as well?

17 MR. SHAPIRO: I do not --

18 THE COURT: Did you send a --

19 MR. SHAPIRO: I have not gotten --

20 THE COURT: -- copy to -- did you send a --

21 THE DEFENDANT: I'm --

22 THE COURT: -- copy to him?

23 THE DEFENDANT: I'm working --

24 THE COURT: I'm sorry?

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THE DEFENDANT: I'll do that right now.

THE COURT: Okay.

THE DEFENDANT: I'm doing that right now. Yes.

THE COURT: Perfect. I want him to be able to look at that email and see.

THE DEFENDANT: Give me one second, Mr. Shapiro. I think I just sent the -- another one as well, but I'm sending the other ones you need as well.

MR. SHAPIRO: Are you sending one exhibit at a time?

THE DEFENDANT: No, I -- I have some that have multiple pa -- pa -- like this email is like multiple pages. So I'm trying to get it all in the same, both of you. They're -- they were all on separate emails sent to my paralegal. So I'm trying to get them altogether on one. Being sent right now.

(PAUSE)

THE COURT: Let me know when you had a chance to review that, Mr. Shapiro.

MR. SHAPIRO: I have an email here that appears to be a negotiation between the parties relating to some of these issues that we've talked about.

THE COURT: Is that the April of 2020?

MR. SHAPIRO: Yes.

THE COURT: Oh, so your objection settlement

1 negotiations?

2 MR. SHAPIRO: Yes.

3 THE COURT: All right. Ma'am, does the exhibit
4 you're proposing, the email exhibit, reference settlement
5 negotiations?

6 THE DEFENDANT: I -- I don't think it did because we
7 didn't come to a settlement after it.

8 THE COURT: No. No. No. That's --

9 THE DEFENDANT: I think it --

10 THE COURT: No. No. It -- it's the -- the reason
11 that settlement negotiations are not admissible because
12 parties are less likely to express themselves in those
13 settlement negotiations if they know the Court would have an
14 opportunity to look at them later. So it doesn't matter if
15 you came to an agreement. If you came to an agreement, they
16 actually would be admissible. When you don't come to an
17 agreement, that's when they're not admissible.

18 THE DEFENDANT: Okay.

19 THE COURT: So do you have a response to the -- the
20 objection that it contains hears -- I'm sorry, contains
21 settlement negotiations?

22 THE DEFENDANT: No.

23 THE COURT: Okay. Then -- then that one was marked
24 -- we'll make that A, B, C, D, E. There were -- was there

1 four that came through?

2 MR. SHAPIRO: But it looks like she has it as part
3 of -- well, she sent it to me as a separate document.

4 THE COURT: And -- and I'm thinking it's next in
5 order. That's why I'm trying to say how many we had to begin
6 with.

7 MR. SHAPIRO: Okay. Yeah. I -- yeah, I -- I did
8 not -- I don't think I received this one initially. I
9 received another email exchange between the parties but it was
10 not this one.

11 (COURT AND CLERK CONFER BRIEFLY)

12 THE COURT: Okay. So ma'am, what I'm -- what I have
13 at least at this point to try to keep it straight is -- A, is
14 the Venmo documentation, B is the doctor's note. Did you want
15 -- were you proposing the email, the April 2020 email as C?

16 THE DEFENDANT: Yes, please.

17 THE COURT: All right. Let's let's call that one C.
18 And it contains settlement negotiations so it's not
19 admissible. Were there other -- it sounds like your financial
20 disclosure form was -- was an exhibit?

21 THE DEFENDANT: Yes, that was also one.

22 THE COURT: And it --

23 THE DEFENDANT: I -- I think you list that as D.

24 THE COURT: Was it one that had already been filed

1 into the court record?

2 THE DEFENDANT: Yes.

3 THE COURT: All right.

4 THE DEFENDANT: Yes.

5 THE COURT: Then it's -- there's no need to admit it
6 again. So --

7 THE DEFENDANT: Okay.

8 THE COURT: -- we can skip over that one. Other
9 exhibits you wanted me to look at?

10 THE DEFENDANT: No, that was it.

11 THE COURT: Okay. Other testimony you would like to
12 provide?

13 THE DEFENDANT: No, I'm good now, Your Honor.

14 THE COURT: All right. Redirect, Mr. Shapiro?

15 MR. SHAPIRO: No.

16 THE COURT: Is the -- is Exhibit A, does it start
17 off with Little Rebels Vegas at the top? Is that --

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Okay. Yes.

20 MR. SHAPIRO: All right.

21 THE COURT: Any other witnesses, Mr. Shapiro?

22 MR. SHAPIRO: No, Your Honor.

23 THE COURT: Ma'am, do you have any other witnesses
24 you're planning to have testify?

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THE DEFENDANT: No, Your Honor.

THE COURT: All right. Then let's go ahead and get into closing arguments. Mr. Shapiro.

MR. SHAPIRO: Now, Your Honor, I -- I don't have a lot to add to the trial memorandum because the trial memorandum really summarized the testimony that the Court heard today. I will just highlight a few things. The parties made an agreement shortly after the 2011 stipulation and order that Dad would have primary custody and Dad would not have to pay child support and Dad could use the dependency exemption for the child. That agreement that both parties have confirmed was never changed.

In retrospect, now Mom's asking that well, okay, even though I waived child support, I would like to start getting it from 2015 when I got married because I could have used the money then. But at no time did she modify the verbal agreement that the parties had that he would not have to pay child support and he could take the tax exemption because he had de facto primary custody of the child.

So as far as the child support arrears, we would request the relief as set forth in the trial memorandum that the Court finds that he has an equi -- equitable defense to those child support arrears and that the parties made an express agreement that he would not have to pay child support.

1 Further, he should be entitled to the exemption for the tax
2 returns that he took since 2012 because, again, the parties
3 had an express agreement.

4 You don't have many Parkinson cases where both
5 parties agree on the terms of the agreement. There were no
6 conditions made on the agreement. There were no contingency.
7 You don't have to pay child support because of the custodial
8 arrangement. That didn't change. So I believe that that's a
9 -- a pretty easy decision for the Court to make. We know that
10 the Court can't go retroactive and make her pay child support,
11 but the Court can certainly relieve him of those child support
12 arrears because not only did she waive it, but she also
13 expressed that she never had any intention of seeking those
14 reward -- those arrears because she knew that she waived them
15 and the only reason we're here is because she applied for
16 public assistance and the District Attorney's Office went
17 after him for what they had paid her. So the first
18 (indiscernible) the -- the waiver of the child support, I
19 believe that we've met our burden on that. And that covers
20 the -- the tax exemption as well.

21 With regards to custody, there has been a change of
22 circumstances since that 2011 order. The custodial
23 arrangement has shifted several times, I mean, from 2012 to
24 2016. My client clearly had primary custody. 2016 through

1 2020, her time increased but even if we go with her
2 calculations that he had 65 percent and she had 35 percent, he
3 still had primary custody. They shared custody from March of
4 '20 until December of '20 which was a period of about nine or
5 ten months. And then again,
6 since January he's had primary custody.

7 There's certainly reasons for concern and -- and
8 evidence that it's in the child's best interest to remain in
9 Dad's primary physical custody. We have multiple concerns
10 relating to Mom going back to 2011. She's been in rehab.
11 She's had a DUI. She, you know, gave birth to a -- a child
12 who tested positive for opiates. She had an opiate addiction.
13 She's been on essentially what's -- what's methadone for six
14 years now and she consumes alcohol and smokes marijuana but
15 thinks that, you know, that -- that she's in great recover and
16 she doesn't have a problem.

17 If you review the CPS records, the child is afraid
18 to be with mom. The child on her own took that video to show,
19 you know, my mom's not fit to have custody of us. The Court
20 can't do much about the other children, but the Court can
21 protect Paige.

22 So we -- we had asked for a child interview before
23 with the Court having text messages from the child and the
24 Court having video from the child and the Court having the CPS

1 records from the child. And Mom pretty much acknowledging
2 what the child's concerns are, I'm not sure that we need a
3 child interview at this point, but I would certainly encourage
4 the Court to ask for one if there's any doubt as to; one, what
5 the child wants and; two, what's in the child's best interest.
6 The child needs stability. She has stability. She has safety
7 with her father. She clearly does not believe that she has
8 that with her mother.

9 Despite being in court and the Court making
10 custodial order for joint custody, Mom essentially
11 relinquished that in January and the Court's heard nothing
12 from that for the past six months. So for the first, you
13 know, eight-and-a-half years Dad had primary custody, for the
14 last six months Dad's had primary custody, and there's been a
15 very short period of time that Mom has had joint custody. So
16 I think that the Court can certainly find that -- that there
17 is a significant change of circumstance since the 2011 order.

18 Now, based upon the limited testimony that we've had
19 from -- from Mom that it's in the child best interest to -- to
20 reside primarily with Dad. And I will just leave the Court
21 with Mom insists that the 2018 hospitalizations had to do with
22 her appendix, but yet she refused to sign the HIPAA. She told
23 the Court that she's not going to sign a HIPAA. She told the
24 Court that she doesn't think that they're relevant. She told

1 the Court that she does not want those records released. If
2 -- if that really had to do with an appendix -- appendix, why
3 would Mom be so adamant and not admitting those records?

4 But we have events from 2011. We have events from
5 2012. We have several events from 2015. We have events from
6 2018. We have recent events with the -- the child recording
7 Mom and child making specific reports to Child Protective
8 Services relating her fears and safety with regards to Mom.
9 And some -- the -- the relief that we -- we've requested and
10 the trial memorandum should be granted in full. Dad should
11 have primary physical custody. Mom initially should not have
12 overnights, if not, supervised visitation until we have more
13 information from the child to exactly what the concerns are
14 and how we can alleviate those concerns.

15 Mom should be ordered to pay child support. Dad
16 should be relieved of the -- the arrears. And, again, I -- I
17 know this is a tough sell because of Mom's financial
18 situation, but Mom should be ordered to pay some fees.

19 If you look at what Mom said in her initial
20 opposition, it's completely different to what she testified to
21 in her deposition and what she testified to today. In her
22 initial opposition, she was adamant Dad never had primary
23 physical custody. She never waived anything. Now, it's
24 clear. Again, the facts for the most part were not at issue

1 today. And Mom caused Dad having to incur significant fees
2 because she filed an opposition that was not accurate. We had
3 to take her deposition and do multiple levels of discovery to
4 be able to show that, one, there was an agreement and, two,
5 Dad did have primary custody.

6 So, again, I know it's a tough sell because of her
7 -- the fact that she didn't have an attorney and she's
8 unemployed, but there has to be a consequence for Mom not
9 telling this Court the truth and making Dad incur these fees
10 to relieve not only the child support arrears but to resolve
11 custody. So I -- I will leave it at that.

12 THE COURT: All right. Thank you. Ma'am, now is
13 your opportunity to essentially inform me what it is you would
14 like me to do based upon the evidence that was presented.

15 THE DEFENDANT: I'm just going back. I am only
16 asking to have child support for the times that I had Paige
17 from 2015 to current. And I'm not asking it -- for it to --
18 to be on any of the months where Desmon had her more than I
19 did. I am asking for the times that I had her primarily which
20 would be the summers and then any summer or school vacation
21 and then every other weekend I had her four days of the week.
22 You add that all up, it comes out to be between 30 and 40
23 percent of the time for the year. And that's what I'm asking
24 for.

1 I still want joint custody. I don't -- I don't -- I
2 think it's -- I don't think I should lose custody over
3 allegations and assumptions. There's no -- nothing proved
4 that I've been on any kind of drugs in the last five years.
5 There -- nobody has seen it with their own eyes. Nobody --
6 it's all hearsay.

7 I'm asking for the custody to change now. And the
8 reason why it hasn't changed in the past was because I either
9 asked and it didn't get changed or there was a fight for it to
10 get changed meaning that I would ask for more time and I would
11 get spit back and said no, you're not ready yet. I was always
12 told you're not ready yet. When do -- when does that time
13 become ready? When I am two months clean, two years clean? I
14 -- it doesn't -- it just never changed, the -- the situation,
15 the outcome, it never got better. So I had to do things my
16 own way to get more time.

17 I don't believe I ever lied to Mr. Shapiro or on my
18 deposition at all. I had not -- I have never claimed that --
19 well, I guess what my definition of full custody and what the
20 Court's definition of full custody is different
21 because Desmon has never had full custody of Paige except for
22 these last few months where Paige has not come over to my
23 house pending the results of what's going on here in this
24 court.

1 Before that, I have always been in Paige's life,
2 always, always. I have never been on the sidelines. I have
3 been financially taking care of her from the time she was with
4 me and from the time -- 2011 whether I had a DUI or not, I was
5 still financially taking care of her when -- when I had her on
6 my time. So to look for that, I -- I mean, I have made
7 mistakes in the past, yes, but I -- do I -- I'm going to lose
8 my daughter over them? I don't think that's correct. I've
9 been raising three other kids on my own with my husband for
10 the past six years and I haven't had one CPS call yet besides
11 the one Desmon made two months bef -- or I'm sorry, one week
12 before our initial trial ser -- trial hearing. It's just --
13 it's -- it's awfully -- it happened right before we came into
14 custody court.

15 Before that, there was no problems ever. Desmon and
16 I have not had problems in the last six years with Paige. So
17 it's just -- it's -- he's never had her full-time except for
18 the last few months. I have always been in her life. So to
19 say that I lied on my deposition is just not true. I have
20 always been in there and I've always been a part of her life.

21 I'm just asking the Court to -- to waive any
22 penalties or -- or any fees that they think that I should pay
23 Desmon for his lawyer. He's the one that Plain -- brought
24 this case upon me. I didn't do it. I didn't even do the

1 child support case. The DA's Office opened that. So I'm --
2 I'm just asking for joint custody and for things to just go
3 back to half and half.

4 THE COURT: So you're going to have to help me ma'am
5 with the definition of -- of your joint custody. I'm -- I'm
6 getting the impression that we -- we're getting lost in full
7 custody and primary custody and joint custody. So what is --
8 what is the visitation schedule that you're asking me to put
9 in place for your daughter?

10 THE DEFENDANT: If -- if Paige -- I -- I know she's
11 starting high school so -- and -- and that's very important.
12 She's a softball player. And I am -- I'm not a bad mom. I
13 will -- I will completely comply with what my daughter wants.
14 And I know my daughter would want to go to high school that is
15 zoned by her dad's house. If she wants to go -- I -- I would
16 even be willing to pick her up on Fridays from school, take
17 her to school on Monday on my weekends, but I want it to be
18 fair, at least 60/40. I -- I mean, at least. I'm not asking
19 to take over anything. I just want to be a part of, Judge.

20 THE COURT: No. No. And I -- I understand that
21 part of it. I'm looking for -- I'm looking for something from
22 you with regard to a schedule. Are you indicating that if you
23 have the child from Friday after school until Monday morning,
24 that's 60/40?

1 THE DEFENDANT: Every other -- every weekend, that
2 would be great.

3 THE COURT: What are you asking for?

4 THE DEFENDANT: For -- I would like to -- I would
5 like to pick her up on the weekends, every weekend, Friday
6 through Sunday or Friday through Monday and as -- as school as
7 in. And then when summer comes it's half and half.

8 THE COURT: So you believe that -- that would be in
9 your child's best interest, the child that hasn't had any real
10 contact with you for five months?

11 THE DEFENDANT: She's had contact with me, Your
12 Honor. And I have picked her up several times. It's not just
13 been a -- a handful of times as Desmon had mentioned. I've
14 bene very involved and I've picked her up several times to --
15 to take her places and do things with her. And she's come my
16 house and she's spent the night. It's just -- it's this whole
17 situation has been hard on her. She feels like she has to
18 protect both parents because she isn't sticking up for things.

19 THE COURT: Okay. Well, we can lost in the
20 semantics if -- if you would --

21 THE DEFENDANT: Right.

22 THE COURT: -- like. This is -- you didn't provide
23 any testimony to me of the contact you've had with the child
24 over the last five months. So this is the first I'm hearing

1 of that. What I got was from Dad that you had maybe one
2 overnight and a few contacts. So this is new. But even --

3 THE DEFENDANT: I apologize.

4 THE COURT: -- with what you just told me, do you
5 believe it's best for the child that I go from where you are
6 now to every weekend with you and no weekends with Dad? Do
7 you think that's in the child's best interest?

8 THE DEFENDANT: I mean, what -- however you want to
9 do it. I -- I don't mind every other weekend if Des wants
10 weekends with her too. I --

11 THE COURT: Okay.

12 THE DEFENDANT: -- will --

13 THE COURT: And I'm not --

14 THE DEFENDANT: -- open and willing to do 50/50,
15 however you want to do it.

16 THE COURT: Okay. Every other weekend would not be
17 50/50. So that's why I'm trying to understand you're using
18 terms 60/40, 50/50. So you're using terms that you've heard
19 from somebody else. I'm not interested in terms. I'm
20 interested in what you believe is in the best interest of this
21 child. That's all I'm asking you.

22 THE DEFENDANT: Half and half. That's what I think
23 is in her best interest.

24 THE COURT: Okay.

1 THE DEFENDANT: I don't know -- I --

2 THE COURT: So what --

3 THE DEFENDANT: -- don't know how the schedule would
4 go.

5 THE COURT: Well, you're the mother, ma'am. That's
6 why I'm asking for your input. I don't know this child.
7 That's why I'm hoping for some information from you. Can you
8 help me out with that or no?

9 THE DEFENDANT: Absolutely. Yeah, I'll take her --
10 I -- I would love to take her one week on and then have one
11 week off.

12 THE COURT: Okay. That would be in your best
13 interest, ma'am. Are you telling me that going from minimal
14 contact for five months to week on week off would be in the
15 child's best interest?

16 THE DEFENDANT: I think so. Yes.

17 THE COURT: Okay. All right.

18 THE DEFENDANT: She -- she hasn't been with me.

19 THE COURT: I'm sorry, she what?

20 THE DEFENDANT: She hasn't been with me and I know
21 she wants to be.

22 THE COURT: I -- I thought you told me that you
23 understood that she didn't want to be with you.

24 THE DEFENDANT: There's -- she's trying to please

1 both parents it -- it feels like to me. And so she's saying
2 things to her dad that are better for him and then when she
3 talks to me, she says things that are better for me.

4 THE COURT: Okay. So what --

5 THE DEFENDANT: It -- it's --

6 THE COURT: -- what you're telling me is that I
7 shouldn't believe the testimony I have with regard to the
8 child's desires to remain primarily with Dad. That's not
9 something I should put stock in?

10 THE DEFENDANT: No, I'm not saying that either. I'm
11 sure she -- I'm sure she would rather stay over there during
12 school. She has softball that's -- that takes up a lot of her
13 time.

14 THE COURT: Okay.

15 THE DEFENDANT: I don't know. It's hard for me
16 right now, Your Honor. This whole thing has pulled the rug
17 out from under my feet this --

18 THE COURT: Oh, no --

19 THE DEFENDANT: -- last couple months. And her not
20 being with me has caused severe depression. And I -- I just
21 -- I don't know what to say.

22 THE COURT: I have no doubt, ma'am --

23 THE DEFENDANT: I really don't.

24 THE COURT: -- but you've got to understand that

1 what you've done, not just you, what the two of you have done
2 is you've asked me to tell you what's in your child's best
3 interest. And I prefer to have a little more input from the
4 parties who actually know this child than to just drop it in
5 my lap. And you're not the only one that says whatever you
6 want, Judge. But that's -- it's not fair to you, it's not
7 fair to Dad, and it's not fair to the child if I don't have
8 the whole picture. So that's why I'm asking these questions
9 so that I can get a better picture. Okay?

10 All right. I will -- I will take a look at the
11 exhibits that were submitted and I will get you a written
12 decision.

13 MR. SHAPIRO: Thank you.

14 THE COURT: Thank you.

15 THE PLAINTIFF: Thank you.

16 (PROCEEDINGS CONCLUDED AT 3:14:56)

17 * * * * *

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

21 

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23

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Adrian N. Medrano

REGISTER OF ACTIONS

CASE NO. D-10-440022-C

Desmon Brandes, Plaintiff. vs. Lacey Pictum, Defendant.

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Case Type: **Child Custody Complaint**
Date Filed: **12/30/2010**
Location: **Department E**
Cross-Reference Case Number: **D440022**

PARTY INFORMATION

Defendant	Pictum, Lacey <i>Now Known As</i> Krynzel, Lacey 6530 Annie Oakley Henderson, NV 89014		Lead Attorneys Pro Se
Plaintiff	Brandes, Desmon 6301 W Kraft AVE Las Vegas, NV 89130	Male 6' 2", 175 lbs	Bruce I. Shapiro <i>Retained</i> 702-388-1851(W)
Subject Minor	Brandes, Paige 6301 W Kraft AVE Las Vegas, NV 89130		

EVENTS & ORDERS OF THE COURT

01/19/2021 **All Pending Motions.** (9:00 AM) (Judicial Officer Hoskin, Charles J.)

Minutes

01/19/2021 9:00 AM

- PLAINTIFF'S MOTION TO MODIFY CUSTODY TO JOINT PHYSICAL CUSTODY; TO SET CHILD SUPPORT; FOR FINDING OF NO CHILD SUPPORT ARREARS; FOR ATTORNEY'S FEES; AND FOR RELATED RELIEF..DEFENDANT'S OPPOSITION AND COUNTERMOTION TO HOLD PLAINTIFF IN CONTEMPT OF COURT; REFERRAL TO MEDIATION; FOR AWARD OF FEES AND COSTS; FOR SANCTIONS AND RELATED RELIEF..PLAINTIFF'S REPLY IN SUPPORT OF MOTION AND OPPOSITION TO COUNTERMOTION Court Clerks: Sheila Bourne, Blanca Madrigal (mb). In the interest of public safety due to the Coronavirus pandemic, all parties were present via VIDEO CONFERENCE through the BlueJeans application. Arguments regarding modification of custody. Mr. Shapiro argued that Mom was terminated from her job due to drug use. That Child Protective Services were contacted, and the minor is safe with Dad. Mr. Shapiro requested a child interview and alleged Dad has been the primary caregiver for the past ten (10) years. Mom requested a continuance to obtain counsel. Mom alleged that custody had been 50% each since August. The Court read the text messages and had some concerns. COURT ORDERED: 1) Mom was referred to American Toxicology Institute (ATI) for a full drug screen. Mom must test today, 1/19/2021. A copy of the ATI Referral and Instructions emailed to Mom; 2) Pending the drug test result, the parties shall continue to exercise the following schedule: Week 1, Dad shall have the minor child Thursday through Sunday and Mom Monday through Wednesday. Week 2, Dad shall have the minor child Wednesday through Friday and Mom Saturday through Tuesday. If there is no issue with the drug test, the parties will continue to follow the schedule on a temporary basis; 3) On a temporary basis, the parties shall have JOINT PHYSICAL CUSTODY; 4) Mom shall file a Financial Disclosure Form before the Calendar Call date below; 5) Department E shall order the CPS records; 6) Plaintiff's request for a child interview is DEFERRED. If there are concerns with the drug test, the Court will refer the child to an interview; 7) The Court set the matter for an EVIDENTIARY HEARING to address custody and related issues on 6/01/2021 at 1:30 PM (Stack #2). The Case and Evidentiary Hearing Management Order was executed, FILED, and processed in Odyssey. A copy of the Order shall be emailed to counsel and Defendant; 8) CALENDAR CALL set for 5/18/2021 at 11:00 AM; 9) Mr. Shapiro shall prepare the Order.

Parties Present

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REGISTER OF ACTIONS
CASE NO. D-10-440022-C

Desmon Brandes, Plaintiff. vs. Lacey Pictum, Defendant.

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Case Type: **Child Custody Complaint**
Date Filed: **12/30/2010**
Location: **Department E**
Cross-Reference Case Number: **D440022**

PARTY INFORMATION

Defendant	Pictum, Lacey <i>Now Known As</i> Krynzel, Lacey 6530 Annie Oakley Henderson, NV 89014		Lead Attorneys Pro Se
Plaintiff	Brandes, Desmon 6301 W Kraft AVE Las Vegas, NV 89130	Male 6' 2", 175 lbs	Bruce I. Shapiro <i>Retained</i> 702-388-1851(W)
Subject Minor	Brandes, Paige 6301 W Kraft AVE Las Vegas, NV 89130		

EVENTS & ORDERS OF THE COURT

05/18/2021 **All Pending Motions** (11:00 AM) (Judicial Officer Hoskin, Charles J.)

Minutes

05/18/2021 11:00 AM

- CALENDAR CALL...STATUS CHECK: DEFENDANT'S DRUG TEST RESULTS In the interest of public safety due to the Coronavirus pandemic, the matter was heard via VIDEO CONFERENCE through the BlueJeans application. Both Mr. Shapiro and the Defendant agreed to move forward with trial. COURT ORDERED: 1) Defendant to file her Pretrial Memorandum no later than close of business on 5/20/2021; 2) The Evidentiary Hearing scheduled on 6/01/2021 at 1:30 PM shall STAND and a FIRM DATE. Both counsel and Defendant stipulated to video appearances at trial.

Parties Present

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REGISTER OF ACTIONS

CASE NO. D-10-440022-C

Desmon Brandes, Plaintiff. vs. Lacey Pictum, Defendant.

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Case Type: **Child Custody Complaint**

Date Filed: **12/30/2010**

Location: **Department E**

Cross-Reference Case Number: **D440022**

PARTY INFORMATION

Defendant	Pictum, Lacey <i>Now Known As</i> Krynzel, Lacey 6530 Annie Oakley Henderson, NV 89014	Lead Attorneys Pro Se
Plaintiff	Brandes, Desmon 6301 W Kraft AVE Las Vegas, NV 89130	Bruce I. Shapiro <i>Retained</i> 702-388-1851(W)
Subject Minor	Brandes, Paige 6301 W Kraft AVE Las Vegas, NV 89130	

EVENTS & ORDERS OF THE COURT

06/01/2021 **Evidentiary Hearing**, (1:30 PM) (Judicial Officer Hoskin, Charles J.)
Evidentiary Hearing Custody and Related Issues (FIRM SETTING - Video Appearances)

Minutes

06/01/2021 1:30 PM

- EVIDENTIARY HEARING In the interest of public safety due to the Coronavirus pandemic, the matter was heard via VIDEO CONFERENCE through the BlueJeans application. Opening statements waived. Sworn testimony and Exhibits presented (see worksheets). Closing arguments by counsel. COURT ORDERED the matter taken UNDER ADVISEMENT; the Court will issue its written decision. CASE CLOSED upon entry of same.

Parties Present

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