

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

\* \* \* \* \*

MINH NGUYET LUONG,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF CLARK, AND  
THE HONORABLE DAWN THRONE,  
DISTRICT COURT JUDGE,

Respondents,

and

JAMES W. VAHEY,

Real Party in Interest.

S.C. No.: Electronically Filed  
Apr 08 2022 09:35 a.m.  
Elizabeth A. Brown  
D.C. Case No.: Clerk of Supreme Court

**PETITIONER'S  
APPENDIX**

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174.	Scheduling Order and Order Setting Civil Non-Jury Trial	12/12/2021	AA003491 - AA003493
175.	Stipulation and Order for Guardian Ad Litem	12/13/2021	AA003494 - AA003499
176.	Defendant's Exhibit Appendix in Support of December 16, 2021, Return Hearing	12/15/2021	AA003500 - AA003512
177.	Supplement to Order from November 12, 2021 Hearing	1/31/2022	AA003513 - AA003516
178.	Notice of Entry of Supplement to Order from November 12, 2021 Hearing	2/1/2022	AA003517 - AA003523
179.	Guardian Ad Litem Report	2/2/2022	AA003524 - AA003527
180.	Declaration of James W. Vahey Regarding Case Status	2/5/2022	AA003528 - AA003537
181.	Defendant's Exhibit Appendix in Support of February 8, 2022, Return Hearing	2/7/2022	AA003538 - AA003564
182.	Defendant's Supplement and Response for the February 3, 2022, Return Hearing	2/7/2022	AA003565 - AA003587
183.	Transcript of Hearing Held on February 8, 2022	2/8/2022	AA003588 - AA003609
184.	Notice of Entry of Order from December 16, 2021 Hearing	2/15/2022	AA003610 - AA003619
185.	Order from December 16, 2021 Hearing	2/15/2022	AA003620 - AA003628
186.	Notice of Hearing	3/15/2022	AA003629 - AA003630
<b>VOLUME XIX</b>			

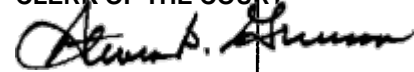
187.	Appendix of Exhibits in Support of Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief	3/15/2022	AA003631 - AA003700
188.	Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief	3/15/2022	AA003701 - AA003715
189.	Notice of Entry of Order Shortening Time	3/17/2022	AA003716 - AA003720
190.	Ex Parte Motion for Order Shortening Time on Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief	3/17/2022	AA003721 - AA003727
191.	Receipt of Copy	3/18/2022	AA003728 - AA003729
192.	Defendant's Exhibit Appendix in Support of Opposition to Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief and Countermotion to Hannah to be Interviewed, for the Immediate Return of Matthew to Minh, and for Attorney's Fees and Costs	3/20/2022	AA003730 - AA003790

193.	Defendant's Opposition to Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief and Countermotion to Hannah to be Interviewed, for the Immediate Return of Matthew to Minh, and for Attorney's Fees and Costs	3/20/2022	AA003791 - AA003824
<b>VOLUME XX</b>			
194.	Defendant's Exhibit Appendix in Support of Opposition to Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief and Countermotion to Hannah to be Interviewed, for the Immediate Return of Matthew to Minh, and for Attorney's Fees and Costs	3/21/2022	AA003825 - AA003885
195.	Defendant's Opposition to Plaintiff's Emergency Motion for Order for Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program, and for Related Relief and Countermotion to Hannah to be Interviewed, for the Immediate Return of Matthew to Minh, and for Attorney's Fees and Costs	3/21/2022	AA003886 - AA003922
196.	Transcript of Hearing on Monday, March 21, 2022, Before the Honorable Judge Dawn R. Throne	3/21/2022	AA003923 - AA003979

194

194





EXHS  
FRED PAGE, ESQ.  
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**EIGHTH JUDICIAL DISTRICT COURT  
COUNTY OF CLARK  
STATE OF NEVADA**

JAMES W. VAHEY,  
Plaintiff,

vs.

MINH NGUYET LUONG,  
Defendant.

Case No.: D-18-581444-D

Dept.: U

Hearing Date: March 21, 2022

Hearing Time: 10:30 a.m.

**DEFENDANT'S EXHIBIT APPENDIX IN SUPPORT OF OPPOSITION TO  
PLAINTIFF'S "EMERGENCY" MOTION FOR ORDER TO PLAINTIFF  
TO PARTICIPATE IN THE TURNING POINTS FOR FAMILIES  
PROGRAM WITH MINOR CHILDREN, FOR DEFENDANT TO BE  
SOLELY RESPONSIBLE FOR THE COSTS ASSOCIATED WITH THE  
PROGRAM AND FOR RELATED RELIEF  
AND  
COUNTERMOTION TO HANNAH TO BE INTERVIEWED, FOR THE  
IMMEDIATE RETURN OF MATTHEW TO MINH, AND FOR  
ATTORNEY'S FEES AND COSTS**

COMES NOW, Defendant, MINH NGUYET LUONG, by and through her  
counsel, Fred Page, Esq. and hereby submits her Exhibit Appendix in Support of

her Opposition to Plaintiff, JAMES VAHEY’S, “Emergency” Motion for Order to Plaintiff to Participate in the Turning Points for Families Program with Minor Children, for Defendant to be Solely Responsible for the Costs Associated with the Program and for Related Relief, and submits her Countermotion for Hannah to be Interviewed, for the Immediate Return of Matthew, and for Attorney’s Fees and Costs. The Exhibit Appendix is as follows:

Exhibit	Description	Bates number
A.	Transcript of Matthew and Hannah telling Minh what occurred on October 15, and 16, 2021	1-10
B.	Photographs of Hannah after the battery from Jim on October 16, 2021	
C.	Additional photographs of Hannah after other previous batteries from Jim	
D.	OFW message from Minh to Jim dated June 16, 2021, regarding Jim’s attempts to alienate the children from her	
E.	Hannah’s Third Quarter Cumulative GPA 4.0	
F.	Matthew’s Third Quarter Cumulative GPA 3.167	
G.	Transcript of Interview Between Minh and Dr. Collins From March 14, 2022	1-24
H.	Emails between Minh and Jim dated October 2, and 3, 2021, wherein Minh asked for the balance to pay so she could pay ASAP and Jim’s response stating “he will get to it,” but never did	
I.	Email from Minh to Jim dated July 28, 2020, asking Jim for the 6 <sup>th</sup> time to respond if he is going to pay the property taxes on the Arizona land	

1 DATED this 20<sup>th</sup> day of March 2022

2  
3 PAGE LAW FIRM

4  
5 

6 FRED PAGE, ESQ.  
7 Nevada Bar No. 6080  
8 6930 South Cimarron Road, Suite 140  
9 Las Vegas, Nevada 89113  
10 (702) 823-2888  
11 Attorney for Defendant  
12  
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19

20 **CERTIFICATE OF SERVICE**

21 The undersigned hereby certifies that on the 20<sup>th</sup> day of March 2022, the  
22 foregoing OPPOSITION AND COUNTERMOTION was served pursuant to  
23 NEFCR 9 via e-service to Robert Dickerson, Esq., attorney for Plaintiff.  
24

25  
26 

27 An employee of Page Law Firm  
28

EXHIBIT A

EXHIBIT A

EXHIBIT A

## TRANSCRIPT

Mom: Okay, so tell mommy what happened on Friday.

Hannah: So, on Friday, like he dragged Matthew into his car first and then, Matthew kick the window open and like got glass everywhere. And I was like putting Rafi down probably. He told me, Matthew told me that he hit his head on the side of the metal thing on the door, I think. And then, he came to get me and he dragged me on the floor with all the glass and I got a cut on my foot. When I got in there, he pushed me to the ground on top of all the glass in the car and then he like kept yelling, screaming and stuff. And then he went into the front seat, but not through the door like through in the car because he was afraid we were going to jump out of the car. So he did that. And then, when we were driving back, uh, I thought he was going to call somebody and I don't want him to do that. So I tried grabbing the [inaudible] and he said he'd hit me if I hit him again. And he has his fist in the air and he was like yelling it.

And then when we finally got back to the house, I got into the car and started running down the street, but I really needed to go to the bathroom. So I hid behind a mailbox. And when he came, I just turned to the other side of the mailbox. And I went back there, but I needed to go to the bathroom really bad, but he wasn't, uh, he wasn't there, and there was no way to get in the car. But I just called him, I told him "Come back here. Open the door" and he's like, "Okay, fine." And then he comes back and I do that and then we basically, that's the rest of the night. I was barely able to sleep that night. I was suppose to report being last night, too. And then that night and last night. And then when we woke up or when Matthew woke up, and I got like two hours of sleep. We basically did nothing that day. But Matthew had this red spot on his foot, so I took a picture of that, and then we went.

And then later that night, so last night, um, when Lena came back we wanted to have a sleepover with Lena. So I set up the bed so we were able to do that and he wouldn't let Lena do that. So, um, we kept and kept yelling at us saying, "no, we should not be allowed to do. It's not a party. Blah, blah, blah, blah blah," and we just wanted to have fun. So I ended up going out there and kept asking him, "Why can't Lena sleep with us?" And he's like, because I'm the parent, I'm in charge. You do what I say." And he kept getting mad and he did the thing where he's so close to my face. Like, his nose is almost touching mine and like so close. You can't even fit a finger in

between. So I slapped him and then he got all mad. He's like, "Oh, slap me again then." So I did and then he grabbed my arm so I wasn't able to move at all.

So then I slapped him again. And then I ran, and then I started running and then he like caught me and then pinned me down to the ground, and he kept telling, and then like he wouldn't let go and he was so strong and it hurt a lot. He kept doing that and um, he's kept telling me to slap him over and over and over again. He's like "Slap me again four times." And I wasn't able to do anything else. And I thought if I did, he would just back off or I'd hit him enough that it would hurt then he would just not talk to me anymore. So I kept doing that and it wouldn't work. So, I started screaming for Matthew, but by the time Matthew got out, I already had him on the floor where I was standing up pulling his hair and pulling his ears. The only thing that he was doing to me was holding onto my ankle so I couldn't walk away or run away.

Mom: You were on the floor?

Hannah: Yeah, like I was standing. By the time Matthew got out, I was standing and then he was the one on the floor holding my ankles, um...

Mom: Where were you? On the floor also?

Hannah: When I was on the floor, he was like pushing me against the wall and telling me to slap him and wouldn't let me go. So I tried getting out and he just pushed me back down, kept hitting my head on the floor, and I can't do it. And then I kept trying to get out, but by the time Matthew got out, when I kept calling for him, I was able to get him, get it where I'm not able to get out but he is also being hurt in the process because he's holding on to my ankles. His head is down facing the floor and I'm holding his hair up and his ears. And then, Matthew came out and then he let go of me. He started doing the same to Matthew kind of by the couch, and like choking Matthew and squeezing him with his legs and it looked like it really hurt. So I tried helping Matt and he kept telling me to go back to my room, but I don't want to, because I wanted to help Matthew, and I thought he was going to kill Matthew. So I kept helping him.

And then I got his computer and I told him, "Let go of Matthew. I'm going to smash it." So he ran up to me and started choking me around my neck, like, with an elbow arm thing and then Matthew helped me. And we tried getting out of there and then he was like holding Matthew with one arm and then he tripped me with his foot, but I caught myself and I started running. And then I realized he had Matthew again. So I went back and helped Matthew and he said, "Go away two spoiled brats" and then we went back. And then, Matthew told me that my phone was in Lena's room recording, but it wasn't recording when I went to go get it. But I didn't get to that point yet. So I waited like two minutes to make sure that he wasn't... that he wasn't like right in that room because if I went to go get it, he'd take it. So I open the door and he's standing there. Like, he's probably standing there for like two minutes straight, like just waiting with his phone in front of his face or texting somebody. I don't even know. And he like barged into the room and he's like "Give me your phone, Hannah." So I told him I don't know where it is. He's like, okay, fine, go find it. I said I don't want to.

But then Matthew kept screaming, "You tried to kill us." And then he admitted, he said, "Yeah, I did try to kill you." And then, um, I kept trying to get him out of the room and then he did that thing with my arm where he picked me up by that one arm and it would like cut off the circulation to the rest of my arm and picked me up. So I'm not even on the ground anymore. He's just holding me by the arm and it hurt a lot. And he just threw me onto the bed and then he kept like, putting the phone in our faces. And then like, at one point, he went outside again and I kept having to fight with him to get him out. And then one time we were in Lena's room he kept pretending that he was going to hit me. Like, he had his hand right at my face but I pretended like I didn't- wasn't- I didn't care at all. Like I didn't even flinch. I didn't blink or anything because I know if I did, that would make him feel powerful. And that's probably what he wants because at this point, all he wants is to make himself feel like he's in charge. So I did that and I waited until he got out of the room. So I grabbed my phone as fast as I could from under Lena's bed, and I ran back into our room and I went into the bathroom. And then I hid my phone in there for like 10 minutes to make sure that he wasn't going to barge in again. And then just take- take whatever he wanted. Um, take it and then it wouldn't-- and then I wouldn't have it. And then I texted Mommy, I texted you.

Mom: Hmm.

Hannah: I told you what happened and I told you not to text me because I'll have the phone shut off. If I was texting you and he did come in, I wouldn't have time to shut it off completely. So, um, I did that. And yeah, so that was how the rest of the night was until I wasn't able to sleep and it's like 11:00. So I went into his room and he's like praying or something on the side of the bed in front of Lena, and Lena is asleep by the now because when he was doing... when he was like choking us, trying to kill us, Lena got scared. So, she went into the other room. So then that happened and then I went in there. I told him, "Can you just take us to Mommy? I can't sleep here." He just told me, "That's too bad. Figure it out." He didn't care at all. So, I don't want to. So I just went back into my room and I just laid there, thinking of what to do. But I know that he has the video on his phone, but he's going to edit out the parts that he doesn't want people to see. Like the "You tried to kill us" from Matthew, and then he said, "Yeah, yeah, I did" or the parts where he was choking us, pinning me to the ground and telling me to slap him. That he's going to edit out. He's going to edit out all the parts of him doing something bad, and then they show the parts of us doing something bad. And then, yeah.

Mom: All right, Matthew. Come tell Mommy what happened on Friday when you're at Yogurtland. Sit down.

Matthew: He first, so we're going to go Jacobs car. He just opened the door, took my arms or like dragging me out. And then I- and then once I got close to his car, I kicked his car and then he got really mad. So he, well, he threw me in the car and I tried- I tried getting up but then he punched me and then my glasses fell off. And then he-and then he still was holding on to me so he charged for me now, but it didn't work. So then he threw me in the back and then he says "You stay there." And then, while he was looking away, I immediately kicked the glass when it was all broken. And then, um, and then he got really mad. So then he-and then he left me and went to go get Hannah. And I knew if I went outside he would punch me again. So I stayed inside until Hannah got in the car and then- and he just- and then once he drove away, Hannah had her hand out of the broken window to try to call for help but nobody helped her.

And then, once we got to his house, Hannah ran away and then when he started driving to look for Hannah, he called the security on Hannah so they could find her. And then after that, Hannah called him saying he was back there so then he went back there. And then, um, once we got there I went into Hannah's room, staying in



there. And then like 15 minutes later, a patrol came and then he was asking him what happened and he was explaining it when Hannah went out there. And then, while the police officers said, I'm another police officer." The security said what happened to Hannah and she said that- he said that, um, she said that he said that if you hit me one more time, I'll hit you. And then the security guard is like, "Oh, no" and then Hannah just leaves.

Mom: And then Hannah just what?

Matthew: And then Hannah just leaves.

Mom: Just what?

Matthew: Just leaves.

Mom: Leaves.

Hannah: I told the patrol they didn't care at all. They're like, "Oh no. That's too bad."

Mom: Then what happened, Matthew?

Matthew: And then we went to our room and then he kept on looking on us. Like, every 10 minutes he would come into our room. So that's why we needed this idea of um, one part- one of us stays awake while the other sleeps and then we switch every hour, but it didn't really work. So we just go slept but he still never came in that room until the next morning when, um, Hannah was on her phone. So I tried taking a Nintendo into her room and then he chased me all the way into Hanna's room. He pushed me on the floor and throw me on Hannah's bed, and then went outside with the Nintendo. And then, after he came in that room, he just grabbed me and started dragging me on the rug, and that's how I got a burn on my foot. It's not there right now. They probably went away. And then, he dragged me out saying, "What's wrong with you?" And I was saying, "What's wrong with you?" but he didn't

listen. So now, I just left him and he didn't really care after that. Then, I took a nap and then after that he told me to come clean the glass that I made me said I had to pay for it, but I didn't listen to any of the time. And then once I- after I left, once I was done with that, he told me that I have to clean the mat. And after that, I went into Hannah's room. I thought Hannah left because she wasn't there. Then five minutes later, Hannah knocked on the door saying I have food. And then—

Mom: Which room were you in?

Matthew: I was in Hannah's room.

Mom: Okay.

Matthew: And then she knocked and then we have our only meal for that whole time we were there.

Mom: What did you have?

Matthew: We had a cup of noodle and Pop-Tarts as a dessert.

Mom: Mm-hmm.

Matthew: And then like three hours later he, um, he dragged me out of the room again saying, "Eat dinner with me. Lena's about to come." He says I don't want to go outside until Lena comes. So then he- So then, he let me to Hannah's room but he followed us trying to explain for us to come outside but we didn't. While Hannah and him were talking, I saw Uncle Ed's truck drive up, and then Lena walking inside. And then he heard that and he left the room. So, Hannah and I were alone again. And then, when we heard Lena's voice, he went outside, um, not outside but like outside of the room. So we could meet her. And then he said, we're not allowed and then we wanted to have a sleepover with Lena.

Mom: You were not allowed to do what?

Matthew: We're not allowed to have a sleepover with Lena because it's not a holiday. You know, it's the weekend. And then once I did that, Hannah tried reasoning with him when I was calling you. And then I heard some screams from Hannah. So then you told me to hang up. So then I started recording them, but I didn't record all the, um, I didn't record showing it to them because- because the last time Hannah did that she, um, she fell on the floor. So I just recorded the noise and then I paused it and then I went- and I went up to him and he just lets go to Hannah. Hannah runs back in her room and he takes me, choking me onto the couch. And then Hannah comes saying "Let go off him" and he says, "No, go back in your room."

Mom: How was he choking you?

Matthew: He was choking me on the neck like that.

Mom: With his arm?

Matthew: Mm-hmm.

Mom: Around the neck?

Matthew: Yes, and then he—

Mom: Not with his hands, his elbow?

Matthew: Yes.

Mom: Uh-huh.

Matthew: And then after he saw Hannah, he- he dropped me on the floor and then he used his legs to squeeze me. Well, he tried grabbing Hannah with his hand until Hannah got his computer saying, "Let go of him", and he- and then he automatically got off of me. And then he- and then he took the computer. And then, I got him down by choking him onto the couch. Not like this. I was in front of him with my elbow out on his neck, pushing him down, and he couldn't even move. So I kept in there until Hannah was leaving, so then I left too, but then he tripped Hannah saying "You two spoiled brats." I don't remember but we did go back in Hannah's room. And then once he came in there, he budge the door and then he-- and then I said, "You were trying to kill us" and he said, "Yes, I did." So then once- and then once we close the door, I was just scared because he would- because he did say that and I just didn't want to do it anymore. I just wanted to leave.

Mom: About what time was that?

Matthew: That was like seven o'clock.

Mom: At night?

Matthew: Mm-hmm. And then Hannah came—

Mom: About eight?

Matthew: Yes. And then Hannah came out there reasoning with him. Well, once I was recording from Hannah, Hannah didn't know where the phone was, and he took and- and she told Daddy that. So, he now thinks that Hannah doesn't have her phone, but I told her where her phone was. So, we can't tell that she- that can't- So, he doesn't know that we have his phone and yeah. So, Hannah kept on reasoning with him but each time Hannah went out there, he would drag her back in her room saying "Go to

sleep" and slamming the door on us. And Hannah will just keep on going out there until Hannah actually had marks on her hand. She just didn't want to do it anymore.

Mom: Why did Hannah keep on going out there?

Matthew: Because um, because she just wanted to get him tired, I think. And then--

-

Mom: Hannah, why did you keep on going out there?

Hannah: I wanted him to [inaudible].

Matthew: And then like when we're about to sleep, Hannah went out to ask him if we could sleep with you because she couldn't sleep in there and he said, "No, because you're supposed to sleep with me now." And he slammed the door on Hannah and then Hannah went back in her room.

Mom: Were you there when that happened?

Matthew: I was in the room. Well, I was hiding in the kitchen when he said that. And then once he slammed the door, Hannah went back in her room. So did I. And then, yeah, and then we slept uncomfortably. And then I had a tummy ache and I had to go to the restroom three times. The first time, the diarrhea really hurt. So I wiped it and then went back to sleep. The second time I had to go poopy again, it didn't hurt as much, but when I tried to flush the toilet, all the stain was um, all the stain from the diarrhea was stuck on the toilet. And then the third time but was stinging. So I took the toilet paper, got it wet under the faucet and then put it under my butt. And then, yeah, and then I went to sleep.

Mom: And you were able to sleep after that?

Matthew: Kind of. I only have like three hours to sleep because the whole... because we kind of went to sleep at eleven, um, and the first, all the diarrhea's I had took me like two hours, took two hours away and sometimes I was awake. So I only had like three hours of sleep.

Mom: Uh-huh.

Matthew: And Hannah only had two hours of sleep on the other night.

Mom: Mm-hmm. How was Lena when all this happened?

Matthew: She was scared. So, she went back in his room. I don't know what she did in his room, but she just stayed in that room. She also told me that she was scared. So, yeah.

Mom: Okay, honey. You guys need to try to get along with him.

Matthew: I got it.

Hannah: We're not going to get along with somebody that tried to kill us.

Matthew: I got it. It's stuck.

[End]

EXHIBIT B

EXHIBIT B

EXHIBIT B



VOLUME XX

AA003840





VOLUME XX

AA003841





VOLUME XX

AA003842

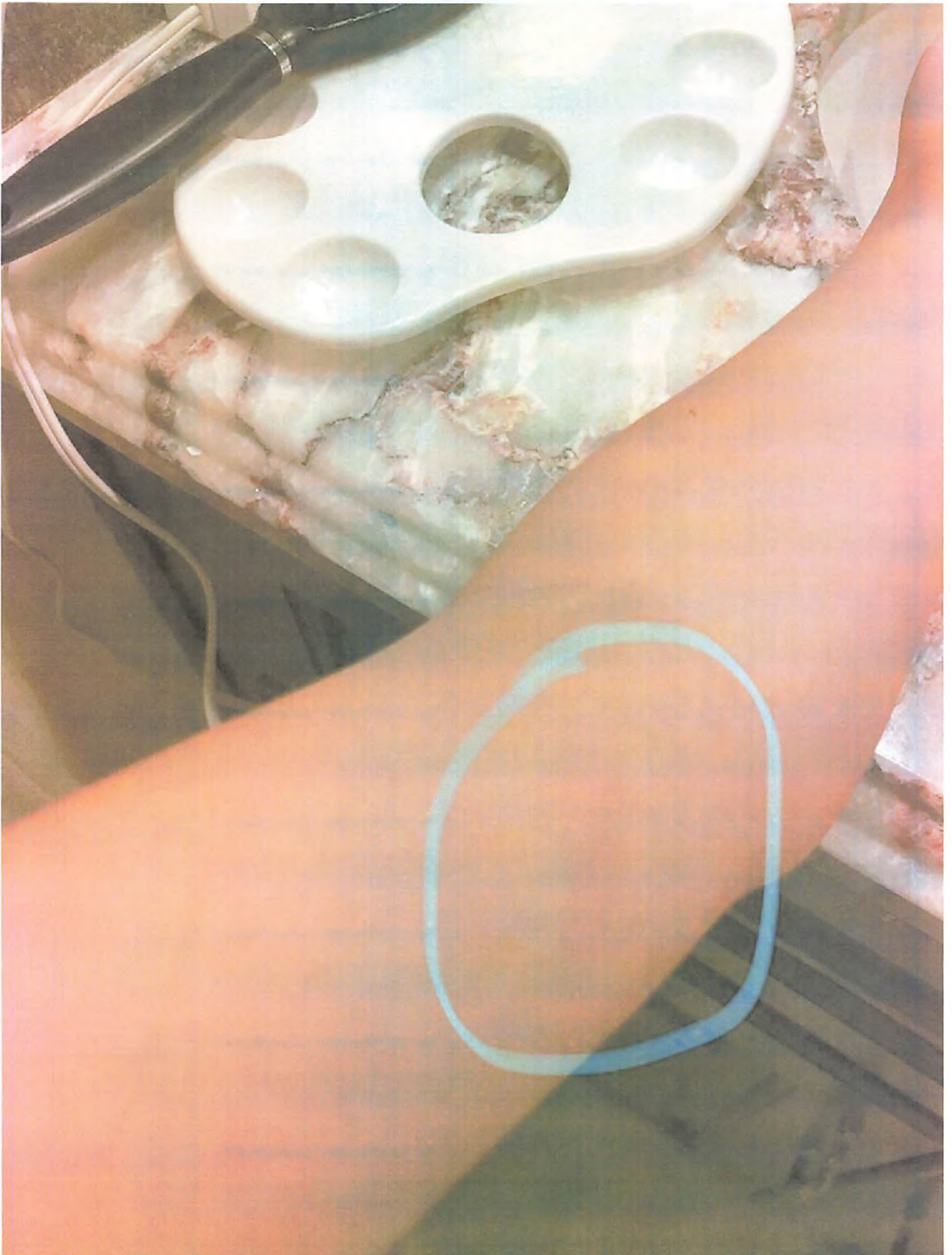
EXHIBIT C

EXHIBIT C

EXHIBIT C







VOLUME XX

AA003845





VOLUME XX

AA003846





AA003847

VOLUME XX





VOLUME XX

AA003848



EXHIBIT D

EXHIBIT D

EXHIBIT D

# Message Report



OurFamilyWizard, I.L.C.  
230 13th Avenue NE, Minneapolis, MN 55413  
ourfamilywizard.com  
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(866) 755-9991

Generated: 02/10/2022 at 01:31 AM by minh luong

Number of messages: 1

Timezone: America/Los\_Angeles

Parents: minh luong, James Vahey

Child(ren): Hannah Vahey, Matthew Vahey, Selena Vahey

Third Party:

## Message 1 of 1

**Sent:** 06/16/2021 at 05:12 AM  
**From:** minh luong  
**To:** James Vahey (*First Viewed: 06/16/2021 at 06:39 AM*)  
**Subject:** violation of court's order, alienation, Jim discussing divorce matter to children

It has come to my attention that you have been trying to discuss court matter with the children. All three kids have informed me that you are now trying to brainwash them saying that "Mommy left us." You are trying to alienate the children from me by saying that it is my fault because "Mommy left us." , " The problem started when mommy left us and did not come back a year later." , and that you never agreed to move to California.

The children lived with us Jim. We took them to shop for houses so they could live in and go to school at. They picked out the rooms they would live in. We involved my family, the children and our close family friends. You discussed schools with the realtors. We shopped for houses where there was schools with blue ribbons. We discussed school with them. We raised their hopes up and you changed your mind. The children know I did not leave them. They were there when you forced the children and I out of your house to move to the Tompkins house. They are old enough to remember all of those. You won't be successful at trying to brainwash them otherwise. When they are under your care, they have no choice but listen to what you have to say. You cause severe stress on Hannah and you try to force these lies to her. The more of these things you say the more she will be confirmed that you are a liar. You are not helping your relationship with her when you are lying to her face with the things she already know and trying to tell her that what she saw and experienced is not true and what you say is true.

Both Matthew and Selena stay quiet when you say these things to them because they are too afraid of you to say anything to you. They are afraid of you being mean to them again. But don't confuse of their silence as them agreeing with you. They are annoyed also with your lies. They remember what happened also Jim. I was the primary care taker and you were rarely ever there. You never had the connection with them the way I do. You are trying to alienate the kids from me but it will only back fire. They will resent you even more for trying to separate their relationship from the one person who truly cares for them.

Please do not involve the children with our divorce matters. They don't need the additional stress in their lives. You are trying to alienate the children from me when you tell them that " Mommy left us." You know that is not true. That is something you go around town telling people so they would sympathize with you but it won't work with the kids. They have always been there and saw everything with their own eyes. The more you try to convince them otherwise the more they will see you as a liar. This will further put a wedge in your relationship with them. You have a lot of work to do to restore your relationship and you are doing all the wrong things.

Please don't interrogate the children with what they do while they are with me. They don't appreciate you doing that either.

EXHIBIT E

EXHIBIT E

EXHIBIT E

### Grades

21-22 Bachelor's

All Terms	Q1	Q2	Q3	Q4
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Term Q3 (01/04/21-03/31/22)

Term GPA: 4.000

EXHIBIT F

EXHIBIT F

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### Grades

21-22 Summer MS

All Terms	Q1	Q2	Q3	Q4
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Term Q3 (01/04/2022 - 03/31/2022)

Term GPA: 3.167

EXHIBIT G

EXHIBIT G

EXHIBIT G

## TRANSCRIPTION

Interviewer: All right, take your pen for the update. She doesn't really want to join us for that. Would you want to come back with me for a few minutes?

Woman: Sure.

[background noise]

Interviewer: All right. [inaudible]

[background noise]

Interviewer: We'll start our session as I am trying to get a sense of where she's at, and you'll find out what her perspective is and how she's feeling. Um, she shared with me that she's pretty close with you and that, uhm, she and I the things we talked about today. She said there are things that she would talk to you about anyways, so I don't think that there's anything I need to update you on that. You know, she would share with you herself, she said.

Um, but basically, from what she shared, this isn't a surprise to you, but it doesn't sound like she's ready to see Dad. Um, it sounds like she's still has a lot of things that she's wanting Dad to be able to talk about and say. And from the times that I have spoken with Dad, I'm not sure he's able to do that right now. So I think what I need to do now is go back to Dad and get him a little bit more prepared to communicate with her about the things she wants to talk about.

Sometimes kids come here, and they want to start out really easy and gentle, and just you know, socialize a little bit and get to hard stuff later, but that's not what she's saying. She's saying, "I want to talk about these really important issues, and you know, this is the only reason I would, you know, you want me to spend time with him is to talk about these really serious things." So I need to make sure that he's going to be able to do a really good job at that, right from the very beginning, minus all that socializing, which she's not really trying to have with him right now. So that's where we're at after this first session. Does any of that sound surprising to you, or is it pretty much what you expected?



Mother: It's not surprising. No. Val knows about it. Dr. [inaudible] knows about it. I tried to facilitate her relationship with him, um, and she's not comfortable unless he signs the letter, then Val helps her right up.

Interviewer: Sure, you know, I mentioned to her, and I'm glad you brought that up so I could mention it to you as well. So Dad is actually happy to sign the letter. The only reason that he hasn't been signing it is that I encouraged him to wait until I can meet with her. The problem that I have with him signing the letter is that it's the way that it's listed there is, it truly asking him to make promises that aren't already in his powers. So one, one of the first items... Have you seen the letter?

Mother: Um, I saw some rough drafts that Val sent to me. But I don't know what was communicated after that.

Interviewer: Yeah, so like one of the first items in there is him making a commitment to how long of an appointment they would have. And so that's difficult-

Mother: Why is that not in his control?

Interviewer: Because he doesn't control how long my appointments are for, right? So he has no power over that.

Mother: That was not for the session between you three. It's for her to meet him outside of this place.

Interviewer: Okay, and so that's actually exactly what she said when I had the same conversation with her. And so that's not what I think Dad was understanding to be. So, it was not arrived at his understanding it to be. So yeah, that's what she was saying. That if she's going to meet him for dinner or something-

Mother: This letter was written before this session. This letter was written to help initiate the relationship. Because it's just so hard to get into this schedule. So, we wanted to get that going because we are just coming here on your schedule.

Interviewer: Okay. So that was sort of before we got you right here today. Okay.

Mother: Um, it's really hard for her to trust any therapist. You would be the fourth one. Um, the last two before Dr. [inaudible] did not help her. So she quit the second one. She quit the first one, she quit the second one. Um, with the second one, she ran out of the room crying multiple times toward the last month with him.

She refused to go see Dr. [inaudible] at the beginning also. She's hesitant to even come here today. She asked me if she had to come. I told her she had to try, at least try. Um, I really had high hopes for you to help with their relationship. I am very disappointed. I don't think they're heading the right way. I don't think it's going to go anywhere. I feel that you have already bought into Jim's idea of why his kids don't want to be with him? So I don't feel that you're going to do much for our family. With the direction you're going, it's only going to hurt the relationship even more.

Interviewer: I'm sorry, are you talking about Hannah right now? Because I guess I'm not hearing-

Mother: I'm talking about both of them. Matthew and Hannah.

Interviewer: Okay. So for Hannah specifically, do you have concerns about the direction that we're going in terms of my planning to meet with her first, then the second, or what do you mean by that?

Mother: Um, I just, I feel that you, you think the cause of their dysfunctional relationship is my fault, and it's not. And you only listen to one side of the story, and you jump to a conclusion on that instant case. Um, and so I don't think you are heading the right way.

Interviewer: What makes you think that I think that her relationship with her dad is your fault?

Mother: Well, you would think that with Matthew, and they have similar experiences of both [inaudible].

Interviewer: What makes you think that I think that Matthew's relationship with his dad is your fault?

Mother: It's the matter of bringing it to the court, and from your letter, that judge took Matthew away from me on many days. And I don't understand how that could be good for a child to have the mom taken away.

Interviewer: Did they let you see my letter?

Mother: Uh, yeah, they let me read your letter.

Interviewer: Okay. I guess- So my confusion is it seems like you and I sort of saw it differently. So you thought that my letter was about you causing Matthew's relationship with his dad to be a problem. Is that right?

Mother: That's correct.

Interviewer: Okay.

Mother: It's not just me, it's the, it's the um, the gal too.

Interviewer: What about her?

Mother: She said because of your letter that caused this whole thing.

Interviewer: Okay. Yes, so my letter was definitely intended to let the court know that I think that Matthew has definitely been getting a lot of feedback about how to get what he wants out of this situation, which is to not have to see dad anymore. I think that he has a lot of feedback about how Hannah accomplished that, which she has at this point successfully managed to not have to go see dad anymore. So my major concern is that Matthew is going to start copying a lot of the behaviors that he knows that she has had.

Mother: So I disagree with that because you have no idea how Matthew is living right now and how he's been living for the last three months. Even if it were just something as simple as that, no kid will put himself through what he has been putting himself in. Do you know how he lives?

Interviewer: Do I know that he turns down all the activities and functions and doesn't talk to Dad, you know what I mean?

Mother: And lock himself in his room? And he doesn't communicate with anybody, not even with his sister, Selena, who they were best friends. They did everything together, and they played together, they were inseparable. And now Matthew doesn't care to be with his sister, and he just stays in the room on his own.

And you think a kid could do that? If he didn't have stronger reasons why he doesn't want to be with his dad. Do you think it's just because he's just putting that up? Putting up that fight so he won't be with his dad. You don't think it's something stronger, and you only spoke to him for such brief plans, and you only got one thing out of him, and you think that's the only reason why. And therefore, it could not be the reason why he can't be with his dad, or he doesn't want to with his dad.

Interviewer: We talked about a lot of things, but his main emphasis was about not going to California, and some of the other things that he mentioned I think were bothersome to him but weren't related to the main focus. So he did mention dad coming in checking in his room too much or taking photographs that he was worried dad would use it to court to show that he was having a good time. But yeah, for the most part, the things that I believe about where Matthew is at are from Matthew. So when I say when that I'm a little worried about engaging in behaviors to get the same out of [inaudible] Hannah, that's because he said, well here's what she did, and she doesn't have to go anymore. So maybe that's where I should do too. Right, so those are the things that he's saying in session to me. So that's how I have those concerns.

Mother: But that couldn't be the only thing. That is not the only reason why he is doing it then. Did you talk to Jim about the day after the yogurt land event? How did he choke Matthew?

Interviewer: So, I mean, I have pages upon pages of information from all of you, but what I'm telling you is that that's not what Matthew is talking about.

Mother: Well, okay. So just because Matthew doesn't talk about it doesn't mean that it didn't happen or doesn't bother him. So even Val knows those. Matthew is not an expressive kid. He's not going to bring that up to tell you unless you ask him. Did this happen? How do you feel about this?

Because he told Hannah, he told me: "Hannah saved my life, mommy. He choked me with his arm around my neck". And if Hannah didn't come and picked up Jim's laptop and say: "Let him go, or I'll smash this computer!" Jim would not have let go of Matthew's neck.

Interviewer: So it sounds like you're saying that you believe that he is exhibiting such concerning behavior now because he's afraid of Dad?

Mother: Um, I don't know if it's afraid because he probably, it's not much of being afraid anymore because I don't think Jim is doing those behaviors right now. It's more of resentment. For example, why do you think Matthew doesn't want Jim to touch him in any sort at all?

Interviewer: Why?

Mother: He's putting a fake presentation to display.

Interviewer: I mean, I think he truly does resent his father. But I don't think we want people to...

Mother: But was that because I told him, because of the feedback I gave him?

Interviewer: Well, right now, what he's talking about is California. "I could've been in California. He broke up our family. I don't know why he and mom cannot get back together. If he and my mom get back together, then everything will be fine, and I'd be happy again." I mean, these are the kinds of things he's talking about in session.

Interviewer: Okay. So, that doesn't mean the other things don't happen, right?

Mother: Sure! It doesn't mean anything about those, but what I would like to talk about is the things that Matthew says are important to him.

Mother: Okay. And so you negate the fact that's important to Matthew by saying that by now, you should've forgotten about it already. And therefore, he hasn't. Therefore, somebody has been feeding information to him so he could be mad at his dad.

Interviewer: I do. I think that somebody has been talking about California. I didn't say [crosstalk] with you.

Mother: How can we not talk about California? We go there every other weekend. How does he not know? How does he not remember?

Interviewer: Yes, I think every time that he goes, I think he thinks this is how it could have been.

Mother: So you think we should just not go so to erase his memory?

Interviewer: No, I mean, I think that there is a lot to be considered as different options. The only piece that was in my letter is that I think that he's continually being exposed to the issue of not living in California, and that has strengthened his resolve. Not that mom said or did anything or that Hannah said or did anything but that California keeps being a thing for him. And it's the only thing he's focusing his mind on right now.

Mother: You're doing a lot of harm on my son by splitting him up with me. You have no idea how close Matthew and I are and how much he's suffering, both results of your matter.

Interviewer: So I didn't recommend any specifics splitting up or anything on that letter.

Mother: It's stated that if the goal was to help Matthew with his dad relationship is to have this person removed from Matthew. The judge used your letter to justify her action.

Interviewer: Sure. So, uh, I do. I see what you're talking about here. So it says that Matthew's exposure to people who are trying to get him to resist dad be limited. Is that you?

Mother: And who do you think? No, it's not me. How do you think the judge sees it or Jim's attorney interprets that letter?

Interviewer: Well, my hope with this is that they saw me saying that Matthew should have limited exposure to people who are trying to...

Mother: And who is that?

Interviewer: I don't know, that's why I didn't name anyone, right? So I don't know who promotes his relationship with dad or against his relationship with dad. But certainly, anybody who is discouraging relationship with dad will be somebody that he should have limited contact with.

Mother: Nobody is discouraging his relationship with him. Nobody, not even my family members. When Jim calls, the kids don't want to talk to him. My boyfriend ran after the kids and say: "Talk to your dad, just say hi. Just say hi, Matthew. Just say hi, Selena. Just say hi, Hannah".

Interviewer: So, can you tell me a little bit about how you interact with dad?

Mother: I don't. I don't talk to him. Every single time we have a conversation, he talks down to me. I don't want to expose myself to that. I don't want my kids to see him talking to me that way. I don't want to argue with him in front of kids. So I prefer not to have any conversation with him.

Interviewer: So have you thought about what that sort of models for the kids about how they deal with dad?

Mother: What about what kind of model when they see him treating me that way? What does that look to them? Is that okay for mom to be subjected to how he talks to her?

Interviewer: And how does he talk to you?

Mother: I just told you. Very demeaning, like I'm a secretary, or like I'm nobody.

Interviewer: Like, what do you mean? Like the times when you would see him, I'm guessing things like your doctor's appointments or something like that? And so what does he say that demeans you?

Mother: Not specifically at a doctor's appointment, but just the way he talks to me.

Interviewer: When do you have occasion on it?

Mother: For example, um, I set up an appointment for Mat, for Matthew to see our dermatologist. I sent him even an email or a text and I told him it's a week away with this doctor, in this location, in this time. Um, you feel free to meet us there. He doesn't respond to me. On the day of, they texted me and said, and I could pull up the text and show you too. "Do not take Matthew there. I am not giving you permission to take Matthew there. Take him immediately back to the school. I am not giving you permission to take him there. You are not allowed to take him". That's is to his doctor, a doctor visit. And I told him a week, at least a week in advance.

Interviewer: But isn't it accurate that if you both share legal custody, that you do need to agree on a doctor?

Mother: Yes. So why didn't he tell me ahead of time if that's the case? He waited until I was on my way to the doctor's office to call me and text me that. And not only that, I was already at the doctor's office. We left the place, and then I saw his text telling me: "I called the office and canceled the appointment."

Interviewer: So, I mean, I think we can; I'm sure both agree that he could've handled that differently, better, sooner, right?

Mother: There's a lot of them-

Interviewer: But those are all things about his relationship with you. This happened in text messages; that's not with the children, you see, right?

Mother: It's not just that.

Interviewer: Tell me about how he is demeaning to you in front of the children.

Mother: Multiple times when I dropped the kids off to him he would say: "Get him in the house!" And then he leaves and goes into his house. And he said that: "It's your responsibility, it's not my responsibility to get the kids in the house! This is your job".

Interviewer: Okay, so declaring in front of the children that he gets to choose what's your job, what's his job?

Mother: It's his tone.

Interviewer: More like the tone. Okay.

Mother: Yes, it's his tone, the things he'd say. It's not just verbal, or text messages, emails. I've sent them to my attorney. He read them, he saw them. He told the judge how Jim talks to me. He talks at me. So I don't want, um, a lot of twisted words when I say something. So I want to document everything. If you want something you can pull that up...

Interviewer: One moment, because I heard a beep. I need to make sure that she doesn't open the front door.

[background noise]

Interviewer: It must have been in my head. [inaudible] It sounds like what you're saying is there's this person, and I don't appreciate how he talks to me. The way he talks to me, the things he says. And I don't want to be around that, so I'd choose not to communicate with him because it's always unpleasant. Is that right?

Mother: Yes, that's correct.



Interviewer: Okay. So I mean the tricky part here is any other time, any other relationship, that would make him [inaudible]. Of course, if somebody is not treating you well, you don't want to be around them, and that makes sense, right? The tricky part is that you're stuck with him as the father of your children, right?

Mother: That's right.

Interviewer: So I mean, I wondered if there's not some benefit to trying to improve the way that the two of you communicate.

Mother: Well, maybe he can start treating the kids and I better. For example-

Interviewer: What would that look like?

Mother: For example, he called, Selena was with me and Hannah, and he called. And he said, let me talk to Selena. I handed the phone to Selena, and then I called to talk to Matthew. This was before. I'm having a nice conversation with Matthew, and Matthew is in his room. Selena refused to talk to Jim. She said: "Daddy, I'm doing my homework. I can't talk to you right now". She hangs up the phone. I'm having a separate conversation with Matthew. Jim got furious because Selena hung up the phone with him. Jim went to Matthew's room, snatched the phone from Matthew and talked to me, and said: "You need to put Selena back on the phone right now, or you don't talk to Matthew!" What is that? Why is Matthew's relationship with me being punished because he doesn't have a relationship with Selena because Selena's not talking to him? How does Matthew feel that his dad just came in and snatched the phone when he's having a conversation with his mom? And not allow him to finish the conversation with his mom?

Interviewer: When was that?

Mother: Probably a month ago?

Interviewer: Okay. I think that's a great example-

Mother: Oh, I can give you hundreds: Selena, last week. If Jim is sincerely trying to develop a good relationship with Hannah, he wouldn't be doing the things he's doing now.

Interviewer: What do you mean?

Mother: I was talking to Selena, then Hannah wanted to talk to Selena. I went [inaudible] so Hannah can talk to Selena, and Jim walked into the room, and he hung up the phone in the middle of a conversation between Hannah and Selena.

Interviewer: That one is a little bit more tricky. Was it after the no-contact order?

Mother: Yes. That was just last week. What does that have to do with anything? The no contact is me; no contact with Matthew. It's not Hannah no contact with her sister or even Matthew. The order doesn't say anything about Selena or Matthew that Hannah cannot contact.

Interviewer: Yeah, and so, and again, just in this one specific instance, I can say that he did come and say he mentioned that that happened. And when I saw him, he said he wasn't sure if he was supposed to be permitting contact for Matthew and his siblings.

Mother: No it's not Matthew. This is Selena and Hannah. Did Jim say that Hannah is talking to Matthew?

Interviewer: No, he was saying he wasn't sure what he was supposed to do in terms of it-

Mother: So he just automatically hang up the phone and prevented Hannah from talking to Selena.

Interviewer: I mean, it sounds like you're telling me that it is what he did.

Mother: That is what he did, you can ask Hannah.

Interviewer: I don't need to. I believe you. If that's what you're telling me, it happened. I believe you.

Mother: These are the examples of why I cannot be civil with him. The kids cannot have a better relationship with him. Just think how Hannah feels, how Matthew feels. They're having a conversation with their mom, not doing anything wrong. Dad came, snatched the phone, and hung up or take it away from them. Are they supposed to feel good about their dad for doing that?

The problem with this family is Jim needs counseling so he knows how to handle his kids. So he knows how to treat his kids better and talks to the mother of his kids better so that we can be more civil. But if he treats me that way, why would I want

anything to do with him? And those examples he gave you at the pediatrician's office are false.

Interviewer: What do you mean?

Mother: He mentioned to you that when Matthew came and Matthew moved away from him. Did it not happen in your-

Interviewer: Um, from multiple sources, I was told that there is a doctor's appointment where you had the children come, move away from him so that they could stay closer to you.

Mother: Multiple sources? Multiple sources? Who else was in the room, but just Jim and I and the kids. Who else would know to say that?

Interviewer: The time I am thinking of, there was someone else there, so maybe we're talking about different times.

Mother: There's never a Val there. Val was never at the doctor's appointment with us.

Interviewer: Okay.

Mother: This is the time of that the latest pediatrician appointment? I don't feel comfortable being close to him. It makes me tense. It makes me have anxiety. I don't want to be next to him. Okay? I feel that I have the right to feel comfortable. I cannot be violated. So when we were at the doctor's office, we left the office. Matthew and Selena had a COVID shot, and we had to stay there for another 15 minutes. There was nobody else in the waiting room, just us. A room full of seats, okay?

Matthew went and sat down right there. I went and sat down right here, and Selena was on top of me. She could have sat anywhere, next to Matthew or all the other seats. But no, [inaudible] that is not okay. I'm not married to him. I don't need to have a seat next to him. If anything, he should sit next to Matthew, if that's the case. Or sit anywhere else. But I cannot feel comfortable for him to be next to me.

Interviewer: And so, yeah, I think that's the tricky part because of everything that has happened, you don't feel comfortable with him sitting next to you. But I think it is also pretty obvious for the children that [inaudible] he makes you feel anxious. Being near him makes you uncomfortable. So I think seeing those things is pretty

problematic for us to say that you want them to feel comfortable around him, right? They're observing...

Mother: So now again, you're saying that they are uncomfortable with him because of that. They're uncomfortable with him for how he treats them. It's not my relationship with him. It's not. They already know we don't get along. By him picking up the phone and hanging up in the middle of a conversation. If he and I were getting along, why would he be doing that? So he's the one who is causing a conflict every day that they have interaction with him and I.

Interviewer: I wonder, and obviously, I'm not a medical worker, so I'm not saying I can do this. But I do wonder, if I were to magically show up with him tomorrow, and he no longer had any of those same behaviors. He spoke appropriately to you. He was kind and everything that we would expect of him. If I was able to magically make him that person tomorrow, would you be able to talk to him at some point? Once you felt like he was believable, and he was going to keep being that person?

Mother: Yes. I can tell you, yes. Because my past relationships, I had two other serious boyfriends long-term. And I'm best friends with them. I have no problems with my previous relationships. Umm, it's just how he treats the kids and how he treats me. It just makes it impossible for the kids to like him or for me to pretend and fake in front of the kids that he and I are best friends. It is not okay for him to lie in court and to me and pretend that he and I are best friends in front of the kids. It's not okay.

Interviewer: Well, I think you'll find that, for the most part, it is pretty beneficial for children to feel like their parents get along. Not to the extent of having to lie, right? I wouldn't want you to lie to your children. But if we could do something to make it possible for the two of you to get along, maybe not best friends, but get along. I think that that would be helpful.

Mother: Yeah, we could get along. That'd be great. But for him to treat me and the kids the way he does now. It's not okay. And we can't get along with that.

Interviewer: Sure. So could you- It sounds like there's a lot of things. There's not just one thing. There are a lot of things that have been problematic about how he communicates with you all. But can you tell me in terms of how he communicates with you in front of the children? Is there one thing that comes to mind? Something really big that he could be working on? It's obviously going to be more than just one thing. But just for now, can you think of one thing that he could be doing better?

Mother: It's his tone of voice. And it's very demanding. It's, it's like giving me umm command. "Do this do that?" It has always been like that throughout our marriage. And I always felt like he treated me as if I was his assistant or his secretary.

Interviewer: Now tone is a little bit tricky because when people try... If this is how he has always talked to you, right in this demanding tone. If I'm trying to get him to use a different tone. I'm just guessing here, but it's gonna sound a little bit not genuine, right? It's gonna sound like he's using a, like a super nice tone because that's what I'm going to be telling him to do. "You have to use this other tone." Is that, will that be enough to at least feel like the tone piece is fixed, or would that not work?

Mother: Um, it's not... It has to be sincere. He can't say something and like, for example, and he does it to Hannah too. He would say something, and then he'll put on this fake smile. Umm, and it's more to irritate us. He irritates me by doing that. Umm, and he'd say things very random. And he says it in front of my boyfriend too.

And he's an anesthesiologist. So he's not a nobody who doesn't know or is not educated. He went to medical school, just like you did, and Jim did. But umm, we would have a conversation, and all of a sudden, he would say, "Please don't hurt the kids." Where did that come from? What? How am I hurting the kids? It's just out of the blues, and he says things like that. Umm, it just makes no sense.

Interviewer: Well, sorry. So just to go back to those. We're talking about tone. So one of them, one of the big things that stands out for you is that he's using this really demanding tone. And that's just his style. I'm guessing, and again, I don't know. I haven't tried yet, but I'm guessing if I go to him and I say hey, you know, why don't you work on this? Why don't you stop using this demanding tone? My guess is he's gonna go, "Why did you even know I had a demanding tone? I-I never meant to have it." Right? Because people... I think sometimes people don't know how they are. And so I suspect he's going to tell me that he had no idea he sounded like that. And he's gonna, you know, switch to using a really nice tone. And I guess what I'm wondering is if just changing the tone, does that take us a step in the right direction? Or is it-

Mother: It would.

Interviewer: Or is it wrong direction because now it seems fake, you know?

Mother: No. Well, if I know he's sincerely trying to make it better, then I would not think that he's just, you know, pretending.

Interviewer: Alright.

Mother: Umm, but if I know he's saying something and just put in that tone, just to pretend, umm, because he does a lot of recording. He records all the time. He records whenever we're on the phone. He records when I see him. And one of the reasons why I don't want to see him is because there has not been one interaction between him and I that he doesn't report to the judge and put into making it look like I'm doing something wrong. So the best thing for me is not to say anything or see him at all, because everything is going to be twisted and reported. So why do I want to subject myself to seeing him for him to give him more material to fake in life?

Interviewer: I mean, that, that particular piece, that's a really tricky piece, because, you know, somebody is, is, is saying, Every time I communicate with this person, all of these other things happened is something happened at court. And, you know, attorneys do this, and they say that. I mean, that's a lot to, to risk just to talk to him, right?

Mother: That's right.

Interviewer: I could see not wanting; it feels like he's gonna be able to then take eight more steps in a negative direction. That's tricky.

Mother: Umm, for example, in an attempt to try to get the kids back to him, the judge said, I want you to take the kids to a yard house, and-

Interviewer: Not mentioned that he's...

Mother: I showed up and then bring the kids there to meet with him and then leave. And I showed up, and the kids refused to sit down with him. They ran into the bathroom and hid from him. Umm, he went and sat down with Selena. I went and sat down with him. And he asked me and the yard house; I don't know if you've been there. It's loud.

Interviewer: Which one?

Mother: The yard house?

Interviewer: There are a couple of locations.

Mother: Yeah, but they're all very loud. So, umm, Selena stood in the corner, Jim sat over there, I sat over here. And Jim said, "Please stay umm it would help a lot if you stay." And it's so loud so I stood up and leaned forward him to tell him, and then

Selena won't hear what I was saying. And I said, "Every single time I say something, or do something, you will report back to the judge, and you twist the story. So why would I want to put myself in that situation? So I'm going to leave like I was ordered to." Umm, then he went to court. And he said that you know, I said it very loudly, I leaned forward, like, I was being aggressive. Umm and said, why would I want to help you? And so that's an example of one incident, why I do not ever want to see him or be around him. You know, what does it do for me? Except for more stories for him to, to paint me in a negative way to the judge.

Interviewer: Okay. So, I think that something that could be really helpful then is for me to work with him a little bit and see if there's not some piece of information. Umm, at this point, maybe something about Matthew that he could be umm prepared to tell you about. Umm, it doesn't have to be in the same room. It could be by video or something here. But we need to give him a chance to practice. If I am going to go and tell him he has to be better, then I need him to work on something. And we need to give him a chance to practice. So I'm wondering if there is a way to give him a chance to speak to you in a proper tone. Um, it's reasonable for him to be providing you an update about the child that you share, right? So him telling you an update about Matthew, that's a normal thing for him to tell you. And then I think that, that might be a good opportunity for him to practice because there's no expectation in that conversation that you have to say much back, right? So if you're more comfortable, you know, not speaking that much to him so that he doesn't have extra stuff to take back to court and turn it a different way. That might be a way for him to prove to us whether or not he can talk to you appropriately. What do you think about that as an [inaudible]?

Mother: That's fine.

Interviewer: Okay. So I have to first make sure, though, so just because I want that to happen doesn't mean he can do it. So first, I have to give him a chance to meet with me and practice and talk about why he needs to modify the way he's talking and why that's important. And see if he's going to do it, um before I, you know, put you in that position. I want to make sure he's gonna succeed at doing it before I make you sit there for it. So I'll definitely get back to you about that piece. As far as for Hannah, I mean, right now, she uh definitely, I don't think is ready to have a discussion with him because she wants to hear some very specific things from him. And if they ran into each other tomorrow, I don't think he would say those things. So I think I need to go back to Hannah as well and see, you know, how far away he is and his perception from what her perception is and what she's wanting to hear from him.

Um, and so this time slot right here, I think Hannah's time slot, it's the time that's sort of intended for her. I'm not. I'm sort of pondering right now, how quickly I think I could get in touch with him to see where he's at. Um, I mean, I certainly don't think that I would have them have a contact at her next session. I don't think that that's very likely that I would talk to him, and he would be somehow magically all on the same page and ready and all these things. So anytime where she would have an appointment, where he would be at would be something that you all would know in advance. So she would know in advance, you would know in advance, um, she would have worked with me to decide who sits where and who leaves first and all of those pieces. So she's never going to be taken by surprise here.

Mother: You need to explain that to her. She has a lot of anxiety coming here.

Interviewer: Hm-mm sure. Well, and so why don't we go ahead and head back out so I can say-

Mother: I do need to ask you about Matthew's progress. I mean, the judge is taking Matthew away from me for ninety days. What is the endgame here? What, what are we expecting after ninety days?

Interviewer: So I believe, based on my understanding is, that the judge brought up a program called Turning Points.

Mother: She brought it up, but it's not, it's not, she didn't say that we're going to have to do that. It's for you to help Matthew right now in ninety days. So are we just wasting these ninety days? And then after that, do the turning point? Is that what you're telling me now?

Interviewer: No. So my understanding is that the judge had expressed that maybe turning points would be a good idea. So then, when I heard that what I did was I reached out to the program. I asked them questions. I've not worked with them before. So I've heard of them, but I have not personally worked a case with them. So I wanted to find out, you know, what they do and how things work. And in that process, what I learned is that their policy is 90 days of no contact. So I'm guessing that that's where the ninety-day piece came from. It's my understanding from dad that they drafted some paperwork to ask, uh, for the judge to say yes to Turning Points. Um, and so it's a little surprising that it looks right now; you're not nodding your head like you know this already. So I'm a little surprised because I thought Dad



told me that they had sent some paperwork saying they wanted Turning Points to happen. Is that not something that anybody's talked to you about?

Mother: No, um, the last hearing, the judge brought it up, and my attorney said, um, that she is, um, I guess, acting in a way that is not appropriate because, in order to go to the Turning Point, there has to be proof of alienation. There is no proof of alienation. Therefore, she cannot do that. Um, at first, she said, you know, I want this to happen. And then when my attorney brought it up, you know, you, you know, you are acting out of um, um, inappropriately. Um, because in order for that to happen, this must have happened first. And since this has not happened, you cannot order that yet. Um, and that's, and then the judge backed off, and the judge said, okay, um you know, I'm just gonna order the ninety days to work with Dr. Collins. And uh, I'll let you guys decide. I'll let the attorneys decide what to do next about Turning Point.

Interviewer: In my opinion, I think that turning points would be a good thing for them to try. Mainly because they're taking a lot of different therapies for days and getting a lot done. Um, I, I have not made a lot of progress on Matthew's relationship with his dad.

Mother: Why is that?

Interviewer: I can work on dad's piece. So Dad and I meet with Matthew and talk about dad's policies how things happen in his house. So some things that were very easy to see that needed to change. For example, the length of punishments that Dad uses. Those are not really appropriate length of punishments, so we talked about what is more appropriate, you know, what are the types of, uh, reasonable consequences to have for behavior. So we've been working on some things on dad's end but not really working on things on Matthews's end very much. So something like an intensive four day, I think would be helpful for them. Because I don't think anybody wants to be involved here at my office forever, right? So if they can get a lot of progress done in four days, I mean, I think that that would be great.

Mother: Um, well, you're assuming that there's alienation going on to go to that turning point. Um, there's no alienation. It's the way Jim treated the kids and the promises he made and, um, the lies that he's been continuously putting on the kids um [pause] that caused the relationship to be that way. What happened after these ninety days, and nothing changed with Matthew? The judge thinks, you know, from your letter, "Oh, mom must be the cause. Because who else could be? Let's stop the

communication, no contact." Then my attorney asks, well, what happened after the ninety days if your plan doesn't work? And they cannot give an answer. And Jim and the attorney is like, see they're trying to think the worst of it already. But Matthew and I are being punished for this dysfunctional relationship with his son. Why is that?

Interviewer: So the intention is not for Matthew to be punished. The intention is to give them an opportunity to work on their relationship.

Mother: Yeah. How do you think Matthew would feel for taking his mom away from him?

Interviewer: I mean, I can tell you how he feels right now. He feels mostly angry, a little bit sad, but mostly angry. Um, and I know that he wants to be with you. I know that he misses you. I know that he feels a lot of resentment about not having contact with you.

Mother: Okay, so is that helping his relationship with Jim for that to happen?

Interviewer: So, of course, those aren't helpful things.

Mother: Okay. So why would that happen? It's doesn't... It makes no sense whatsoever. If you want Matt to have a better relationship with his dad, and you take the one thing he loves the most. And, of course, he is going to feel that's a punishment. How can that not be a punishment? The attorney says so. Jim's attorney says we have to punish him, so he won't think that by acting the same way as Hannah is gonna get him what he wants. We have to punish him and make sure he knows that he's not gonna get back.

Interviewer: So the goal was really for him to be able to see positive parts of his relationship with dad. So they give dad a chance to win Matthew over with his dad's improved behavior Dad's ability to create a positive experience. So it's really about giving dad an opportunity to shine.

Mother: Is he shining?

Interviewer: I mean, from what I can see, he's doing a great job. That doesn't mean he has always done a great job, right? I've never seen him as a parent three years ago, or even three months ago. But I can say right now that the parenting that he's putting forth is really strong. He has a lot of openness to changing the way that he's

parenting. So he's been pretty quick to change things when I've recommended them. So I think his parenting right now is pretty strong.

Mother: And what, why am I being punished, because he needs to shine and he needs to work on his relationship and how he behaves with his kids? So I'm being punished for that.

Interviewer: So I think really, the focus is all about the experience for Matthew, and-

Mother: Which is a horrible experience because he's locking himself in his room and not communicating with anybody. Is that, is that, is that not inhumane?

Interviewer: And what makes you think that he's locking himself in his room and not communicating with anybody?

Mother: Selena tells me. Val tells me. He refused to talk about it.

Interviewer: Well, I mean, that's a little bit different than him not talking to friends at school or teachers or other people, right?

Mother: You know why he goes to school? So he won't have to be with his dad. That's what he tells me. That's his escape.

Interviewer: When did he tell you that?

Mother: It's not at a time when you said I have not had contact with him.

Interviewer: So if the only reason he goes to school is to get away from dad, does that mean he doesn't go to school during your time?

Mother: No, he goes to school, but he hasn't been with me for a long time.

Interviewer: Right.

Mother: He's been with Jim. It's not just the, the three months. It's been since Thanksgiving. And Jim can't take responsibility for anything that goes wrong with his relationship.

Interviewer: I mean, I guess what I'm saying is that you know, Matthew is saying to you, the only reason I go to school is to get away from dad. But you know, that's not true. Because when he was with you, he was also going to school. Right so...

Mother: Yeah, but that does not mean that that's why he doesn't want to go to school, or why he[pause] I understand what you're saying. But it's not directly correlated.

Interviewer: I think what you're trying to express is that you're pretty certain that right now, Matthew is kind of miserable. And I don't disagree with you. I think he is kind of miserable right now. Who wouldn't be, right? If they don't get to see their mom, who they love and have a great relationship with. I can't disagree with you. Of course, he misses you. Of course, he loves you. Right?

Mother: Yes. And you and the judge think that that's the way to improve his relationship with his dad, like taking his mom away from him?

Interviewer: Well, it's supposed to give dad an opportunity to show that he can also be a good parent.

Mother: He can do that. By learning with you, learning to change his behavior. How to deal with the kids, how to talk to them. It's not always a punishment. He can learn that with you without being punishing me and Matthew.

Interviewer: So again, I, I know it feels like a punishment for you. But I would encourage you to stay focused on the Matthew piece, right? So

Mother: It's not a punishment to Matthew? By taking his mom away?

Interviewer: No. So the intent is not to punish Matthew.

Mother: Right. The intention, your justification, but it is a punishment.

Interviewer: All right, so it feels like we're probably going to go in a loop here for a long time. And we left Hannah out in the lobby, telling her we'll be back in ten minutes. So maybe time to wrap up here. But what I am going to be doing next is I'm going to be talking to dad and seeing if I can't get him to a point where eventually we could work him up to having a positive communication with you, not in front of the children. And we have to practice to see if he can do a good job with his tone and the content of things. And then also preparing him a bit to talk with Hannah. Again, not anytime soon. You'll know in advance. So he will not be here at your next session. It'll still just be her. And probably do you know, will you be the one who brings her to the next session?

Mother: I will always be the one to bring her.

Interviewer: Okay, so then, um, as I see her more often, uh the likelihood that I'll ask you to join us when, when she and I are together, it gets higher. Right. So right now, I wanted to spend most of my time with her. Um, but I will ask you to start joining us too at some point. Okay. All right.

Mother: What is the endpoint for Matthew after ninety days? Are we gonna expand this? Is this craziness gonna keep on going?

Interviewer: So again, my understanding is that the uh that dad was pursuing uh going to Turning Points. So I won't have an answer for you until I know what happened with that. My understanding was that they had filed paperwork for that. So I will be seeing them on Wednesday. And we'll be able to ask...

Mother: What is the Turning Point? Four days and then a miracle happens, and then they're gonna come back, and they're all happy. And Matthew will not resent that anymore? Is that? Is that what we're trying to accomplish before Matthew could see me?

Interviewer: Yes.

Mother: So Matthew has to be happy, being forced to be with his dad no matter what?

Interviewer: Yes. He doesn't have to be happy, right? I mean, he can have whatever his emotions are. But yes, the goal is for their relationship to improve.

Mother: How do we know? How? How do we know it's improving?

Interviewer: So that's what they're doing in therapies, talking about their relationship.

Mother: So if Matthew continues to hate his dad, then he's being punished, continues to be punished, and I'm continuing to be punished. And he and I cannot see each other.

Interviewer: So, good question. I think it's more about seeing them being able to work together with dad being in a dad role, you know, being a kid overall, them to be able to communicate, so no, I don't. I'm not waiting to see hugging all the time. And you know, you know, huge amounts of affection to prove things. But I would say right now; their relationship is very poor. So I think wanting that to improve will be something that's pretty observable, right? So

Mother: So yeah, but you're approaching it the wrong way. I keep on saying that. Forcing him to be with his dad is not gonna improve their relationship. I spoke to Jim, and I offered to help him the best way I know how two to three months ago. They already do not want to go with Jim. My boyfriend asked Matthew, "What would be okay? What would make it okay for you?" And Matt would say, "I would be okay seeing him every other week, for two days. And I'll be okay with that." So what I suggest with Jimmy is, "Let Matthew be with me five days, and he'll be with you two days. And we'll start out with that. And we'll have you come over. You come over, and we'll sit down, and I will tell the kids, Daddy loves you so much. He wants you to feel comfortable, and he wants you to be happy. And you're gonna stay with mommy for five days a week. And I will see you, and we will have quality time, two days of the week, not the weekend, but it could be the weekdays. We'll start with that."

Jim comes over more often. Take the kids whenever he wants, and have a natural, more natural relationship. And I told Jim, I would tell the kids, this is your idea. It's because you love them. And you want them to feel comfortable. And we will work forward to where they feel comfortable seeing you and not feel like they're going to be kidnapped and dropped to your house and being locked up and staying there. To me, that will work. Um, I don't know. Val said at first Jim agreed to it with her. Because I brought it up to her with that plan, she felt that he was going to be okay with it. And then she felt that he changed his mind because he talked to his attorney.

Interviewer: I'm gonna have to tell you, and again, I think we should head back out to Hannah. But I think the tricky part of that plan is that it started out by giving Matthew the impression that he gets to pick, right? He's a child, so asking him what he wants and then trying to deliver to him what he wants in terms of parenting timeshare is not really reasonable. That's not how adult decisions are made.

Mother: Um, it's just, it's a starting point. I'm not saying that that's what we're going to end up with. I'm saying that's when he would feel comfortable and trust Jim again. Right now, there's no trust. There's no trust between the kids and the dad.

Interviewer: Or between you and dad sounds like.

Mother: That's right.

Interviewer: So let me work on that piece with dad. See if I can get that somewhere.

Mother: Okay

[background sound]

[footsteps]

Interviewer: Hannah, I swear that we're not talking about you the entire time. We talked about a lot of things. [inaudible] So I was just telling mom, though, that when I see you at your next appointment that it will still just be you and I. Maybe mom might join us at some point. Dad won't be here because I don't think we're ready for that. So that's basically what I told her. Does that sound like what you and I talked about too? Your face looks like I surprised you with that. But I felt like that's what we agreed about. Is that right?

Hannah: Yeah.

Interviewer: Right.

[inaudible]

[background sound]

[walking steps]

[END]

EXHIBIT H

EXHIBIT H

EXHIBIT H



Minh Nguyen Luong <luongdds@gmail.com>

Fri 10/2/2021 11:26 AM

Begin forwarded message:

**From:** James Vahey <hotsail.jim@gmail.com>

**Subject:** Re: Feeding Therapy Receipt

**Date:** October 3, 2021 at 12:31:35 AM PDT

**To:** Minh Nguyen Luong <luongdds@gmail.com>

Great. I'll work on this as soon as I can. What you did today and yesterday consumed an enormous amount of time I had when I could have been going through bookkeeping for both of us.

I won't be able to do what I'd planned because I attended to you and the transfer problems these past two days.

Please send me all receipts you want counted toward your side of the ledger.

Please start with the amount of the payments our Judge decided.

James W. Vahey, M.D.

On Oct 2, 2021, at 12:02 PM, Minh Nguyen Luong <luongdds@gmail.com> wrote:

Please add all bills and balance. I would like to pay for my portion ASAP please.

Minh Nguyen Luong, DDS  
Toothfairy Children's Dental  
8000 W. Sahara Ave #180  
Las Vegas, NV 89117  
Cell: 702-353-2319  
Office: 702-222-9700

On Oct 2, 2021, at 11:08 AM, James Vahey  
<hotsail.jim@gmail.com> wrote:

Please reimburse for half

VOLUME XX

AA003881

--

Sent with Genius Scan for iOS.

<https://dl.tglapp.com/genius-scan>

<2021-10-02 11-06.pdf>

James W. Vahey, M.D.

Minh Nguyet Luong, D.D.S  
Toothfairy Children's Dental  
8000 W. Sahara Ave #180  
Las Vegas, NV 89117  
Cell: 702-353-2319  
Office: 702-222-9700

EXHIBIT I

EXHIBIT I

EXHIBIT I

Production: Tax Bill cochise county

Minh Nguyet Luong <luongdds@gmail.com>

Tue Jul 28, 2020 at 7:53 AM PDT



Begin forwarded message:

**From:** Minh Nguyet Luong <luongdds@gmail.com>

**Subject:** Re: Tax Bill cochise county

**Date:** July 28, 2020 at 7:53:46 AM PDT

**To:** Jim Vahey <hotsail.jim@gmail.com>

This is the 6th email I have sent you and you have yet to respond. You are responsible for these bills. Can you tell me if you are planning to pay for it or not?

On Jul 21, 2020, at 3:02 PM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

This is the 5th time I am writing regarding the tax bill for this property. Can you tell me if you have gotten this taken care of? Please send me a copy or screen shot to show that all balances are current.

On Jul 6, 2020, at 11:39 AM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

This is the 4th email I have written regarding the tax bill. Please confirm that you have taken care of this?

On Jun 18, 2020, at 6:36 PM, Minh Nguyet Luong <luongdds@gmail.com> wrote:

I received an email from bo asking me to pay for the taxes. I had previously emailed you multiple times regarding this tax and you responded that you had already taken care of it. Now bo is saying that it is over due. Please read the email below again. You are responsible to pay for those taxes since I paid two years in a row.

**Minh Nguyet Luong, DDS**  
**Toothfairy Children's Dental**  
**8000 W. Sahara Ave #180**  
**Las Vegas, NV 89117**  
**Cell: 702-353-2319**  
**Office: 702-222-9700**  
**Fax: 702-564-0005**

Begin forwarded message:

**From:** Minh Nguyet Luong  
<[luongdds@gmail.com](mailto:luongdds@gmail.com)>  
**Date:** November 3, 2019 at 1:31:34 AM  
PST  
**To:** Jim Vahey <[hotsail.jim@gmail.com](mailto:hotsail.jim@gmail.com)>  
**Subject:** Re: Tax Bill cochise county

Please confirm that the tax bills are paid and up to date.

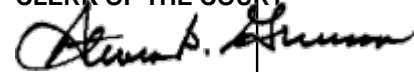
**Minh Nguyet Luong, DDS**  
**Toothfairy Children's Dental**  
**8000 W. Sahara Ave #180**  
**Las Vegas, NV 89117**  
**Cell: 702-353-2319**  
**Office: 702-222-9700**  
**Fax: 702-564-0005**

On Sep 26, 2019, at 1:49 PM,  
Minh Nguyet Luong  
<[luongdds@gmail.com](mailto:luongdds@gmail.com)>  
wrote:

I have been paying taxes on odd number years on Cochise county taxes. I also paid for 2018. As I informed you before, you are responsible to pay for 2019 and 2020. I have just checked the website and the accounts are in delinquent. Please pay the

195

195



OPPC  
FRED PAGE, ESQ.  
NEVADA BAR NO. 6080  
PAGE LAW FIRM  
6930 SOUTH CIMARRON ROAD, SUITE 140  
LAS VEGAS, NEVADA 89113  
(702) 823-2888 office  
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Email: fpage@pagelawoffices.com  
Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT  
COUNTY OF CLARK  
STATE OF NEVADA**

JAMES W. VAHEY,  
Plaintiff,

vs.

MINH NGUYET LUONG,  
Defendant.

Case No.: D-18-581444-D

Dept.: U

Hearing Date: March 21, 2022

Hearing Time: 10:30 a.m.

**DEFENDANT'S OPPOSITION TO PLAINTIFF'S "EMERGENCY"  
MOTION FOR ORDER TO PLAINTIFF TO PARTICIPATE IN THE  
TURNING POINTS FOR FAMILIES PROGRAM WITH MINOR  
CHILDREN, FOR DEFENDANT TO BE SOLELY RESPONSIBLE FOR  
THE COSTS ASSOCIATED WITH THE PROGRAM AND FOR RELATED  
RELIEF  
AND  
COUNTERMOTION TO HANNAH TO BE INTERVIEWED, FOR THE  
IMMEDIATE RETURN OF MATTHEW TO MINH, AND FOR  
ATTORNEY'S FEES AND COSTS**

COMES NOW, Defendant, MINH NGUYET LUONG, by and through her  
counsel, Fred Page, Esq. and hereby submits her Opposition to Plaintiff, JAMES

1 VAHEY'S, "Emergency" Motion for Order to Plaintiff to Participate in the  
2 Turning Points for Families Program with Minor Children, for Defendant to be  
3 Solely Responsible for the Costs Associated with the Program and for Related  
4 Relief, and submits her Countermotion for Hannah to be Interviewed, for the  
5 Immediate Return of Matthew, and for Attorney's Fees and Costs. This  
6 Opposition and Countermotion is based upon the papers and pleadings on file, the  
7 attached Points and Authorities and any oral argument that the Court may wish to  
8 entertain.  
9  
10  
11

12 DATED this 20<sup>th</sup> day of March 2022  
13

14 PAGE LAW FIRM

15   
16

17 FRED PAGE, ESQ.

18 Nevada Bar No. 6080

19 6930 South Cimarron Road, Suite 140

20 Las Vegas, Nevada 89113

21 (702) 823-2888

22 Attorney for Defendant  
23  
24  
25  
26  
27  
28



1 **POINTS AND AUTHORITIES<sup>1</sup>**

2 **I.**

3 **FACTUAL BACKGROUND**

4 **A. Introduction**

5 Defendant, MINH LUONG (hereinafter “Minh”) and Plaintiff, JAMES  
6 VAHEY (hereinafter “Jim”), were married to each other on July 8, 2006. The  
7 Decree of Divorce was filed March 26, 2021. The Notice of Entry of the Decree  
8 was filed April 8, 2021. There are three minor children the issue of the marriage:  
9 Hannah Vahey March 19, 2009 (age 13), Matthew Vahey, June 26, 2010, (age 11)  
10 and Selena Vahey, April 4, 2014, (almost age 8).  
11

12 **B. History of the Case**

13  
14 The Court is well familiar with the case, only the most recent chronology  
15 will be addressed.  
16

17  
18 On Friday, October 15, 2021, the Court directed that Jim was to pick up the  
19 children from Yogurtland after the hearing ended. When he went to pick up the  
20 children, Jim displayed a complete lack of parenting/people skills and inability to  
21 handle children. Jim got Matthew into his van first.  
22  
23  
24

25  
26 <sup>1</sup> Jim’s Motion is labeled as an “emergency.” There has been one Motion in the  
27 last two years filed by Jim that has not been labeled as an “emergency.” There is  
28 no “emergency.” Nothing different is going to happen between and the May status  
check. There is, however, an attempt to try and have matter be heard on something  
other than their merits by declaring everything as an emergency and then having  
the Court bite off on that claim.

1 Matthew described that Jim dragged him by the arms and threw him into  
2 the van. Matthew reported that he tried getting up but then Jim punched him and  
3 then his glasses fell off. Matthew kicked the glass in the van and the glass broke  
4 and then Jim got really mad. Jim then left to get Hannah. Matthew advised that  
5 he knew if he went outside again Jim would punch him again.  
6

7  
8 Hannah described that when Jim came to get her, he dragged her on the  
9 floor of the van with all the glass and she got a cut on her foot. Hannah described  
10 when she got shoved into the van, Jim pushed her to the ground on top of all the  
11 glass in the car and then he kept yelling and screaming at her.<sup>2</sup>  
12

13 The children were forced to spend that weekend with Jim. While the  
14 children were with him, Jim battered Hannah and Matthew. When the children  
15 returned from staying with Jim that weekend, the children immediately ran to  
16  
17  
18  
19  
20  
21  
22

---

23 <sup>2</sup> The Court may recall from the prior documents filed in this case, that the children  
24 were resistant in going from Minh's vehicle to Jim's house. Jim would do nothing  
25 to assist Minh and would instead taunt her, "Minh, the children are doing this for  
26 you," in front of the children and walk back into the house and go watch television  
leaving Minh alone to struggle getting the children out of the car.

27 Any parent with any skill would have done a better job of physically moving  
28 resistant children from one vehicle to another. What Jim did only built-up further  
resentment from the children toward him.

1 Minh for comfort and told her what happened. Minh recorded what the children  
2 told her.<sup>3</sup>

3 A review of transcript from that recording showed that after Jim got the  
4 children back to his house, Jim punched Matthew.<sup>4</sup>

6 Matthew reports that the next morning, October 16, he tried taking a  
7 Nintendo into Hannah's room. Jim then chased Matthew into Hannah's room.  
8 Jim pushed Matthew on the floor and threw him on Hannah's bed, and then went  
9 outside with the Nintendo.  
10

12 After that, Jim came back in Hannah's room, grabbed Matthew dragged  
13 him on the rug and caused Matthew to have a rug burn. After Jim dragged  
14 Matthew out of Hannah room, Jim was saying, "What's wrong with you?" and  
15 Matthew was saying back, "What's wrong with you?" but Jim did not listen.  
16 Matthew indicated that he left him and he did not really care after that.  
17

19 After Matthew took a nap, Jim made Matthew clean up the glass from the  
20 van window that he broke and that he was going to have to pay for it. After  
21

---

23 <sup>3</sup> The verbatim transcript of the audio recording of the children describing what  
24 occurred is attached as Exhibit A, for the Court's convenience. The Court should  
25 be aware that Jim recorded what occurred between him and the children that night  
26 because Jim records everything. Jim should be compelled to produce that  
27 recording. The children were not aware that Minh was recording.

28 <sup>4</sup> Jim demonstrated zero ability to handle the children.

1 Matthew went to Hannah's room and later Hannah came back with food, a cup of  
2 noodle and Pop Tarts.

3 Matthew reports that about three hours later he, Jim tried to drag him out of  
4 Hannah's room saying, "Eat dinner with me. Lena's about to come." Matthew  
5 refused to leave Hannah's room. Matthew and Hannah were then told that they  
6 were not allowed to meet Selena. Matthew later called Minh on his cellphone.  
7 Matthew indicates that while he was calling Minh, he heard screams from Hannah  
8 and Minh told him to hang up.

9 Matthew saw Hannah being battered by Jim. Hannah was apparently trying  
10 to reason with Jim about her and Matthew being able to see Selena. Hannah  
11 reported that Jim kept getting mad and did the thing that Hannah describes "where  
12 he is so close to [her] face like his nose is almost touching [hers]."

13 Hannah indicated that while Jim's nose was almost touching his, she  
14 slapped Jim and Jim got mad and said, "slap me again." Hannah slapped Jim  
15 again then began running down the hall, but Jim caught her and pinned her to the  
16 ground and that it hurt.

17 Hannah reports that Jim kept telling her to "slap me" over and over again.  
18 Hannah indicates that she started screaming for Matthew. By the time Matthew  
19 got out of her room, Jim had on a hold on Hannah in such a way that Hannah  
20 could not walk or run away. Hannah was trying to defend herself by pulling Jim's  
21 hair and ears. Hannah reported that when she was on the floor, and Jim was

1 pushing her against the wall and telling her to “slap me, slap me” and would not  
2 let her go.

3 Hannah advised that she tried getting out and Jim pushed her back down,  
4 and kept hitting her head on the floor. When Matthew got out of Hannah’s room  
5 to help his sister, Jim let go of Hannah and Jim started doing the same to Matthew  
6 near the couch, choking Matthew and squeezing him with his legs. Hannah  
7 reports that it to her as though it really hurt Matthew. Hannah advised that she  
8 tried helping Matthew and Jim kept telling her to go back to her room. Hannah  
9 reported did not want to go back to her room because she thought Jim was going  
10 to kill Matthew.  
11  
12  
13  
14

15 To try and get Jim off of Matthew, Hannah got Matthew’s laptop computer  
16 and told Jim, “Let go of Matthew. I'm going to smash it.” Jim then let go of  
17 Matthew, ran up to Hannah, and began choking her around her neck with the  
18 crook of his elbow. Matthew then started trying to help Hannah. Jim let go of  
19 Hannah and grabbed Matthew. Jim was then choking Matthew with one arm and  
20 then he tripped Hannah with his foot, but Hannah caught herself and started  
21 running. When Hannah realized Jim had Matthew again, she went back and  
22 helped.  
23  
24  
25

26 When Hannah and Matthew got back to Hannah’s room, Matthew kept  
27 screaming, “You tried to kill us, you tried to kill us.” Jim then admitted it and  
28

1 said, "Yeah, I did try to kill you." Hannah advised that she kept trying to get Jim  
2 out of the room, but Jim did what she describes as,

3       That thing with my arm where he picked me up by that one arm and  
4       it would like cut off the circulation to the rest of my arm and picked  
5       me up. So, I'm not even on the ground anymore. He's just holding  
6       me by the arm and it hurt a lot. And he just threw me onto the bed  
7       and then he kept like, putting the phone in our faces.

8       Hannah and Matthew went to Selena's room so that Hannah could try and  
9       get her cellphone which had hidden. When Hannah and Matthew were in Selena's  
10      room, and Jim kept pretending that he was going to hit Hannah by raising his fist  
11      to her and pretending like he was going to punch her. What Jim was doing to her  
12      was described by Hannah as,

13       Like, he had his hand right at my face but I pretended like I didn't-  
14       wasn't- I didn't care at all. Like I didn't even flinch. I didn't blink or  
15       anything because I know if I did, that would make him feel  
16       powerful. And that's probably what he wants because at this point,  
17       all he wants is to make himself feel like he's in charge.  
18

19       After the children reported to Minh what had occurred, she was upset and  
20      reached out to both her counsel and the guardian ad litem about making a report to  
21      Child Protective Services. Both this office and the guardian ad litem advised  
22      against reporting by Minh.<sup>5</sup>  
23

24       This office indicated to Minh that given the posture of the case and the  
25      animus that has been directed to Minh, it was advised that she should not report  
26        
27

---

28      <sup>5</sup> Copies of photographs of Hannah taken by Minh after the October 16, 2021,  
altercation are attached for the Court's convenience as Exhibit B.

1 the multiple batteries to Child Protective Services. It was advised to rather let a  
2 mandatory reporter make the report since the mandatory reporter would not be  
3 accused of bias or ill motive. Dr. Fontenelle-Gilmer, upon having a therapy  
4 session with Hannah, did make a report to Child Protective Services as she is a  
5 mandatory reporter.  
6

7  
8 At the status check hearing on November 12, there was a cursory discussion  
9 as to what had happened on October 15, and 16. The reward for Jim punching and  
10 attempting to choke out Matthew and banging Hannah's head against the floor  
11 was to accuse Minh of alienating the children from Jim and giving Jim interim  
12 legal and physical custody of Matthew.  
13

14  
15 At the December 16, status check hearing, Minh was ordered to have  
16 visitation with Matthew over the Winter Break. Hannah was to continue attending  
17 Becker Middle School, Matthew was to continue attending Bob Miller Middle  
18 School, Minh was to seek out counseling, and Dr. Collins was directed to provide  
19 counsel for Jim and Matthew and Jim and Hannah.  
20  
21

22 Between the end of Winter Break and the status check hearing, on January  
23 14, the guardian ad litem wanted to have a video conference with counsel because  
24 she was concerned. It was reported by the guardian ad litem on the Bluejeans  
25 video conference that Matthew continued being despondent. Jim engaged in  
26 bullying behaviors by removing the locks on Matthew's doors at his house. The  
27 guardian ad litem had to tell Jim to put the locks back on.  
28

1 Matthew refused to allow Jim to touch him. Jim ignored Matthew's  
2 personal boundaries and touched him anyway, further driving a wedge between  
3 them. Matthew refused to leave his room to look for food at meal times because  
4 he did not want to see Jim.  
5

6 Jim refused to engage with Matthew in Matthew's sport, rock climbing.  
7  
8 Before Jim stopped taking Matthew, because it was not convenient for him, Jim  
9 would either drop Matthew off and leave or Jim would sit in his car and do  
10 paperwork. At the conference, the guardian ad litem indicated that everyone can  
11 agree that it is getting worse and we cannot continue on like this.  
12

13 On January 22, Minh tried to talk to Jim about Matthew and his  
14 unhappiness. Jim was extremely hostile to Minh. After berating Minh on the  
15 telephone, Jim sent Minh the following extremely hostile text,  
16

17  
18 I don't need another person to tell me what the problem is. Every  
19 person has told us. Two judges, Nate Minetto, Michelle Gravely,  
20 Bree Mullin, Dr. Sirsy, his PA, Val, and your lawyer. I probably  
21 have mental issues. Anyone would after living with a person who  
22 has a severe narcissistic personality disorder. Good thing for you  
23 people with personality disorders have no insight. You, like  
24 Donald Trump believe you're always right and everyone else is the  
25 problem. Ask Kim, at least in medical school he was taught about  
26 people with personality disorders.<sup>6</sup>  
27

28 On January 31, Jim violated Minh's joint legal custody rights by attempting  
to enroll or enrolled Hannah and Matthew at Pinecrest Academy – St. Rose and/or

---

<sup>6</sup> Kim, a physician, believes that Jim likely has a personality disorder.



1 Pinecrest Academy – Inspirada. Jim never discussed the matter with Minh before  
2 he tried to apply for admission enroll Hannah and Matthew at Pinecrest Academy.

3  
4 At the February 8, status check Jim’s violation of Minh’s joint legal custody  
5 rights was minimized, the wholly inappropriate manner in which Jim  
6 communicated with Minh was ignored, and Hannah’s remarkable academic  
7 turnround was minimized. In return, Minh was attacked for providing beef jerky,  
8 raisin bread, and a Rubik’s cube to Matthew.

9  
10 Ms. Fujii’s report dated February 2, was discussed. Ms. Fujii described  
11 Hannah as a thoughtful, respectful child who is talkative about school and her  
12 friends, but speaks negatively about Jim stating that he lies and hits her.<sup>7</sup> Ms.  
13 Fujii’s report stated, **“Currently, forcing the children to see him is arguably**  
14 **hurting his relationship with them.”** (Emphasis in the original).<sup>8</sup> Ms. Fujii  
15 indicated that Jim needed get out of his entrenched belief that Minh is alienating  
16  
17  
18  
19  
20

---

21 <sup>7</sup> The record now contains at least six incidents resulting in bruises, burns,  
22 scratches, bloody noses, being body slammed, choking, and hitting head against  
23 the floor, going back to December 2019, of Jim battering Hannah that neither this  
24 Court nor the prior Court was willing to do anything other than minimize and deny  
25 and sweep it under the rug. There is still the issue of Jim battering Minh in front of  
26 the children. Photographs of other injuries that Jim has caused are attached as  
Exhibit C.

27 <sup>8</sup> Specifically, as a first step, Jim needs to discuss the October 15, and 16, incident  
28 with Hannah and must discuss with Hannah and Matthew why the promised move  
to California did not occur.

1 the children from him. Ms. Fujii indicated that the current schedule of Matthew  
2 not seeing Minh was not working to improve relations.

3 Dr. Sunshine Collins' report dated February 7, was discussed. The Court  
4 fixated on the sentence fragment that Dr. Collins wrote that Matthew would not  
5 voice disappointment regarding the move to California ". . . without significant  
6 encouragement and stoking of negative emotions by some outside source" and  
7 directly blamed Minh.  
8  
9

10 The Court stated,  
11

12 Well, what outside source is there? **The only person stoking this**  
13 **resentment in the children is Mom.** So, the evidence does not  
14 support anything Mom's requested as far as going backward in this.  
15 We're going forward. If things don't get better and I've warned  
16 Mom over and over again, that she's going to force my hand in  
17 giving dad sole legal, sole physical custody of all three children, and  
18 no contact with her until things are normalized. That's where this is  
19 going. And that's what the professionals recommend **for the severe**  
20 **parental alienation that's in this case.**<sup>9</sup> It's severe and it is  
21 centered on Mom and her disappointment about California and  
22 continuing to stoke that in the children.

23 (Emphasis added).<sup>10</sup>  
24  
25

---

26 <sup>9</sup> As will be seen below, that statement by this Court was directly contradicted Dr.  
27 Collins in her interview with Minh.

28 <sup>10</sup> The Court seems to minimize what Jim does. While attacking Minh, Jim tries to  
tells the children, that Jim stated the same thing to them. Selena said, "He said  
that you left us and he was the only one taking care of us for a year. Is that true  
mommy?" Matthew replied: "Lena, look at the photos!! Are we missing from her  
photos for any time at all?"

1 Dr. Collins additionally wrote that Matthew was aware of the court date and  
2  
3 Matthew spoke clearly about the behaviors in which Hannah engaged which  
4 resulted in Hannah remaining with Minh. Matthew had also been unwilling to  
5 explore mechanisms for improving his mood or satisfaction in Jim's care. The  
6 data indicated that Matthew was making himself unhappy in hopes that he could  
7 return to Minh.  
8  
9

10 This Court addressed Turning Point for Families. This Court stated that as  
11 to Turning Points for Families,  
12

13 That is reunification therapy for severe parental alienation or for  
14 unreasonably disrupted parent-child relationships. They require a  
15 court order. I can make a court order regarding Dad and Matthew  
16 and Dad could take Matthew and go. It's a four-day in-person,  
17 intense therapy in New York and then two years of follow-up with  
18 your local providers, etcetera.<sup>11</sup>

19 The Court encouraged Jim, Matthew, and Hannah to participate in Turning  
20 Point for Families (alienation or reunification therapy) in New York. The  
21

22 When Jim makes those statements it reenforces to the children that he is a liar.  
23 Attached as Exhibit D is on OFW email that Minh sent to Jim dated June 16,  
24 2021, telling Jim to stop lying to the children and telling them that she was gone  
25 for a year.

26 <sup>11</sup> As also detailed below, none of the four mental health professionals that have  
27 worked with these children over the past three years, an MFT, a Ph.D., a Psy.D. or  
28 an M.D. have found alienation by Minh. The only people who have "diagnosed"  
parental alienation and accused Minh is Jim's counsel and this Court, neither of  
which are mental health professionals.

1 transcript from the hearing has been reviewed. The Court never ordered Jim to  
2 conduct any investigation. It was ordered that Jim would have sole legal and sole  
3 physical custody of Matthew and Minh would have no contact for the next 90  
4 days.  
5

6 Since February 8, Hannah continues doing extremely well scholastically.  
7  
8 Hannah is now a straight “A” 4.0 student.<sup>12</sup> Hannah is very happy, is making  
9 friends at school and in the neighborhood,<sup>13</sup> is eating well again and putting on  
10 weight,<sup>14</sup> attends school every day, and has been seeing Dr. Fontenelle-Gilmer on  
11 a regular basis and has been doing well with her.<sup>15</sup>  
12  
13  
14

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15  
16 <sup>12</sup> The Court may attempt to minimize and deny the reality that Hannah is a 4.0  
17 student by stating, “well it’s an easier school,” as it did at the February 8, hearing.  
18 The fact remains objectively that Hannah is killing it at Ernest Becker Middle  
School - and has never been happier.

19 <sup>13</sup> This Court may not have the institutional memory, but one of the complaints  
20 about Lake Las Vegas was that it was not “kid friendly.” There were not that  
21 many other children around for Hannah, Matthew, and Selena to hang around with  
22 and let kids be kids. There are many kids to socialize with in Minh’s subdivision.

23 <sup>14</sup> Even Hannah’s psychosomatic pains have gone away. The only issue Hannah  
24 has according to Dr. Fontenelle-Gilmer is anxiety and that anxiety is that she might  
25 have to spend time with Jim.

26 <sup>15</sup> Hannah’s grades are attached for the Court’s convenience as Exhibit E. Hannah  
27 went from being a 1.11 grade point average student one year ago to being a 4.0  
28 average honor roll student today. The turnaround by Hannah is literally 180  
degrees. It has nothing to do with Ernest Becker being easier; it has everything to  
do with Hannah being in an environment where she can thrive.

1 Despite being falsely accused of alienation, and because of that, Minh  
2 having no contact, Matthew is not doing so well. Matthew's grades are declining.  
3 Matthew has a C in science and is getting a 3.167 GPA overall.<sup>16</sup> The guardian ad  
4 litem, Ms. Fujii, has had limited access to Matthew, but in the limited contact she  
5 had had with Matthew, he is uncommunicative and his mood and temperament  
6 has not improved since January. There is no progress in the therapy with Dr.  
7 Collins.  
8

9  
10 On March 14, Minh met with Dr. Collins. Minh brought up the fact to Dr.  
11 Collins that her letter to the Court in which she concluded that Minh was  
12 responsible for Matthew's relationship with Jim. Dr. Collins stated,  
13

14  
15 Okay. Yes, so my letter was definitely intended to let the court know  
16 that I think that Matthew has definitely been getting a lot of  
17 feedback about how to get what he wants out of this situation, which  
18 is to not have to see dad anymore. I think that he has a lot of  
19 feedback about how Hannah accomplished that, which she has at  
20 this point successfully managed to not have to go see dad anymore.  
21 So, my major concern is that Matthew is going to start copying a lot  
22 of the behaviors that he knows that she has had.

23  
24 Later, the exchange was,

25  
26 Mother: So, you think we should just not go so to erase his memory?

27  
28 Interviewer: No, I mean, I think that there is a lot to be considered as  
different options. The only piece that was in my letter is that I think  
that he's continually being exposed to the issue of not living in  
California, and that has strengthened his resolve. **Not that mom  
said or did anything or that Hannah said or did anything but**

---

<sup>16</sup> Matthew's grades are attached for the Court's convenience as Exhibit F.

1 that California keeps being a thing for him. And it's the only  
2 thing he's focusing his mind on right now.

3 Mother: You're doing a lot of harm on my son by splitting him up  
4 with me. You have no idea how close Matthew and I are and how  
5 much he's suffering, both results of your matter.

6 **Interviewer: So, I didn't recommend any specifics splitting up or**  
7 **anything on that letter.**

8 Mother: It's stated that if the goal was to help Matthew with his dad  
9 relationship is to have this person removed from Matthew. The  
10 judge used your letter to justify her action.

11 Interviewer: Sure. So, uh, I do. I see what you're talking about here.  
12 So, it says that Matthew's exposure to people who are trying to get  
13 him to resist dad be limited. Is that you?

14 Mother: And who do you think? No, it's not me. How do you think  
15 the judge sees it or Jim's attorney interprets that letter?

16 Interviewer: Well, my hope with this is that they saw me saying that  
17 Matthew should have limited exposure to people who are trying to...

18 Mother: And who is that?

19 **Interviewer: I don't know, that's why I didn't name anyone,**  
20 **right? So, I don't know who promotes his relationship with dad**  
21 **or against his relationship with dad.**

22 (Emphasis added).

23 ...  
24

25 Mother: Yeah, we could get along. That'd be great. But for him to  
26 treat me and the kids the way he does now. It's not okay. And we  
27 can't get along with that.

28 Interviewer: Sure. So could you- It sounds like there's a lot of things.  
There's not just one thing. There are a lot of things that have been  
problematic about how he communicates with you all.

1 Dr. Collins indicated that she was not making a lot of progress with  
2  
3 Matthew and Jim.

4 Interviewer: I can work on dad's piece. So, Dad and I meet with  
5 Matthew and talk about dad's policies how things happen in his  
6 house. So, some things that were very easy to see that needed to  
7 change. For example, the length of punishments that Dad uses.  
8 Those are not really appropriate length of punishments, so we talked  
9 about what is more appropriate, you know, what are the types of, uh,  
10 reasonable consequences to have for behavior. So, we've been  
11 working on some things on dad's end but not really working on  
12 things on Matthews' end very much. So, something like an intensive  
13 four day, I think would be helpful for them. Because I don't think  
14 anybody wants to be involved here at my office forever, right? So, if  
15 they can get a lot of progress done in four days, I mean, I think that  
16 that would be great.

17 ...

18 **Mother: Yeah. How do you think Matthew would feel for taking**  
19 **his mom away from him?**

20 Interviewer: I mean, I can tell you how he feels right now. He feels  
21 mostly angry, a little bit sad, but mostly angry. Um, and I know that  
22 he wants to be with you. I know that he misses you. I know that he  
23 feels a lot of resentment about not having contact with you.

24 **Mother: Okay, so is that helping his relationship with Jim for**  
25 **that to happen?**

26 **Interviewer: So, of course, those aren't helpful things.**<sup>17</sup>

27 (Emphasis added).

---

28 <sup>17</sup> In part, because Dr. Collins never recommended that Matthew and Minh be  
separated from each other and never recommended that Matthew be separated from  
Hannah. Yet, the Court read wanted it wanted to read and separated Minh and  
Hannah from Matthew.

1 Dr. Collins conceded to Minh that the relationship between Matthew and  
2 Jim is very poor. It was advised to Dr. Collins that there was a tentative discussion  
3 between Minh and Jim for Matthew to spend five days with Minh and two days  
4 with Jim, but any further discussion on that was vetoed by Jim's counsel upon Jim  
5 discussing it with his counsel.  
6

7  
8 Dr. Collins indicated that there are things that Jim needs to do to try and  
9 repair his relationship with Matthew. At no point in the interview, was the finger  
10 of blame really pointed at Minh, and alienation was never brought up.<sup>18</sup>  
11

12 Ms. Fujii was to meet with Matthew either Thursday, March 17, or Friday,  
13 March 18, but suspiciously Jim (likely at the direction of his attorney) told Ms.  
14 Fujii that he needed to "reschedule" (no valid reason was given, or any reason for  
15 that matter) and Ms. Fujii could not meet with Matthew on March 17, or 18, but  
16 could meet with Matthew the following week – after the hearing.<sup>19</sup>  
17  
18

19 Ms. Fujii's conclusion in her status report for the February 8, status hearing  
20 was on point, Ms. Fujii's report indicated in bold that "forcing the children to see  
21 Jim is arguably hurting his relationship with him." Ms. Fujii's  
22 conclusions/predictions were as spot on as to what came from Dr. Collins.  
23  
24

---

25 <sup>18</sup> A transcript of the interview between Dr. Collins and Minh is attached for the  
26 Court's convenience as Exhibit G.  
27

28 <sup>19</sup> There should be a negative inference entered against Jim for him trying to  
prevent the guardian ad litem from communicating with Matthew and thereby  
providing an update.



1 Ms. Fujii has had full access to Hannah and they have a good rapport. Ms.  
2 Fujii, if asked, would likely conclude that Hannah is doing very well; Hannah is  
3 communicative, has her own mind, and is quite happy being in safe place with  
4 Minh.  
5

6 Discussions with Dr. Fontenelle and Minh indicates that she does not  
7 recommend that Hannah participate in any “Turning Point” program as it is not  
8 advised at this time, nor does Dr. Fontenelle recommend any changes in Hannah  
9 staying with Minh – she is happy and thriving.  
10  
11

## 12 II. 13 OPPOSITION

### 14 A. Jim’s Misstatements Should be Addressed

15 Jim simply lies – about everything. It has to be pathological. One cannot  
16 get past the first page without having to correct something. As with every other  
17 submission Jim makes, Minh will correct the record.  
18  
19

20 Jim claims that the Court directed him to look into Turning Point. Mot. at  
21 page 1, line 15. The transcript from the hearing has been reviewed. There is no  
22 direction from the Court to Jim to research Turning Point.  
23

24 Jim claims that Dr. Collins is Matthew’s therapist. Mot. at page 1, line 16.  
25 No, she is not. Dr. Collins is a “reunification therapist.” She is supposed to be a  
26 reunification therapist for both Matthew and Hannah. Dr. Collins stated on page 5  
27 of her report, “I do not see a clinical benefit to Matthew from participating in  
28

1 additional services [meaning other than reunification therapy] with another  
2 provider.”

3 It is asserted by Jim that “Dr. Collins agrees with the Court and Jim that this  
4 program would help.” Mot at page 1, lines 24-26. There is not a single statement  
5 in Dr. Collins’ report dated February 7, wherein Dr. Collins concluded that  
6 Turning Point was the way to go. There was nothing in the interview between Dr.  
7 Collins and Minh wherein Dr. Collins stated that Turning Point had to be done  
8 right now. At best, Dr. Collins concluded that she was not making progress with  
9 Matthew; she has not even begun to see Hannah in any meaningful way.

13 **B. Jim’s Request for Turning Point at This Time Should be Denied**

14 The next return hearing is May 31. It has barely been a month since the last  
15 status check hearing, and the first thing that Jim wants to do is escalate – and  
16 engage in lies, as he has always done, in order to do that. It is as though Jim’s  
17 counsel started drafting the instant Motion the day after the hearing.

18 Jim claimed to Dr. Collins in the February 7, status hearing report he was  
19 willing to hamper his own relationship with Matthew if that was in Matthew’s  
20 best interests. Jim’s actions are the exact opposite of that. Jim claimed to Dr.  
21 Collins in her February 7, status hearing report that Minh should be included in  
22 Matthew’s services, and acknowledged and promoted the importance of Minh’s  
23 role in Matthew’s life.

1 Jim's conduct is the exact opposite of what he claims to Dr. Collins. He  
2 consistently dismisses and denigrates Minh as being beneath him. Jim treats the  
3 children as though they are objects as well and if he could just find the right  
4 formula, then everything would be okay. That fact is not lost on the children.  
5

6 It does not matter how many exercises Dr. Collins gives Jim as she states in  
7 her report and her interview with Minh. It does not matter how many times Jim  
8 calls Ms. Fujii and asks her "what should I do?" when it comes to dealing with the  
9 children. It does not matter how many times Jim incessantly calls his lawyers and  
10 asks them for advice on what he should do regarding the children. Until Jim  
11 admits to the children, the things that he has done, the relationships are not going  
12 to improve.  
13  
14  
15

16 Dr. Collins indicated to Minh in her interview that taking Matthew away  
17 from his mother is not helpful to his relationship with Jim. On February 2, Ms.  
18 Fujii concluded that "forcing the children to see Jim is arguably hurting his  
19 relationship with him." Dr. Fontenelle recommended on October 16, of last year,  
20 that if there was to be reunification that there should be a gradual reintroduction  
21 that should expand the time between parent and child.<sup>20</sup>  
22  
23  
24  
25  
26

---

27 <sup>20</sup> There is also no recommendation from Dr. Fontenelle regarding Turning Point  
28 for Hannah and the parties agreed that they were going to follow Dr. Fontenelle's  
recommendations.

1 As stated, it has been barely a month, and Jim wants to escalate, lie to the  
2 Court, and personally attack Minh at the same time when Minh has not had any  
3 visitation with Matthew since January. Yet, despite the recommendations of the  
4 experts, and this is all of the experts, Jim is blind and deaf to them and can only  
5 focus on himself.  
6

7  
8 **C. Jim's Request for Minh to Pay for Turning Point Should be Denied**

9 Jim makes the snide comment that Minh should be responsible for  
10 everything. Jim then tries to conflate prior orders and the current order that he is  
11 seeking. There is no logic between one and the other and Jim knows it. Jim  
12 conduct is disingenuous and Jim knows it; he just does not care.  
13

14  
15 Jim claims that Minh has willfully refused to pay other outstanding bills.  
16 Mot. at page 3, lines 11-19. It is a lie and one that is easily proven. On October 2,  
17 2021, Minh sent an email to Jim asking about the balance and that she would like  
18 to pay her share ASAP. On October 3, Jim wrote, "Great. I'll work on this as  
19 soon as I can."<sup>21</sup> Minh sent the receipts to Jim as he requested. Minh never heard  
20 from Jim again on the subject until he filed his Motion on March 15, his, once  
21  
22  
23  
24  
25  
26

---

27  
28 <sup>21</sup> A copy of the email exchange dated October 2 and October 3, 2021, is attached  
for the Court's convenience as Exhibit H.

1 again, making false accusations in an attempt to further poison the Court against  
2 Minh.<sup>22</sup>

3  
4 Jim takes the time in which he should be building up a relationship to co-  
5 parent with Minh to personally and falsely attack Minh by stating, “Jim has been  
6 so focused on addressing the dire issues with their children he has not expended  
7 any energy to collect the amounts from Minh.” Mot. at page 3, line 24, to page 4,  
8 line 2. Jim engages in falsehoods and personally attacks and blames Minh and  
9 then wonders why their relationship is strained.  
10  
11

12 Perhaps Minh has been going through the same thing that Jim claims he has  
13 been going through, and payment beyond a reminder to Jim (which he  
14 conveniently forgot to follow up on), it something that has not been at the top of  
15 her list either. Jim, once again, cannot create the problem and then complain of  
16 the problem he creates. Accordingly, Jim’s request should be denied in addition  
17 to the fact that children should not be sent to Turning Point.  
18  
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21  
22  
23  
24

---

25 <sup>22</sup> It is not the first time Jim has ignored requests for information. On July 28,  
26 2020, Minh sent Jim an email stating, “This is the 6<sup>th</sup> email I have sent you and you  
27 have yet to respond. You are responsible for these bills. Can you tell me if you  
28 are planning to pay for it or not?” A copy of the 6<sup>th</sup> email Minh sent to Jim  
regarding whether he was going to pay the property taxes dated July 28, 2020, is  
attached for the Court’s convenience as Exhibit I.

1 **D. Jim's Complaints About Minh Communicating with Dr. Collins Should**  
2 **be Addressed**

3 Jim seems to think that Dr. Collins is "his" psychologist. Jim complains  
4 that Minh sent Dr. Collins a 20-page letter explaining her position to Dr. Collins.,  
5 like she is not supposed to be able to defend herself and explain her positions.  
6  
7 Mot. at page 4, lines 10-14.

8 Jim has the temerity, Minh's perfectly appropriate letter to Dr. Collins as  
9  
10 "perpetuating lies." Mot. at page 4, lines 14-16. Jim complains that there was  
11 "not really" a plan to relocate to California. There was plan and Jim is lying by  
12 claiming anything else. There is no logical connection between Judge Ritchie's  
13 findings and Jim's claim that there never really was a plan.  
14

15 There absolutely was a plan to relocate to California. In August of 2015,  
16  
17 Minh and Jim had a meeting at Green Valley Ranch to discuss retirement planning  
18 with Steven Hazel.  
19

20 Jim's responses to Mr. Hazel's questions regarding where Minh  
21 and Jim will be retiring was responded to by Jim as California. Minh and Jim  
22 travelled to Orange County numerous times from 2015-2017 for the purpose of  
23 purchasing a house and involved the children, Minh's close friends, sisters,  
24 brothers, mom, dad and even in laws. Most often it was a family event.  
25  
26

27 In anticipation of the move, Minh listed her offices for sale and got a  
28 generous offer from Absolute Dental. Then, in therapy with Dr. Conti, Jim stated

1 that he was “not ready” to move and disavowed any discussions to move. The  
2 children, especially Hannah, are acutely aware that Jim stated that they were going  
3 to move to California.<sup>23</sup> The children, especially Hannah, resent Jim for lying to  
4 them about moving to California.<sup>24</sup>

6 **E. Jim’s Denial of His Being Physically Abusive Should be Addressed**

8 There are, at this point, multiple examples of Jim being physically abusive.  
9 In December 2019, Jim was physically abusive to Hannah after she and Matthew  
10 tried to run away. In March 2020, Jim battered Minh right in front of the children.  
11 In June 2020, Jim punched Hannah in the face causing her to have a bloody nose.  
12 In July 2020, Jim burnt Hannah’s forearm by pushing a hot pan on to it. The  
13 multiple batteries committed by Jim on October 15 and 16, wherein Jim punched  
14 Matthew and choked Matthew and Hannah speak for themselves.

17 No amount of denial is going to change what happened to Minh and to the  
18 children. If anyone wants to know what happened, all they have to do is ask the  
19  
20  
21

---

22 <sup>23</sup> Jim will never be able to resolve his estranged relationship with his children  
23 especially Hannah if he insists that what the children lived through never  
24 happened. The children, not like the court, actually lived through the house  
25 searching process. The children planned their lives expecting of the move. They  
26 planned their routes to their school from the house which was by just jumping over  
the fence.

27 <sup>24</sup> Jim was unwilling to put the children and what they wanted before himself. The  
28 findings that Judge Ritchie are simply wrong. Jim has been beating that dead horse  
for over two years now.

1 children. So far all of the courts have been afraid to do so because of what they  
2 might find.

3 **F. Jim's Complaint of Minh's Email to Nate Minetto Should be**  
4 **Addressed**

5 Jim complains about an email to Nate Minetto that she cc'd him on. Mot. at  
6 page 6, line 1, to page 7, line 16. It is unclear what Jim is complaining about;  
7 everything in the email is true and accurate.  
8

9 Jim is physically and mentally abusive to Hannah and Matthew. The Court  
10 has the transcript wherein Jim punched Matthew and choked both Matthew and  
11 Hannah. A therapy session with Dr. Fontenelle-Gilmer resulted in a CPS report.  
12 If the Court wants further details, the children should be interviewed. Now that  
13 Hannah is away from Jim, her psychosomatic pain symptoms have disappeared  
14 and Hannah has gone from 1.11 grade point average to a 4.0 grade point average  
15 in a year's time.  
16

17 It is absolutely accurate that if Jim refuses to admit as to how he wrongly  
18 treated these children his relationship with them is not going to improve. Jim  
19 describes Minh accurately updating Mr. Minetto on what has happened as  
20 disparaging and lying about Jim. Everything that Minh wrote to Mr. Minetto is  
21  
22  
23  
24  
25  
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27  
28



1 correct. It is absolutely correct that Jim has been entrenched in his belief that he  
2 should blame Minh for everything.<sup>25</sup>

### 3 4 **III.** 5 **COUNTERMOTION**

#### 6 **A. Hannah Should be Interviewed**

7 The Court has made assumptions about these children and made decisions  
8 about these children without ever talking to them. When this case was reassigned  
9 to this Court, this Court immediately painted itself into a corner by declaration that  
10 this is a “parental alienation case” at the first hearing, depriving itself of the  
11 opportunity to learn the case in a deliberative way.<sup>26</sup>  
12

13  
14 Apparently, it does not matter that the first therapist Dr. Michelle Gravely  
15 never found parental alienation.<sup>27</sup> It does not matter that the second therapist, Nate  
16 Minetto, never found that there was parental alienation.<sup>28</sup> Apparently, it does not  
17 matter that the third therapist, Dr. Michelle Fontenelle-Gilmore specifically found  
18  
19  
20

---

21 <sup>25</sup> As part of Jim’s inability to interact with people, Jim resolves conflict by filing  
22 lawsuits. Jim is the Plaintiff in at least 10 lawsuits in Clark County.

23 <sup>26</sup> In the Opposition and Countermotion filed by Jim on October 12, 2021, Jim  
24 accused Minh of alienation on literally every page when no mental health care  
25 professional, or the guardian ad litem, has ever concluded that Minh has engaged  
26 in alienation and that accusation was uncritically accepted.

27 <sup>27</sup> Dr. Gravely spent many hours with the children.

28 <sup>28</sup> Mr. Minetto spent many many hours with Hannah.

1 that at least there was no parental alienation as to Hannah because Hannah is the  
2 only one, she spoke to.<sup>29</sup>

3  
4 It apparently does not matter the fourth therapist, Dr. Sunshine Collins, is  
5 unable to determine where any negative information might be coming from. The  
6 words of Dr. Collins were, "Not that mom said or did anything or that Hannah said  
7 or did anything," and "I don't know, that's why I didn't name anyone, right?" As to  
8 whether taking Matthew away from Minh was helpful for Jim and Matthew's  
9 relationship, the response from Dr. Collins was, "So, of course, those are not  
10 helpful things."<sup>30</sup>

13 The only ones who have maintained that there is alienation are Jim's counsel  
14 and this Court. Repeating alienation over and over like it is some kind of mantra  
15 fails to make it so. The people who are most qualified have apparently been  
16 unable to conclude that there is any alienation going on, and if there is; it does not  
17 appear to be coming from Minh. The willingness to ignore the objective  
18 conclusions from the people who are most qualified to make conclusions and back  
19 into a desired result of personally attacking Minh should be seen as troubling.

---

24 <sup>29</sup> Dr. Fontenelle-Gilmer would have probably concluded the same thing about  
25 Matthew and Selena if she had been able to speak to them. Dr. Fontenelle-Gilmer  
26 has spent many hours with Hannah as well and apparently that does not matter as  
27 well.

28 <sup>30</sup> Quite frankly, the guardian ad litem has not found that there is alienation and  
apparently that does not matter either.

1       There is one easy way to find out what Hannah is thinking and that is talk to  
2 her. Hannah is now 13 years old. Hannah is very intelligent, very verbal, very  
3 mature, and very high functioning. Hannah can articulate what she wants and why  
4 she wants it.  
5

6       Hannah can tell the Court that there was an agreement for the family to  
7 relocate to California and Jim then lied and told them that there never was any  
8 agreement.<sup>31</sup> Hannah can tell the Court that Jim battered Minh in front of her.  
9 Hannah can tell the Court that Jim has battered her on multiple occasions,<sup>32</sup>  
10 including most recently as October 16.<sup>33</sup> Hannah can tell all of those things to the  
11 Court – only if the Court wants to have an open mind and hear them.  
12  
13  
14

15       Hannah should be interviewed by this Court. *See* NRS 125C.0045.

16 **B. Matthew Should be Returned to Minh Immediately**  
17

18       The Court has seen the report from Ms. Fujii and her conclusion that the  
19 current schedule of forcing Matthew to be with Jim was not working out. The  
20 Court has seen the transcript from the children that describes the acts of domestic  
21 violence Jim committed against them on October 15, and 16. Punching your  
22  
23  
24

---

25 <sup>31</sup> As the Court well knows, children hate being lied to.  
26

27 <sup>32</sup> What Hannah will tell this Court will absolutely contradict everything that Jim  
28 has tried to throw before this Court regarding his battery of Minh.

<sup>33</sup> Hannah can also state that Jim battered Matthew as well.

1 children, choking them, and hitting their head against the floor is not, and never  
2 will be discipline.

3 The Court has seen the statements from Dr. Collins that she unable to  
4 conclude who might have said anything to negatively impact the relationship  
5 between Matthew and Jim, if anyone. So far, Dr. Collins has concluded to Minh  
6 that it not Minh or Hannah. Dr. Collins has also stated to Minh that her and  
7 Matthew being separated is not helpful for the relationship between Matthew and  
8 Jim.  
9

10  
11 Accordingly, since Ms. Fujii has concluded that forcing Matthew to see Jim  
12 is hurting his relationship with Jim, and Dr. Collins has stated to Minh that is not  
13 helpful for the relationship between Matthew and Jim for Matthew to not be able  
14 to see her, orders should be entered putting Matthew back on the same schedule as  
15 Selena. *See* NRS 125C.0045.  
16  
17  
18

19 **C. Minh Should be Awarded the Attorney's Fees She Has Incurred**

20 None of the four mental health experts who have worked with this family  
21 from an MFT, to a Psy.D., to Ph.D., to an M.D. has been able to find alienation by  
22 Minh. That is an objective un-refutable conclusion. Jim knows this; he has access  
23 to the same information as does Minh. Despite knowing this, and contrary to the  
24 children's best interests, Jim is riding this Court's conclusion at the first hearing it  
25 had in this matter that there is parental alienation that is contrary to the experts'  
26 conclusions, and he is doing so for his own selfish interests and contrary to the  
27  
28

1 children's best interests.

2       There is no reason for attorney's fees should not be awarded to Minh under  
3 NRS 18.010(2)(b), NRS 125.040(1)(c), and NRS 150.140(3) and under *Brunzell v.*  
4 *Golden Gate National Bank*.<sup>34</sup> The factors can be addressed at the time of the  
5 hearing.  
6

7  
8                                   **III.**  
9                                   **CONCLUSION**

10       WHEREFORE, based upon the foregoing, Defendant, MINH NGUYET  
11 LUONG, respectfully requests that the Court enter orders:

- 12  
13   1.     Denying Jim's Motion in its entirety.  
14   2.     For an interview of Hannah.  
15   3.     For Minh's custodial time with Matthew to be restored.  
16   4.     For attorney's fees and costs, and;  
17

18   ///

19  
20   ///

21   ///

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23   ///

24   ///

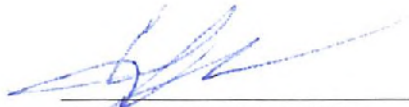
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26  
27

28 \_\_\_\_\_  
<sup>34</sup> 85 Nev. 345, 455 P.2d 31 (1969)

1 5. For any further relief the Court deems proper and just.

2 DATED this 20<sup>th</sup> day of March 2022

3  
4 PAGE LAW FIRM

5  
6 

7 FRED PAGE, ESQ.

8 Nevada Bar No. 6080

9 6930 South Cimarron Road, Suite 140

10 Las Vegas, Nevada 89113

11 (702) 823-2888

12 Attorney for Defendant

1                   **DECLARATION IN SUPPORT OF OPPOSITION AND**  
2                   **COUNTERMOTION**

3           I, Minh Luong, declare, under penalty of perjury:

4           I have read this Opposition and Countermotion, and the statements it  
5 contains are true and correct to the best of my knowledge, except as to those  
6 matters based on information and belief, and as to those matters, I believe them to  
7 be true. The statements contained in this motion are incorporated here as if set  
8 forth in full.  
9  
10

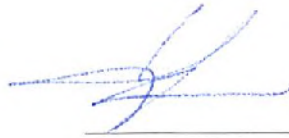
11 **I declare under penalty of perjury under the law of the State of Nevada that**  
12 **the foregoing is true and correct.**

13           DATED this 20<sup>th</sup> day of March 2021  
14  
15

16                                   *Minh Luong*  
17                                   \_\_\_\_\_  
18                                   MINH LUONG  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 20<sup>th</sup> day of March 2022, the foregoing OPPOSITION AND COUNTERMOTION was served pursuant to NEFCR 9 via e-service to Robert Dickerson, Esq., attorney for Plaintiff.



---

An employee of Page Law Firm



Sunshine Collins, PsyD  
Licensed Psychologist  
Clinical, Forensic, & Family Psychology

---

03/20/22

The Honorable Judge Dawn R. Throne  
Clark County District Court  
Family Division  
Department U

Sent Via Email  
deptulc@clarkcountycourts.us

Re: Family / Reunification therapy  
Case: Vahey v. Luong D-18-581444-D

Dear Judge Throne,

It has recently come to my attention that there is a motion set to be heard in this matter tomorrow (03/21/22). It is my understanding that father filed a motion seeking to attend the Turning Points for Families program in New York with all three Vahey children.

It is my clinical opinion that the relationship of Matthew, Hannah, and Selena with their father would benefit from participating in the Turning Points for Families program.

**Matthew**

Father brought to my attention that this Court suggested the program and I began researching the program in February 2022. Although I was familiar with the program by reputation, I have not worked directly with that organization. As such, I reached out to the program seeking further information. I found the program to be timely in their response and I was able to speak at some length with a program representative on 02/16/22. At that time, I gathered general information as to how the program functions as well as their availability for working with a new family. I was advised that they require an initial 90 day no contact period between the child and the favored parent, something consistent with the steps that this Court has already taken regarding Matthew. I was also advised that they recommend that siblings participate in the program together, even for families in which the siblings are at different stages of contact or relationship with the nonpreferred parent. Most importantly, the program representative advised that the program would be happy to

continue to work with the family as needed after they complete the program and, furthermore, to collaborate with me regarding continuity of care to promote persistence of gains and further improvements over time. I also reviewed the literature available from the program website (<http://www.turningpoints4families.com>) as well as additional literature emailed to me directly by the program representative.

Given all of the information that I reviewed as well as the reputation of the program and the current status of Matthew's relationship with his father as well as the slow speed of progress thus far achieved in the weekly therapy sessions with me, it is my clinical opinion that Matthew's relationship with father would benefit from participating in the Turning Points for Families program. I advised mother and father separately of same in advance of generating this update.

#### **Hannah**

I have recently begun sessions with Hannah, with her first appointment occurring on 03/14/22 and her next appointment scheduled for 03/21/22 at 4 PM. I was scheduled to conduct a collateral interview with her psychiatrist on 03/17/22 but Dr. Michelle Fontenelle-Gilmer did not answer the phone at the scheduled time. She called and left a message on 03/18/22 at 5:48 PM but I was unavailable. I will continue to outreach to Dr. Fontenelle-Gilmer to conduct a collateral interview with that provider. Given my single session with Hannah, as well as information regarding her relationship with father provided to me separately by both parents, it is my clinical opinion that Hannah's relationship with father would benefit from participating in the Turning Points for Families program. Given that Hannah works with Dr. Fontenelle-Gilmer for individual therapy as well as beginning sessions for family/reunification therapy with me, it will be important that the Turning Points for Families program collaborate with both of us regarding continuity of care to promote persistence of gains and further improvements over time. Unfortunately, I have not yet been able to discuss the Turning Points for Families program with Dr. Fontenelle-Gilmer but given the brief length of the program (i.e., 4 days) I anticipate that Hannah's participation can be scheduled so as not to disrupt her individual treatment with Dr. Fontenelle-Gilmer, if necessary.

#### **Selena**

I have had no contact with Selena, although I have received information separately from both parents regarding her functioning as well as her relationship with father. Based on the degree of

disconnection between father and both of her siblings as well as information regarding her exhibiting contact resistance at times in the past, it is my clinical opinion that Selena's relationship with father would benefit from participating in the Turning Points for Families program. From the information available to me, it appears that her relationship with father does not presently require such intense services, but I am aware that this could change in the future and that it is the recommendation of that program that siblings participate together.

It is my understanding that participating in the Turning Points for Families program requires a court order instating an initial 90 day no contact period between the child and the favored parent that can be shortened, lengthened, or discontinued upon recommendation of that program dependent on the progress and participation of the favored parent. As such, I imagine that father's motion before this Court requests such a no contact period be applied to all three children. It would be my hope that in the event that this Court elects to issue such an order that parties will both participate in the brief intensive treatment program enthusiastically, enabling the no contact period to be as short as possible while still preserving the effects of participating in the program.

I continue to be available to provide services to this family, regardless of the outcome of the motion presently before this Court.

Respectfully submitted,



Sunshine Collins, PsyD  
Licensed Psychologist

CC: Sent Via Email  
Valarie Fujii, Esq.  
vip@fujiiilawlv.com

196

196

VOLUME XX

1 DISTRICT COURT  
2 FAMILY DIVISION  
3 CLARK COUNTY, NEVADA

4

5 JAMES W. VAHEY,

6 Plaintiff,

7 vs.

Case No.  
D-18-581444-D

8 MINH NGUYET LUONG,

9 Defendant.

10

11

12

13

14

15 HEARING BEFORE THE HONORABLE JUDGE DAWN R. THRONE

16

Las Vegas, Nevada

17

Monday, March 21, 2022

18

10:38 a.m.

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Proceedings recorded by electronic sound recording;

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transcript produced by transcription service.

22

23

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Transcribed by: Becky J. Parker, RPR, CCR  
Nevada Certified Court Reporter No. 934

25

Job No. 48713, Firm No. 061F

1 APPEARANCES:

2

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15 702.823.2888

16 Guardian Ad Litem:

17 VALARIE I. FUJII  
18 FUJII LAW  
19 704 South Sixth Street  
20 Las Vegas, Nevada 89101  
21 702.341.6464

22 Also Present:

23 JAMES W. VAHEY

24 MINH NGUYET LUONG

25

1 LAS VEGAS, NEVADA

2 MONDAY, MARCH 21, 2022, 10:38 A.M.

3 -oOo-

4

5 THE CLERK: We are on the record, Your Honor.

6 THE COURT: Good morning. This is the time  
7 set for case D-18-581444-D. If we can have counsel make  
8 their appearances, starting with counsel for the  
9 plaintiff, please.

10 MS. DOLSON: Sabrina Dolson, Bar  
11 Number 13105, appearing with Bob Dickerson, Bar Number  
12 945, for Plaintiff James Vahey, who is also present.

13 THE COURT: Mr. Page.

14 MR. PAGE: Oh, I was going to wait for Bob to  
15 enter his appearance --

16 THE COURT: Oh.

17 MR. PAGE: -- but I guess he's not going to.  
18 Good. Next time take your mute off.

19 THE COURT: We all have problems with  
20 technical with these hearings.

21 MR. DICKERSON: Oh, yeah. It's my age. I'm  
22 so sorry. Bob Dickerson, Bar Number 945, on behalf of  
23 Jim Vahey. Thank you.

24 MR. PAGE: Good morning. Fred Page, Bar  
25 Number 6080, on behalf of Defendant Minh Luong, who's

1 present with me.

2 MS. FUJII: Valarie Fujii, Bar Number 5955,  
3 guardian ad litem, on behalf of Hannah and Matthew  
4 Vahey.

5 THE COURT: All right. Thank you all.

6 I have had the opportunity to read  
7 Dr. Collins' report dated yesterday, that I got this  
8 morning, as well as the opposition and counter motion.  
9 I believe there was a general problem, Mr. Page, with  
10 the -- courtwide on getting things filed over the  
11 weekend, but I did get a chance to review that this  
12 morning and some of the exhibit appendix. I haven't  
13 read all of the exhibit appendix.

14 So I'm ready to hear any arguments. This is  
15 your motion, Ms. Dolson, so you -- are you making the  
16 argument or Mr. Dickerson? Whoever is arguing, we have  
17 the plaintiff --

18 MS. DOLSON: Yes. Yes, Your Honor, it'll be  
19 me.

20 THE COURT: Okay.

21 MS. DOLSON: We are here today, we filed our  
22 emergency motion to get the children to participate in  
23 the Turning Points for Families program that the Court  
24 recommended at the last hearing on February 8th.  
25 Dr. Vahey did look into the program. He consulted with



1 Dr. Collins. They both agreed that it would probably be  
2 a beneficial program. They're encouraged that it will  
3 be helpful to the children.

4 And the only thing that we had to address  
5 with the Court is that the Court had mentioned  
6 previously that Dr. Vahey could potentially do the  
7 program with Matthew first and then Hannah at a later  
8 time. But they did speak to the -- the program  
9 director, and the therapist who runs the program, and  
10 they recommend that all three children do the program at  
11 the same time rather than having them do it separately.  
12 It also saves the parties a ton of money because it is  
13 \$15,000 each time. And for all three children to do it  
14 at once, it is a \$15,000 charge as opposed to doing it  
15 separately and having three recurring charges.

16 So the doctor -- the therapist gave her  
17 availability, and I believe it was the 8th through the  
18 12th, and then the 20th through the 30th of April, which  
19 is why we had to have the hearing on an order shortening  
20 time. We'd like to get the children the help that they  
21 need as soon as possible, so we are requesting that the  
22 Court enter the order allowing Dr. Vahey to participate  
23 in that program with the children. It's a four-day  
24 program.

25 And then it is the recommendation of the

1 program that upon return, there's a two-year follow up  
2 with a therapist who works with the therapist who runs  
3 the -- the Turning Points program. And she works with  
4 the therapist here for the children, and immediately  
5 upon return there's a 90-day period in which Dr. Vahey  
6 should have temporary sole legal and sole physical  
7 custody of the three children that can be shortened or  
8 it can be lengthened depending on Minh's progress  
9 with -- with her counseling.

10 We also believe that she needs to participate  
11 in counseling, and she needs to be cooperative with the  
12 program. It's very imperative that she cooperate and  
13 encourage and support the program and it -- and -- and  
14 all the benefits it can offer.

15 And then, also, I would like a status on  
16 her -- on the counseling that she has been ordered to  
17 participate in, see if that's been going on. It doesn't  
18 appear so, given the letters that she's been sending to  
19 people in the past two months. You know, we quoted a  
20 lot of the letter in our -- in our motion. One, to Nate  
21 Minetto, who is Hannah's counselor a year ago. I don't  
22 believe he's seen Hannah for the past year. And it was  
23 concerning, to say the least. It appears that she has  
24 not backed off of her position. She's not changing  
25 her -- her views or her actions. She's continuing to

1 behave in a way that we've told her consistently she's  
2 not helping the children, she's damaging them. And it  
3 doesn't appear that she wants to change.

4 She also wrote a 20 letter -- or 20-page  
5 letter to Dr. Collins. Again, very similar to the  
6 letter to Nate Minetto, basically repeating all of  
7 the -- the misrepresentations she's made before the  
8 Court for the past few years. So it's very concerning  
9 that there's been no change of behavior.

10 We also received a copy of an email that she  
11 sent to Elizabeth -- or sorry, the therapist, so  
12 Dr. Linda Gottlieb of Turning Points. And I can read it  
13 to you. It's only two paragraphs so it's not very long.  
14 And it's sent three days ago, on March 18.

15 She says, Hi, Ms. Gottlieb. My name is Minh  
16 Luong. You have been in contact with my ex-husband,  
17 James Vahey, and his attorney. I want to inform you  
18 that our case is not an alienation case. Dad has  
19 physically abused the children multiple times. This is  
20 the recording of the children the day after the last  
21 physical abuse event. They did not know I was recording  
22 them. I have not submitted this to the Court because  
23 the Court has minimized everything that he has done to  
24 them and refused to treat the problem as needed for the  
25 success -- success of the case. He physically abused

1 the children and left bruises on my daughter Hannah.  
2 Her psychiatrist, Dr. Fontenelle, evaluated her  
3 clinically and reported Jim to CPS, yet this Court still  
4 failed to admit that physical abuse has happened. This  
5 is a case of white male supremacy. The reason why these  
6 children have not been able to move forward is because  
7 their dad refused to admit to any of his wrongdoings,  
8 but instead tried to place blames on alienation. You  
9 will not be able to be successful at helping my children  
10 to have a loving relationship with their dad if somehow  
11 you have bought into his entrenched beliefs. I will  
12 send you a transcript of the recording. Hannah's  
13 current psychiatrist, Dr. Fontenelle, heard this  
14 recording for the first time this week. She recommended  
15 me turn it -- to turn it over to CPS, which I will do.  
16 Please reach out to me at any time. My cell phone is,  
17 her cell phone number, thank you.

18           And then she attached the recording, which  
19 they've also attached to their exhibits at the  
20 opposition and counter motion that they filed yesterday.  
21 I had an opportunity to review the recording. Again,  
22 we've -- more concerning behavior on her part. It is  
23 very clear that the children are telling her these  
24 things because they know she's on her -- their side.  
25 She wants to hear these things and she wants to support

1    them.

2                   I mean, these children are talking about  
3    slapping their father, pulling his hair, punching him.  
4    And nowhere during the entire 20-minute video does she  
5    stop to say, excuse me, you know, you're -- you are  
6    physically ab- -- abusing your father and -- and being  
7    violent towards him, and that's an issue. Nowhere in  
8    that video does she do that. It's so concerning that  
9    these children have no problem telling their mom about  
10   all of the abuse they're doing to their father with no  
11   repercussions whatsoever.

12                  It's also clear that the children are  
13   exaggerating what has happened. At one point, Hannah  
14   says that her dad lifted her up by one arm off the  
15   ground, obviously not physically possible. Again, the  
16   mom -- mom does nothing to help these children. She --  
17   she -- she does nothing to -- to let them know that  
18   their behavior is inappropriate, the way that they're  
19   acting is not acceptable. And we're not going to get  
20   the help. I mean, the easiest solution to this problem  
21   is if Mom addresses their behavior and starts helping  
22   Dad by co-parenting. But we've given her so many  
23   options, and it just is not happening.

24                  So we believe the -- the last straw is we  
25   have to have these children participate in this program

1 and get them the help that they need. And we've  
2 provided a proposed court order based on the template  
3 that the Turning Points program did provide. And if the  
4 Court has any other questions for me, I'd be happy to  
5 answer them.

6 THE COURT: My question is how is your client  
7 going to get Hannah to and from her school? By doing  
8 the 90-day sequestra- -- sequestration, which is  
9 required in the program, he's going to have to be able  
10 to get her to her school out in Summerlin.

11 What's his plan?

12 MS. DOLSON: Well -- so hopefully there will  
13 be some success with the program. So there's the four  
14 days in New York participating in the program. And I  
15 guess the only thing we -- would be is we would have to  
16 see how successful it is when we get back and if he's  
17 able to -- to get her to school.

18 And the other thing is her knowing that  
19 there's no other option. Because this entire time that  
20 the children have -- you know, behaving, not going to  
21 school, not going -- not doing the custody exchanges is  
22 because they've always had a backup. Mom's always  
23 there. The children need to know at this point that  
24 that's not going to be an option anymore until  
25 they're -- you know, until things get better, they're

1 not going to have any contact with Mom, and -- and they  
2 won't have any other options.

3 THE COURT: Well, I'm more talking about  
4 logistics because he's going to have three kids at three  
5 different schools, and one is pretty far away from his  
6 home and his office and the other two schools.

7 So is he going to hire --

8 MS. DOLSON: I believe --

9 THE COURT: -- somebody?

10 MS. DOLSON: I believe that is the plan.

11 Dr. Vahey, please correct me if I am wrong,  
12 but I believe the plan is to hire an Au Pair or nanny or  
13 help to have -- get all the children -- all three of  
14 them to school.

15 DR. VAHEY: Correct.

16 THE COURT: All right. Anything else from  
17 the plaintiff's side?

18 MS. DOLSON: I don't believe so, Your Honor,  
19 unless you have any questions of me.

20 THE COURT: All right. Mr. Page.

21 MR. PAGE: The issues that we have here is  
22 whether Turning Point should be used at this time and  
23 also the issue of payment.

24 As to whether Turning Point should be used at  
25 this time, the law of the case as it relates to Hannah

1 is the parties are to follow Dr. Fontenelle's  
2 recommendations. There is no factual dispute that  
3 Dr. Fontenelle's input has not yet been obtained. Her  
4 input has not yet been obtained because this Court set  
5 the matter on an order shortening time that really gave  
6 us very little time in which to get things together to  
7 contact Dr. Fontenelle, or anyone else, to provide some  
8 sort of appropriate opposition. That's the law of the  
9 case law, the case should be followed.

10 As to whether Turning Points should be used,  
11 Turning Point is not applicable when there's been acts  
12 of domestic violence. This Court has been made aware  
13 now of multiple acts of domestic violence that have been  
14 committed by Dad against not only Mom but also the  
15 children. The most recent acts of domestic violence  
16 being October 15 and October 16. The things that Dad is  
17 doing are inappropriate. He cannot go around punching  
18 his children, slamming them to the ground, hitting their  
19 head against the -- the floor, choking them. That's not  
20 discipline; that's abuse.

21 There is -- it's inappropriate for Dad to do  
22 these things. If there's abuse, then he should not have  
23 custody of the children. Dr. Collins has given him  
24 numerous things that he has to work on to try and learn  
25 how to relate to people better. That should be worked



1 on before these kids actually going to Turning Point.

2 The kids also should not go to Turning Point  
3 because there has not been a diagnosis by any mental  
4 health professional that there has been parental  
5 alienation, let alone severe parental alienation.  
6 Dr. Collins has not made that diagnosis that Minh, or  
7 even Hannah, has committed acts of parental alienation  
8 against these children. That's why Mom ended up  
9 recording Dr. Collins' interview with her --

10 THE COURT: Okay. Let's stop there.

11 MR. PAGE: -- so that she could get --

12 THE COURT: Mr. Page, let's stop right there.  
13 Did she have Dr. Collins' permission to record?

14 MR. PAGE: No.

15 THE COURT: Okay. That's a problem, because  
16 that I find she is violating my order in cooperating  
17 with the provider. A provider will stop treatment like  
18 that for that kind of game playing. That -- that is a  
19 game, and that's just another act of your client in  
20 disobeying my orders.

21 MR. PAGE: Your Honor, my client wants to be  
22 able to get the facts before this Court. The way to get  
23 the facts before this Court is to not have he said, she  
24 said finger pointing, is to find out exactly what  
25 Dr. Collins said and when she said it and why she said

1 it.

2 THE COURT: You know you cannot --

3 MR. PAGE: Now, this Court --

4 THE COURT: That is illegal and  
5 unprofessional and totally irresponsible and trying to  
6 undermine Dr. Collins doing her job in this case, first  
7 of all.

8 Second of all, you know better than to  
9 submit -- that a parent record children in a uni- --  
10 doing a unilateral biased interview by Mom. Of course  
11 they're telling her these things, but there's no  
12 evidence.

13 She has reported him to CPS multiple times.  
14 Dr. Fontenelle has to re- -- report just because there  
15 were bruises. But you have not addressed these  
16 children. And I'll go exactly with what your client  
17 wrote in her letter to Dr. Collins. You want to talk  
18 about Asian culture? I found her letter to be highly  
19 offensive. But you want to talk about Asian culture,  
20 and there's a lot of differences between each Asian  
21 culture. But to assume that Dr. Collins has no  
22 experience or that this Court has no experience with  
23 Asian cultures is baloney, number one. It's offensive.

24 But the biggest thing that is consistent  
25 across Asian cultures is teaching children to respect,

1 honor, and obey their parents, and to honor and respect  
2 their elders. Mom's not doing that. They don't respect  
3 her either. She's not parenting, and I've told you that  
4 before. This is ridiculous and this is not going to  
5 continue. We -- they are going to Turning Point as soon  
6 as possible.

7 MR. PAGE: May -- then I do need to make a  
8 record, Your Honor. And this record is, this Court's  
9 going to act in excess of jurisdiction unless it engages  
10 in appropriate fact-finding before -- before entering  
11 orders impacting a -- a child's relationship with his  
12 parent and the parent's relationship with the child.  
13 That's Troxel versus Granville.

14 And what we have here, if you're going to go  
15 to Turning Point, there has to be a diagnosis of severe  
16 parental alienation. There is no diagnosis. There's no  
17 diagnosis by Dr. Collins, no diagnosis by Dr. Gravley,  
18 no diagnosis by Nate Minetto, there is no --  
19 specifically no diagnosis by Dr. Fontenelle.

20 THE COURT: And there --

21 MR. PAGE: As to --

22 THE COURT: -- there's never going to be --  
23 Mr. Page, there's never going to be a diagnosis. It's  
24 not something in the DSM-5. It's not something that any  
25 of these professionals have been retained to do. So no,

1 I could make these parties spend \$20,000 to go see  
2 Dr. Holland and have her do a custody evaluation to come  
3 to the same point in time that is obvious here.

4           There is a severely disrupted relationship  
5 between Dad and the two oldest children. I don't have  
6 to lay blame. The program does -- isn't about laying  
7 blame on where it is. It's a dynamic that Dr. Vahey is  
8 responsible for part of that dynamic. And this has been  
9 a long -- this is a whole family dynamic problem and  
10 it's a family-related treatment. And I don't have to  
11 find that your client committed parental alienation.  
12 But Ms. Fujii's report --

13           MR. PAGE: Your Honor --

14           THE COURT: -- itself does point out several  
15 times of her not supporting the children's relationship.  
16 One of the biggest issues is her believing the -- the  
17 gross exaggerations of these children and it is not  
18 physical abuse bec- -- if he would have smacked them  
19 back right across the face, that would not be physical  
20 abuse.

21           These children should not be raising their  
22 hand to a parent, period. And the fact that Mom teaches  
23 that, allows that, endorses that, is ridiculous. You're  
24 going to have problems with these children going forward  
25 that have nothing to do with these two parents. And I

1 said these things over and over again. And your client  
2 can't get on board that she is part -- a big part of the  
3 problem in her not supporting the relationship. There  
4 is no evidence of physical or emotional abuse.

5 City of Henderson couldn't have dropped the  
6 case against Dad but for the fact that they believe  
7 there was a proof problem, i.e., a credibility problem  
8 with your -- your client, or they cannot drop the case.  
9 The law is clear. So --

10 MR. PAGE: No.

11 THE COURT: -- we're not going to play --

12 MR. PAGE: Your Honor, I'll -- I'll -- I'll  
13 address -- I'll address that as well, but I'm going to  
14 go through the -- the rest of what I have here. And the  
15 rest of what I have here is that Turning Point says on  
16 its website it's for severe parental alienation. And  
17 whether you say it's on the DSM-5 or it's not in the  
18 DSM-5, psychologists do make diagnoses of parental  
19 alienation. They do. And there's been no diagnosis by  
20 Dr. Collins. There's been no diagnosis by Dr. Gravley.  
21 No diagnosis by Nate Minetto. And no diagnosis by -- by  
22 Dr. Fontenelle. And that's just as it relates to  
23 Matthew.

24 They're stalled in a relationship rebuilding  
25 process between Dr. Collins, Jim, and Matthew. Stalled

1 in a relationship does not mean that there's parental  
2 alienation. Stalled in a relationship does not mean  
3 that Mom's contact with Matthew is cut off for 90 days.

4 As to Hannah, Dr. Collins has expressed a  
5 desire to meet with Dr. Fontenelle but has not yet been  
6 given an opportunity so, therefore, any orders to  
7 Turning Point are way premature. However, it should be  
8 noted that Dr. Collins made the conclusion that Hannah  
9 should go to Turning Point before she ever even met with  
10 Hannah. One cannot ethically, as a psychologist, make a  
11 diagnosis and a treatment recommendation without first  
12 meeting with somebody and first doing an evaluation or  
13 an assessment. That's never occurred here.

14 The guardian ad litem should also be allowed  
15 to obtain input from Dr. Fontenelle. Dr. Fontenelle  
16 should be allowed to provide input to this Court as part  
17 of the law of the case. We cannot send children to a  
18 program where there has never been a diagnosis of  
19 parental alienation by a mental health professional.

20 As to Selena, she wants Selena to go and cut  
21 Mom's contact off for up to 90 days when she hasn't --  
22 when she has never met with Selena. It cannot be  
23 ethical for a mental health professional to assess and  
24 prescribe treatment for a child, or any other  
25 individual, without first meeting with that individual

1 and doing an evaluation of differential dia- --  
2 diagnosis or rule-out or something like that. So it is  
3 completely beyond the scope of what Dr. Collins is even  
4 retained for to make recommendations as to a child that  
5 she's never even met or even evaluated.

6           The report itself from Dr. Collins is a  
7 hearsay document. We're entitled to cross-examine  
8 Dr. Collins on that hearsay document to find out whether  
9 she's actually making a -- a diagnosis parental  
10 alienation, why she put the things that she put down in  
11 that report, before you impact my client's fundamental  
12 rights to have a relationship with her -- with her  
13 children. We're entitled to have the law of the case  
14 followed as it relates to the parties' stipulation  
15 orders as it relates to Hannah.

16           As to the payment that they want to have my  
17 client pay for as it relates to Turning Point, there's  
18 no finding of parental alienation, so there's no basis  
19 under any of the experts' opinions for Mom to be saddled  
20 with that cost. Blaming Mom for something and then  
21 making her pay for it when there's been no parental  
22 alienation that's been found is wrong.

23           As to Mom's talking to these kids, she said,  
24 you guys need to try to get along with him. That's the  
25 best that anyone can do after the traumatic incidents

1 they had on October 6 -- on October 15 and on  
2 October 16.

3 As to the charges that were against Dr. Vahey  
4 in Henderson, it wasn't a proof problem with my client.  
5 They didn't want to -- they were shown the -- they heard  
6 the audio recording of Dr. Vahey and Minh when he was  
7 battering her, and then they said, well, it's  
8 inconclusive. But in order to get that audio recording  
9 in, Dr. Vahey has to go on the stand and lay a  
10 foundation as to that document. Once he does that, he  
11 opens himself up to cross-examination. He would never  
12 want to do that.

13 When I pointed it out to the city attorney  
14 for Henderson, that was met with awkward silence, like  
15 he made a screw-up and rea- -- just realized, oh, then,  
16 oh, yeah, well, maybe I shouldn't have dropped the case.

17 So what we do have here is a program that is  
18 not suited for these children. It's not suited for  
19 Matthew. There's no order for recommendation from  
20 Dr. Fontenelle for Hannah to attend. There's no basis  
21 for Selena to attend when she has never even been seen  
22 by Dr. Collins. And we need to be able to at least  
23 cross-examine Dr. Collins to find out why she's making  
24 the recommendations that she is, and whether she's even  
25 adequately addressed the Turning Point program since



1 it's completely inappropriate for a stalled  
2 reunification relationship and it's specifically set up  
3 for parental alienation.

4 And with that, I don't think I have anything  
5 further.

6 THE COURT: Has your client started the  
7 therapy that she was ordered to do?

8 MR. PAGE: Yes. She's made an appointment --  
9 or she's tried to make an appointment with Dr. -- or  
10 with Keisha Weiford. You know, Keisha Weiford is really  
11 good at what she does so she's really popular and is not  
12 able to get appointments real fast with her, but she has  
13 something coming up here in the next 10 -- 10 days to  
14 two weeks, I believe. But Keisha is good. I --  
15 everyone speaks well of her. That's why she's so  
16 popular.

17 THE COURT: All right. Ms. Fujii.

18 MS. FUJII: Thank you, Your Honor. I want to  
19 start with my role as the guardian ad litem. My  
20 position is I support Dr. Collins' recommendation that  
21 they participate in the program, the Turning Point for  
22 Families program, and that the therapist, the two  
23 licensed clinicians, Dr. Fontenelle and Dr. Collins,  
24 after their participation, decide on the length of the  
25 no contact period.

1           Semantically, Judge, what I can speak to is  
2   that what the kids desires. I've had the opportunity to  
3   speak with Matthew. He, just like Dr. Collins, is not  
4   responsive to me. He doesn't want to talk to me. It  
5   feels very forced. He'll stop talking. He's not  
6   engaging. I do know he doesn't want to be at his dad's.  
7   He tells me he doesn't like him, but not why. Although  
8   I have also reports that he is doing really well in  
9   school and engaging with other adults at Dad's office,  
10   when he goes on ski trips with Dad's other adults. He  
11   is engaging at school and engaging in other  
12   conversations with other adults.

13           Hannah is getting perfect grades. She is  
14   very chatty and doing well. She agreed to speak with  
15   her father only upon getting a signed letter, this  
16   contract, that he would not take her to his home and it  
17   would not extend beyond 30 minutes.

18           I prepared this declaration, if you will, and  
19   I provided it to Dr. Fontenelle. I do know that she is  
20   still seeing Dr. Fontenelle on a weekly basis for  
21   approximately 30 minutes each time. And Dr. Fontenelle  
22   was in favor of the letter. However, I think the  
23   protocol of Sunshine Collins was to wait.

24           I can tell you, Judge, that when I look at  
25   this program, it looks like an excellent program. It's

1 only four days. I am concerned with the level of  
2 participation of Mom. Mom needs -- she is suffering.  
3 She needs that therapeutic services to help cope. It --  
4 this program requires -- if Mom drops off Hannah at this  
5 program, say, she'd have to engage with Dad. They make  
6 sure they say hello to one another. She would not do  
7 that with me, all right, in front of the kids.

8           She is to write a letter to the children,  
9 saying, I want you to be engaged and involved in this  
10 program. I think that would best be served if she does  
11 that therapeutically, she talks to someone about it that  
12 helps her with it. She's supposed to give dad pictures,  
13 you know, items, family photos. I think therapeutic  
14 services would help Mom do these things. Because in  
15 order for them to participate and it to succeed, they  
16 have to have this shared objective. They have to have  
17 this shared objective.

18           And just by counsel speaking here, you can  
19 see they don't have that. But Mom needs this to regain  
20 custody of her children. All right? So it really is  
21 important that their participation happen, and, you  
22 know, that is why we're all here to help.

23           I -- I know Mom may not see that right now.  
24 I don't want to be caught up on the label of alienating  
25 or not alienating. It's a program that says, look, we

1 want them to have good relationships with their parents.

2 I just don't want that to be the hang up.

3 I understand everyone has a legal position,  
4 but mine is that it succeed for these kids, Judge. And  
5 with that, I'd submit it.

6 MR. PAGE: This case is a marathon; it's not  
7 a sprint. And if Dad really wants to destroy any  
8 relationship he's going to have in the future with these  
9 children, whether it be later in their teenage years or  
10 as adults, he should continue going down this road,  
11 because that's exactly what he's going to do. He is  
12 going to harm his relationship with his children by  
13 trying to continually blame Mom and assign blame.  
14 That's what alienation means where -- it means that  
15 somebody's at fault and accusing Mom when there's been  
16 no diagnosis. And have her write an apology letter when  
17 there's been no diagnosis is only going to harm these  
18 children's relationship with their father going forward.

19 If we're looking at what's in the best  
20 interest of these children, then we could follow some  
21 things like Dr. Fontenelle's rec- -- recommendations  
22 about graduated contact. I know this Court doesn't want  
23 to do that.

24 But taking an extreme step like this and  
25 cutting off Mom, I'm afraid we're going to be back in

1 court here because Hannah's probably going to run away.  
2 She is 13 years old now. She is a very intelligent,  
3 very high-functioning young lady. And I'm concerned as  
4 to what the future consequences of what the Court wants  
5 to do are going to be.

6 MS. DOLSON: And I can just address, Your  
7 Honor. I mean, I think you know the severity of the  
8 situation. This is not a drastic step that we are  
9 taking out of the blue. We have been telling Mom and  
10 asking her to help and to change her behaviors for  
11 years, since 2019 when Judge Ritchie first held the  
12 first custody and relocation hearing. We have warned  
13 her, you know, her behaviors are not helping the  
14 children; they're damaging the children. And we've had  
15 so many hearings before this Court where her behaviors  
16 just continue.

17 This isn't -- this isn't just a one-off thing  
18 where this is something that we're bringing up out of  
19 the blue. This has been going on for years, and it's  
20 (indiscernible) her, and we're trying to address the  
21 issue. We've asked Mom to change her behavior, and it's  
22 just not happening.

23 As the Court said, there -- there's not --  
24 there's been no evidence of -- of abuse so her  
25 continuing to blame Dr. Vahey for physically abusing the

1 children, it's -- it's not helping. It's -- and it's,  
2 again, it's not going to get us anywhere because we  
3 already know that CPS has found those allegations  
4 unsubstantiated.

5 We now have Dr. Collins who has met with  
6 those children. She has met with Matthew and she has  
7 met with Hannah, and it is her recommendation that the  
8 kids participate in the program.

9 And I -- I believe at the point where  
10 Dr. Vahey brings the children to the program, they will  
11 evaluate for the validity of any manipulation those  
12 kinds of behaviors that have been going on. So these  
13 will address all these issues. Regardless of whether  
14 you call it alienation or not, the behaviors by Mom are  
15 just -- they're outrageous and they're not stopping.

16 MR. PAGE: When we talk about behaviors of  
17 Mom, and this is objectively, the people who are  
18 professionals, the people who are psychologists, MDs,  
19 have found nothing objectively troubling about Mom's  
20 behavior. And this goes to Gravley, Minetto,  
21 Fontenelle, and now Collins.

22 MS. DOLSON: I don't --

23 MR. PAGE: If you're going to -- if you're  
24 going to send the -- if you're going to send the parties  
25 to a program that carries with it a certain level of --

1 of -- of a label of parental alienation, then it's a  
2 condition precedent that there be a finding by some  
3 competent professional in the field that the label  
4 actually fits.

5           At this point the label doesn't fit. That's  
6 why we asked for additional fact-finding. Maybe some  
7 input from Dr. Fontenelle. Maybe some more additional  
8 input from Dr. Collins. Maybe have her testify via  
9 video and get some input from her as to why she wrote  
10 the things that she wrote. I think that's very  
11 appropriate. I think it's a fundamental requirement of  
12 due process for my client. I think it's required by the  
13 law before you do something that would drastically  
14 impact their relationship with their children.

15           My client's always going to have a  
16 relationship with these children. There -- and she's  
17 always going to be number one in their lives. What is  
18 more -- probably be concerning for Dr. Vahey is that he  
19 is going to destroy his relationship with his children  
20 going forward, and that -- if that's what he wants to  
21 do, I suppose he can go ahead and take that step. But  
22 we shouldn't torment the kids during that process by  
23 taking all of these drastic steps, and they are drastic,  
24 of trying to force these kids with -- with Dad.

25           I mean, even Ms. Fujii indicated, it's not

1 helping the relationship to force these kids to be with  
2 Dad. That was back in -- on the February 2 report from  
3 Ms. Fujii.

4 MS. FUJII: But -- but you know what,  
5 Mr. Page, I'll tell you, this program, which is only  
6 four days, they did studies on whether or not these four  
7 days negatively impacted these children or traumatized,  
8 and there was no evidence. No data that supported that  
9 these kids were traumatized after four days.

10 MR. PAGE: I would suppose that website would  
11 say that since they're promoting their -- their website  
12 so they can get additional patients. So, yes, they  
13 would obviously give self-serving conclusions, such as  
14 the tobacco companies saying that cigarette smoke is not  
15 harmful.

16 But the fact of the matter is, is that in  
17 addition to the four-day program, there's also the  
18 requested sequestration period that is going to be very  
19 harmful for these kids and their relationship with Dad.  
20 That's why I do believe that before we do anything  
21 further at this point, that we get some more input from  
22 the people who are actually experts in the field.  
23 People like Dr. Fontenelle, people like Dr. Collins --  
24 or who purports to be an expert, and find out why  
25 they're saying the things that they're saying.



1 But even in Dr. Fontenelle's -- or excuse me,  
2 Dr. Collins' case in the interview with Mom, she  
3 indicated that she's not finding that either Mom or  
4 Hannah are doing any alienation of Matthew. She's  
5 not -- if there's alienation, she's not aware that --  
6 sure where the source is from.

7 She also indicates that keeping Matthew away  
8 from Mom doesn't help his relationship with Jim. Since  
9 it doesn't help his relationship with Jim, why are we  
10 continuing to torment this child by keeping him away  
11 from Mom? It really turns logic on its head and also  
12 traumatizes these children and torments these children  
13 and can't be in their best interest.

14 MS. DOLSON: And that's not accurate, Your  
15 Honor. I mean, Dr. Collins has given her report. There  
16 is -- they are saying they want to rely on the  
17 professionals, but only the professionals agree with --  
18 with Dr. Luong's position that the children should just  
19 be with her. They just don't want to listen to anybody  
20 else's recommendation if it -- it doesn't entail that.  
21 And Dr. Collins has met with Hannah and Matthew and she  
22 does recommend that the program proceed.

23 MR. PAGE: Well, I don't think she could  
24 ethically recommend that Selena participate when she  
25 hasn't met Selena. I don't think she can ethically

1 recommend that Hannah participate when she hasn't spoken  
2 to Dr. Fontenelle. And I don't think she can make that  
3 recommendation even before she met with Hannah. And it  
4 also requires, as I've indicated, a diagnosis that fits  
5 the label of the program. And that would be something  
6 that I still haven't heard from Dr. Collins at any point  
7 in any of her reports of the two reports that she  
8 submitted to the Court.

9 MS. DOLSON: Well, the report she made was  
10 at -- was just on -- it was yesterday. It was dated  
11 yesterday. So she had had an opportunity to meet with  
12 Hannah when she made that recommendation. And it is the  
13 policy of the program that all three children be treated  
14 together.

15 THE COURT: All right. With regard to  
16 Dr. Fontenelle --

17 MR. PAGE: She came to that conclusion before  
18 she ever met with Hannah.

19 But in any event, she still would be required  
20 as part of her due diligence to at least speak with her  
21 therapist. I mean, I would think it would be an ethical  
22 problem for a psychologist or even a physician to go  
23 ahead and engage in a treatment regimen without first  
24 finding out what the background of the patient is and  
25 that -- and the background in this case to be speaking

1 with Dr. Fontenelle. I'm sure Dr. Vahey, before he  
2 engaged in a procedure on a -- on a patient, would at  
3 least look at the prior medical records to understand  
4 what's going on with that patient before cutting them  
5 open.

6 MS. FUJII: If I may, Your Honor, this  
7 program, it's important because it's four hours every  
8 morning. They'll either do planned activities with Dad,  
9 with therapists. Afterwards, they then call -- they  
10 would call, in this case, Mom every day to discuss with  
11 her. So her participation is necessary for it to work.

12 And I'm assuming, regardless of what happens,  
13 we -- we got to follow this court order. If -- if the  
14 judge is inclined to grant it, I need to make sure --  
15 this family needs to make sure that Mom participates in  
16 it willingly because the -- all the therapists will  
17 call the mom at the end of the -- of every day of these  
18 four days, and she can be engaged as well.

19 MR. PAGE: I -- I think what Ms. Fujii is --  
20 is trying to give a panacea for -- for Mom, but the --  
21 the problem is going to be that Mom has always  
22 cooperated with every order. She's taken Hannah to  
23 every single therapy session that's been scheduled.

24 So saying that, you know, we need to have her  
25 cooperation, she's going to have some contact, that's

1 really not really getting to the point. Mom has always  
2 cooperated in this case. So saying that, you know,  
3 she's going to have contact doesn't change the fact that  
4 they're going to be negatively impacting their  
5 relationship with Dad going forward. They're not going  
6 to negatively impact Mom's relationship with the  
7 child- -- children because her relationship's always  
8 strong. She's never need -- needed therapy to work on  
9 her relationship with the children; Dad always has.

10 MS. DOLSON: That's not the point of the  
11 program. There is no point in having any negative  
12 influence on Mom's relationship with the children.  
13 We're trying to get a positive influence on the  
14 children's relationship with their father, and we need  
15 her support for that. That doesn't mean her  
16 relationship will suffer. She just needs to support the  
17 relationship with their father.

18 MR. PAGE: I don't think you -- you heard  
19 what I -- what I was arguing, and that is, it's not  
20 going to inf- -- impact her relationship with her  
21 children. It is going to negatively impact Jim's  
22 relationship with his children because there hasn't been  
23 alienation going on. There has been physical and verbal  
24 and mental abuse going on from Jim to the children. He  
25 doesn't relate well to other people. We've all known

1 that ever since your office has had the case, ever since  
2 Ms. Fujii's been involved with the case. He doesn't  
3 have real good abilities to relate to other people.  
4 That's not going to change with an intensive four-day  
5 program.

6 MS. FUJII: Well, one of the issues they're  
7 going to discuss, I'm sure, in this program is the kids  
8 go through memories the way they remember it and the way  
9 it occurred. If Dad remembers the move differently than  
10 the mom remembers the move to California or whether or  
11 not it was an intended move, the parties may disagree.  
12 The children may have a -- a memory about that. Both  
13 parents will be involved in discussing that issue going  
14 forward. It's like a memory test. That's my  
15 understanding of this program.

16 I just want the parties to be aware it's four  
17 days, which is a short period of time, that involves  
18 both the parents being involved. And if they agree to  
19 disagree, I suppose the therapists there will work with  
20 that. That's probably something they -- they consider.

21 But I just wanted to throw that out there if  
22 Mom thought, well, she wasn't going to have contact with  
23 the kids, that -- and you clarified that. He's -- she's  
24 not concerned if she has contact with the kids. You  
25 think the program will be well for Dad and the kids.

1           MR. PAGE: I don't think it's going to -- I  
2 don't think it's going to work out well for Dad and the  
3 kids. The issues with Dad don't involve alienation.  
4 The issues with Dad involve his inability to relate to  
5 children and the lack of bond that was developed between  
6 Dad and his children while they were young.

7           Once that hasn't been established, it's never  
8 going to be established. That just tends to happen in  
9 families. But to go ahead and back oneself into a  
10 corner and say it's parental alienation when there's  
11 never been a formal diagnosis of such I think is not  
12 going to solve the problem because the problem is not  
13 alienation. It's never been alienation. It has to do  
14 that just sometimes kids like to be with one parent more  
15 than they like to be with the other. Just like some  
16 parents have children that there are favorites and other  
17 children who are not their favorites. It's -- happens.  
18 It's part of life. It doesn't mean that there's any  
19 motive or bad intent on anybody's part. It just  
20 happens.

21           And most parties understand that. That's why  
22 most people who don't end up in court understand this  
23 and say a child would rather spend more time with one  
24 parent. Okay. That's fine. As long as you're happy.  
25 They're willing to prioritize their child's happiness

1 above their own.

2 It doesn't appear to be that Dr. Vahey's  
3 willing to do so. Mom has bent over backwards for these  
4 children to make sure that they're prioritized and they  
5 come first, and that may be simply just why they prefer  
6 Mom.

7 THE COURT: Mr. Page --

8 MR. PAGE: I'll go back --

9 THE COURT: Mr. Page. Mr. Page --

10 MR. DICKERSON: Your Honor, we're all  
11 repeating those, and it appears that Mr. Page wants to  
12 ignore what the real facts are.

13 May we have a ruling, Your Honor?

14 THE COURT: Just because you say it,  
15 Mr. Page, doesn't mean your client is actually do --  
16 prioritizing the children's needs. She's prioritizing  
17 her needs in this case. I mean, the whole --  
18 Judge Ritchie found the same problems. The relocation  
19 wasn't denied because of Dr. Vahey, it was denied  
20 because Mom could not be trusted to allow a relocation.

21 You have to trust the relocating parent to  
22 facilitate and promote the other parent's relationship.  
23 Judge Ritchie found, after hearing all the evidence,  
24 that she could not be trusted. So there's nobody at  
25 fault for her not being allowed to move to California

1 with the children but her, but --

2 MR. PAGE: Your Honor, I believe that -- Your  
3 Honor, I'm going to have to go ahead and try and correct  
4 the record here. The Judge included that it was in the  
5 children's best interest that the parties have joint  
6 legal and joint physical custody.

7 When it came to being able to move, the Judge  
8 found that while she may have on her -- in her mind a  
9 good faith reason to the move, that the schools are  
10 better, the outdoor activities are better, the weather  
11 was better, she didn't -- wasn't able to provide,  
12 through her attorney, sufficient objective evidence that  
13 was admissible in the court that would prove those  
14 things, and that's a different issue.

15 And there were concerns that --

16 MR. DICKERSON: That's not what the finding  
17 was.

18 MR. PAGE: -- Judge Ritchie --

19 THE COURT: Mr. Page --

20 MR. PAGE: -- that would change the  
21 character --

22 THE COURT: -- I read the findings.

23 MR. PAGE: -- of the relationship that --

24 THE COURT: Your statements are ignoring --

25 MR. DICKERSON: That's not what the finding



1 is --

2 THE COURT: -- Judge Ritchie's findings that  
3 are right there. They're right on the paper.

4 With regard to Dr. Fontenelle, she is not  
5 appointed or qualified to make custody decisions, and  
6 I'm not delegating my authority to her or to anyone to  
7 make custody decisions.

8 MR. PAGE: Again, I don't want to -- I don't  
9 want --

10 THE COURT: I'm trying to talk and give my  
11 findings, Mr. Page. I let you make your record. I've  
12 read what you did.

13 And I understand your client's position very  
14 well. I also understand that she holds the key. If she  
15 would give up this war against Dad and give her children  
16 permission to love and respect their father -- they  
17 don't respect her even. If they respected her and she  
18 said -- says, get out of the car and go in your dad's  
19 house, they would do that. They don't have any respect  
20 for her. They know they could walk all over her, and  
21 it's -- it's a mutual using of each other between the  
22 children and her, and the children at their age are  
23 supposed to do that. They're supposed to be  
24 self-centered. They're supposed to act out to get what  
25 they want.

1 But they're also supposed to be trained from  
2 when they're little to respect their parents and never  
3 to lift a hand to their parents. And the fact that both  
4 Matthew and Hannah have admitted to it to their mother  
5 and she didn't say anything to them, she wasn't shocked  
6 about it, she thought it's appropriate, it -- it's --  
7 the key is with Mom.

8 And yes, the longer this rift between Dad and  
9 Hannah and Matthew goes on, the more painful the  
10 solution. It's like letting an infection go on, the  
11 longer it happens, the harder it is to -- to cure that  
12 infection. The harder the process and the treatment is.

13 But I find that it is in the best interest of  
14 this family to go through this program, and I'm ordering  
15 that they do so. And the dates of April 8th to 12th are  
16 best because the children should not have to miss  
17 school. I know Matthew and Hannah will not have to miss  
18 school. I don't know if Challenger has a different  
19 spring break. But that's right over their spring break.

20 And Mom holds the key to how long the  
21 sequestration period afterward happens. When she gets  
22 with the program -- because these allegations she's made  
23 against Dad have objectively been shown not to be true.  
24 If they get hurt because they don't want to obey a  
25 parent and they want to hit a parent and the parent is

1 trying to defend themselves, often you wrap up a child  
2 when they're acting out physically so they don't harm  
3 themselves or others, that's on them. That is not  
4 abuse.

5           If Dad had smacked them back, I would find  
6 that's not abuse. May not be the best parenting, but it  
7 does not rise to physical abuse in Nevada. These  
8 parents both have the right to spank their children if  
9 they feel that's appropriate parenting. I'm not saying  
10 I recommend that, but I'm saying there's a difference  
11 between trying to find effective methods to discipline  
12 children who are out of control, their behavior is  
13 completely out of control, than abuse.

14           And so as long as she sits there and tries to  
15 convince herself that there's something unsafe about  
16 them being with Dad, the longer this process is going to  
17 take and the more painful it's going to be for her and  
18 the children. But I can't make her -- I could make  
19 orders. I can order that she write that letter, and I  
20 am going to order she write that letter. I'm going to  
21 order that she go through -- which I've already done --  
22 therapy with Ms. Weiford specifically to improve her  
23 ability to co-parent and to support the children's  
24 relationship with Dad, and that's all tied in together  
25 to the program.

1           With regard to the specific orders -- and I  
2 do have jurisdiction and authority to make these  
3 temporary orders. I'm trying to fix the problem if  
4 you -- like I found before, we could go through a full,  
5 blown-out custody evaluation, spend lots of time and  
6 money getting there. It takes a few months to get that  
7 done. And in the meantime, the children are not getting  
8 what they need to improve their relationship with Dad.

9           Dad is not their enemy. He may parent  
10 differently than Mom. He's going to. He's a different  
11 person. He has a different background than her. Dads  
12 often have a different relationship with their children  
13 than moms do. There's a lot of gender norms involved in  
14 that. There's cultural issues in this case. There's  
15 all kinds of things in why they have different  
16 relationships. That doesn't mean he is not as valuable  
17 a person or parent as -- as Mom is. And these children  
18 I find need a healthy relationship with both parents,  
19 and they do not have that at this time.

20           I'm making temporary orders that Mom is going  
21 to be responsible for getting Hannah and herself  
22 transportation, so the flights out there to New York for  
23 herself and Hannah. And if she doesn't deliver Hannah  
24 to that, that is going to be a very big problem. I'm  
25 ordering her to -- to cooperate and do everything that

1 the program requires, including getting Hannah out there  
2 physically.

3 Dad's going to be responsible paying for  
4 transportation for himself, Selena and Matthew. He's  
5 going to pay for all the lodging and entertainment.

6 Mom is going to be responsible for the  
7 \$15,000 program fee. But I don't want that to disrupt  
8 getting into this program for these children, so Dad,  
9 you're going to front it so you can reserve those  
10 papers, and Mom is going to reimburse Dad that \$15,000  
11 within 30 days of his providing the receipt.

12 Mom is also going to pay child support to  
13 Dad. I only have her 2019 financial disclosure form in  
14 which she reported a gross monthly income of I think  
15 34,000 and change. Her child support for April, May and  
16 June, and hopefully that's all it takes, is going to be  
17 \$3,541 per month.

18 I'm going to redo -- I have a modifiable copy  
19 of the order for the participation in Turning Points.  
20 I'm going to redo that order with the changes I've made  
21 today, and I'll enter that order.

22 Any questions regarding what I'm ordering  
23 today?

24 MR. PAGE: A couple of things here. One, I  
25 do need to make a record that you said that you can't

1 delegate your authority to Dr. Fontenelle regarding  
2 custody decisions. The order does not say that  
3 Dr. Fontenelle gets to make custody decisions. It does  
4 say that the parties are to follow her recommendations.

5 As to say that it's not objectively true that  
6 Mr. Vahey has not --

7 MR. DICKERSON: Your Honor --

8 MR. PAGE: -- battered these children, that  
9 punching a child is not discipline, choking a child  
10 around their neck is not -- is not --

11 MR. DICKERSON: Excuse me, Your Honor.  
12 Excuse me.

13 MR. PAGE: -- head against the floor is not  
14 discipline. We talk about these kids. You -- the Court  
15 is making claims these children are not out of control,  
16 however Hannah is getting -- is a 4.0 student. Hannah  
17 is doing --

18 MR. DICKERSON: Wait.

19 MR. PAGE: -- very well behaviorally in  
20 school and making friends.

21 THE COURT: Mr. Page --

22 MR. PAGE: But to say that she is out of  
23 control, I would submit that it is not supported by the  
24 facts. And there's also no facts that would indicate  
25 that Selena is having out-of-control behavior or is

1 having academic difficulties.

2 MR. DICKERSON: Thank you. Your Honor, you  
3 will be entering the order. Thank you very much. We  
4 appreciate your time.

5 THE COURT: Yes. I will -- I will enter that  
6 order, and we'll go from there.

7 MR. DICKERSON: Thank you very much.

8 THE COURT: And I'm going to leave the  
9 May 31st hearing, that status check hearing on, unless  
10 there -- either party wants me to move that up after we  
11 get them through the April program. I'm available to  
12 move that hearing up. But right now I'm going to leave  
13 that stand.

14 MR. DICKERSON: What time on May 31st, Your  
15 Honor?

16 THE COURT: 3 p.m.

17 MR. DICKERSON: Thank you, Your Honor.

18 THE COURT: All right. Thank you all.

19 MS. DOLSON: Thank you, Your Honor.

20 MR. PAGE: Your Honor, could we move the  
21 hearing date up since we're going to be back soon after  
22 the spring break?

23 MR. DICKERSON: Let's leave it where it is.  
24 Let's leave it where it is, Your Honor. Thank you.

25 THE COURT: I'm not going to move it up right

1 now.

2 MR. DICKERSON: Thank you.

3 (Audio concluded.)

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## C E R T I F I C A T E

I, BECKY J. PARKER, do hereby certify  
that the foregoing pages constitute a full, true, and  
accurate transcript of the digital recording, all  
transcribed to the best of my skill and ability.

WITNESS my hand this 25th day of March,  
2022.



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BECKY J. PARKER, RPR, CCR

Nevada Certified Court Reporter No. 934

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