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

TARA KELLOGG,  
Appellant,

v.

ALEX GHIBAUDO,  
Respondent.

Case No. 84778

**RESPONDENT'S APPENDIX VOLUME III**

**DATED** November 14, 2022.

Respectfully Submitted,

*/s/ Alex Ghibaud*

Alex B. Ghibaud, Esq.  
*Pro Se Respondent*

**CERTIFICATE OF MAILING**

I certify that on the November 15, 2022, I served a copy of this  
RESPONDENT’S APPENDIX VOLUME III upon Appellant through the Court’s  
electronic service system to the following:

Evan Schwab, Esq.  
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Dated this 15<sup>th</sup> Day of November, 2022.

*/s/ Alex Ghibaud*

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Alex B. Ghibaud

**KELLOGG v. GHIBAUDO**

**DOCKET NO. 84778**

**INDEX**

Description	Bates No.
Respondent's Motion for an Order to Show Cause and related relief filed 2/7/2022 in the district court	0001-0027
Respondent's Exhibits to Motion for an Order to Show Cause filed 2/7/2022 in the district court	0028-0355
Videotaped Deposition of Tara Kellogg dated January 27, 2022	0356-0589
Notice of Entry of Stipulated Confidentiality Agreement and Protective Order filed 3/22/2022 in the district court	0590-0604
Appellant's Opposition to Respondent's Motion for an Order to Show Cause filed March 4, 2022 in the district court	0605-0621
Respondent's Reply to Appellant's Opposition and Countermotion filed 3/7/2022 in the district court	0622-0644
Respondent's Supplement to Reply and Exhibits to supplement filed March 11, 2022 in the district court	0645-0675
Respondent's Second Supplement to Reply and Exhibits to supplement filed March 11, 2022	0676-0682
Notice of Entry of Findings of Fact, Conclusions of Law, and Order and FFCL attached filed April 14, 2022	0683-0692

1 exhibits in my complaint, Mr. Nelson.

2 MR. NELSON: Let me verify. Ms. Kellogg has  
3 that page open. Go ahead.

4 Q. (By Mr. Ghibaudo) Okay. Do you see that  
5 snippet at the bottom of your comment?

6 A. Correct.

7 Q. Where -- what is that snippet from?

8 A. It is from a -- a therapy session for Nicole  
9 required by the state because of your domestic  
10 violence. And it says, as I quote, "The extreme" --

11 Q. I'm not --

12 A. -- amount of stress and --

13 (Crosstalk.)

14 Q. I have not asked you a question yet. I have  
15 not asked you a question yet, okay?

16 A. Okay.

17 Q. So you're alleging that it was -- that it  
18 was me that the state bar -- or not the state bar, but  
19 that CPS went after, and that it was me that was  
20 forced into a case plan.

21 Isn't it true -- and this is a yes or no --  
22 that on or about 2010 to 2013, you were required to  
23 complete a case plan through CPS? Is that true or  
24 false?

25 A. You were required --



1 Q. That's not the question I'm asking you.

2 A. You were required.

3 Q. I'm asking you yes or no. Were you -- were  
4 you -- were you -- was a petition for abuse and  
5 neglect ever brought against you; yes or no?

6 A. I don't believe so.

7 Q. Okay. So --

8 A. I know that one was required for you.

9 Q. The question, Ms. Kellogg -- you need to  
10 stop.

11 So even if -- even if this was a report that  
12 was done pursuant to a case plan that you allege that  
13 I was on --

14 A. And you were.

15 Q. Stop. I'm asking you a question. You need  
16 to listen.

17 So you posted publicly a report from a  
18 juvenile, from a small child -- Nicole was what age at  
19 that time, ten?

20 A. I don't know.

21 Q. And you posted a private report about your  
22 daughter on Facebook. Is that true, or is it false?

23 A. It was in a private report.

24 Q. You're saying that -- that reports about  
25 juveniles, about ten-year-old children, are public?



1           **A.       It was a counseling session.**

2           Q.       So that's a public record is what you're  
3 saying?

4           **A.       No.**

5           MR. NELSON: Objection. Calls for a legal  
6 conclusion.

7           **A.       Absolutely not.**

8           Q.       (By Mr. Ghibaudo) It's not, right? But you  
9 posted it anyway, correct?

10          **A.       What?**

11          Q.       You posted it anyway, correct?

12          **A.       In anyway from what?**

13          Q.       Even though it's not a public record and  
14 it's pertaining to a child, you posted that on a  
15 public Facebook page; yes or no?

16          MR. NELSON: Objection. It's a compound  
17 question, Mr. Ghibaudo. You can ask her if she posted  
18 it. You can ask her if it's a legal document. But  
19 you're essentially asking her --

20          MR. GHIBAUDO: She posted it. Look, I'm  
21 looking at it right now. She's already said that it's  
22 been posted, right?

23          Q.       (By Mr. Ghibaudo) That is a report from  
24 Nicole -- about Nicole's therapy; yes or no?

25          **A.       Yes, it's a counseling session.**



1 Q. Okay. And that when she was on her -- she  
2 was about ten years old at the time, correct? Yes or  
3 no?

4 A. **This has nothing about Nicole in it. It has**  
5 **everything about you in it.**

6 Q. So you're saying that this is a private  
7 medical record about me and not a record that was  
8 generated through a CPS case about Nicole? Is that  
9 what you're alleging right now? You're under oath,  
10 Ms. Kellogg.

11 A. **Okay. What's your question?**

12 Q. My question is: Did you post a private  
13 report about either me or Nicole that pertains to  
14 medical records publicly, whether it's me or Nicole?

15 A. **No, this has nothing to do with a medical**  
16 **record.**

17 Q. It's not. It's not a report about --

18 A. **It's a therapy session.**

19 Q. Okay. And so that's not protected by HIPAA?

20 A. **I don't know.**

21 Q. That's something that should be made public?

22 A. **I don't know.**

23 Q. You don't know, or you don't care?

24 A. **I don't know.**

25 Q. Or you're so filled with rage that you don't



1 care? Which one is it?

2 MR. NELSON: Objection. Asked and answered.

3 Q. (By Mr. Ghibaudo) Okay. Let's turn to  
4 Bates Stamp 5 in my exhibits.

5 A. Go on.

6 Q. Okay. What is that -- that document that  
7 you're posting there, those 16 pages? What is that?

8 A. Well, this is the Order Upon Consent.

9 Q. And you posted that publicly?

10 A. I didn't -- it doesn't say that I posted  
11 anything.

12 Q. Okay. Well, I'm asking you: Is this from  
13 you or not?

14 A. I don't know. It doesn't say my name. It  
15 doesn't say anything.

16 Q. So you're saying you did not. It's a  
17 yes-or-no question. So it's a no, right?

18 A. I'm saying I don't know.

19 Q. Your claim is that you did not post this?

20 A. I don't know. It doesn't have my name on  
21 it.

22 Q. Well, let me ask you this: Did you post  
23 that consent, whatever it is that you want to call it,  
24 the Order, the Consent Upon Decree, whatever -- that  
25 looks like a letter from your attorney, actually.





1           Are you saying that you never posted that  
2   on -- you never posted anything publicly concerning  
3   our case or anything that your attorney wrote  
4   concerning our case; is that what --

5           **A.       I have -- I have posted things in the**  
6   **R case, yes.**

7           Q.       Okay. And that case is sealed, correct?

8           **A.       No, it's not.**

9           Q.       There's no order sealing -- didn't you just  
10   testify several hours ago that -- when I asked you  
11   about the videos, that the only thing that's sealed is  
12   pleadings and documents; is that --

13                   (Crosstalk.)

14           **A.       The R case. Pay attention.**

15           Q.       Listen, Ms. Kellogg. You need to calm down.  
16   This is my deposition. You don't get to scream and  
17   shout and act like you're some victim or act like  
18   you're in control of the situation. You are not. I'm  
19   asking you questions, and you need to answer them.

20           **A.       This is you being a bully again.**

21                   MR. GHIBAUDO: Mr. Nelson, instruct your  
22   client on how to behave.

23                   Do we need to take another ten-minute break,  
24   Mr. Nelson --

25                   MR. NELSON: Let's take another ten.



1 MR. GHIBAUDO: -- so you can discuss with  
2 your client how to behave?

3 MR. NELSON: Let's take another ten.

4 THE DEPONENT: No. You need to learn how to  
5 behave.

6 MR. NELSON: Let's take another ten.

7 MR. GHIBAUDO: Thank you.

8 THE VIDEOGRAPHER: We're now going off the  
9 record. The time is approximately 1:27 p.m.

10 (Recess from 1:27 p.m. to 2:09 p.m.)

11 THE VIDEOGRAPHER: We are now back on the  
12 record. The time is approximately 2:09 p.m.

13 MR. GHIBAUDO: All right. First of all,  
14 Mr. Nelson, how much time do you think you're going to  
15 need for rebuttal or rehabilitation?

16 MR. NELSON: You know, given that  
17 Ms. Kellogg is my client, I think I'll save a  
18 rebuttal -- probably 10, 15 minutes at most, somewhere  
19 in there.

20 MR. GHIBAUDO: Okay.

21 Q. (By Mr. Ghibaudo) All right. Ms. Kellogg,  
22 you were just handed two documents. One is the  
23 minutes from the settlement conference from May 18,  
24 2016, and another is a new post that I assume is  
25 directed at me; however, it's stated in a way that it



1 seems like somebody else wrote it.

2 So let me just ask you: Do you see the  
3 document that you were given that says, "Hey, Stalker,  
4 leave her alone. She's done with you. Stalking my  
5 feed for access just proves how creepy and  
6 narcissistic you are." Do you see that?

7 **A. Yes.**

8 Q. Did you post that?

9 **A. Yes.**

10 Q. Are you referring to me?

11 **A. Yes.**

12 Q. And again, you called me a narcissist?

13 **A. Yes.**

14 Q. Is that a statement of fact?

15 **A. It's what my opinion is.**

16 Q. And what's that opinion based on?

17 **A. Because of your actions.**

18 Q. What actions?

19 **A. You are selfish. You are self-absorbed.**

20 **You care about nobody else except for yourself. You**  
21 **believe that you are the ultimate ruler of the**  
22 **universe, so forth and so on.**

23 Q. And those are statement of facts, according  
24 to you, right?

25 **A. According to me, yes.**



1 Q. Okay. And you believe I'm a stalker?

2 **A. Yes.**

3 Q. And that's a statement of fact?

4 **A. Yes.**

5 Q. Okay. Now, turning to the settlement  
6 conference, it's kind of hard to read, but look at  
7 4-A, which is about -- if you can find --

8 MR. GHIBAUDO: Can you help her find that,  
9 Mr. Nelson?

10 **A. Defendant will pay Plaintiff, yes.**

11 Q. (By Mr. Ghibaudo) The sum of 2,500 per  
12 month in alimony, blah, blah, blah, blah, blah.  
13 Continue until such time she becomes employed, then  
14 the amount of alimony may be recalculated.

15 Do you recall the settlement conference?

16 **A. I do.**

17 Q. Do you recall discussing you having to get a  
18 job in order to defray the cost of alimony?

19 **A. Absolutely not. Never happened.**

20 Q. Then why would that be indicated in the  
21 settlement conference?

22 **A. It did not say that.**

23 Q. Why would it -- why would it even been  
24 mentioned, if it was never discussed?

25 **A. It's not. What are you talking about? I**



1     **don't know what you're saying.**

2           Q.     So is it your contention that you don't ever  
3     need to work?

4           A.     As -- what the divorce decree says, upon  
5     time of which I work more than 32 hours a week, then  
6     it will be recalculated. The divorce proceeding that  
7     you were there for and, you know, we both signed, we  
8     both agreed to it, so it is what it is.

9           Q.     I did not sign it, actually.

10          A.     Okay.

11          Q.     If you recall, I did not sign it.

12                 So let me ask you this: How many times have  
13     you applied for work since 2017?

14          A.     I think we already went through that. The  
15     last employment I had --

16          Q.     That's not question. I'm not --

17                 (Crosstalk.)

18          Q.     You need to listen to the question, okay?

19                 How many times -- let's start with 2017.

20     How many times did you apply for work in 2017?

21          A.     Zero.

22          Q.     How many times did you apply for work in  
23     2018?

24          A.     Zero.

25          Q.     How many times did you apply for work in



1 2019?

2 **A. I believe once at We Care.**

3 Q. And how about -- and for how many days did  
4 you want to work at We Care?

5 **A. Whatever they had available.**

6 Q. Is that one day a week?

7 **A. I don't know. They didn't tell me.**

8 (Crosstalk.)

9 Q. So you're saying that you applied for work,  
10 and they didn't tell you how many hours or how much  
11 you're going to get paid?

12 **A. I just told you, I don't know. The pandemic**  
13 **hit.**

14 Q. I'm asking you, when you applied -- I'm  
15 assuming that you spoke to the person, whoever's in  
16 charge of hiring, and you're saying that you never  
17 discussed how many days you would work and how much  
18 your pay rate would be. Is that what you're saying?  
19 Is that your allegation?

20 **A. I am saying that the days were not**  
21 **determined, and I was not informed of the pay.**

22 Q. Okay. So in 2020, did you apply for work?

23 **A. No.**

24 Q. In 2021, have you applied for work?

25 **A. No.**



1 Q. Since 2022 to date, have you applied for  
2 work?

3 A. No.

4 Q. Why?

5 A. Because my doctor says that I'm currently  
6 disabled and unable to fulfill gainful employment.

7 Q. And what is your disability?

8 A. It's a -- as you well know, it's a cognitive  
9 disability. It is an anxiety disorder as well as  
10 PTSD, which has increased over the past couple years.  
11 And you have those documents.

12 Q. I have -- are you referring to the two-page  
13 letter from Mr. Rosenblum, I believe?

14 A. Yes. And it's not Mr. It's Miss.

15 Q. Whatever. Have you applied for disability  
16 with the government?

17 A. I have.

18 Q. And have you been accepted?

19 A. It's still in the determination.

20 Q. Okay. So you're saying that ADHD and  
21 anxiety prohibits you from working?

22 A. Well, I'm saying exactly what the -- the  
23 letter says.

24 Q. So what you're saying, actually, is that you  
25 would prefer for me and your parents to pay for your



1 lifestyle, rather than actually try to get a job. Is  
2 that a true and correct statement?

3 **A. I would prefer for you to pay your**  
4 **court-ordered support obligation.**

5 Q. And if not, you'd prefer your elderly  
6 parents to pay for your lifestyle, rather than a job?

7 **A. No. I would prefer for you to pay your**  
8 **court-ordered support obligation.**

9 Q. Okay. And your anxiety is so great that you  
10 can't sit and answer phones or do anything at all. Is  
11 that what you're saying?

12 **A. That's what you're saying.**

13 Q. I'm asking you.

14 **A. That's what -- my physician provided a**  
15 **letter. I'm going off of the letter that my physician**  
16 **provided, and I believe that you do have that letter.**

17 Q. A physician or a psychotherapist?

18 **A. I think they're both the same.**

19 Q. They are not. A physician is a doctor, is  
20 an MD. A therapist has, at best, a degree -- a Ph.D.  
21 in --

22 **A. Not a therapist. She's a psychiatrist.**

23 Q. Okay. So your psychiatrist is saying -- and  
24 why didn't you disclose these documents, by the way,  
25 during the litigation that ran from 2019 to the end of





1 2020?

2 **A. Because you posted everything on Nevada**  
3 **Court Watchers. My medical record, you provided --**

4 Q. When did I do that?

5 (Crosstalk.)

6 Q. When was it exactly -- if I didn't -- wait.  
7 Stop.

8 So you're saying you did not provide that,  
9 but you're now saying I posted your medical records.  
10 How does that make sense?

11 **A. Listen.**

12 Q. No, you listen.

13 **A. Please, let me answer. I'm trying to answer**  
14 **you, please.**

15 Q. Stop. Again, you don't get to talk to me  
16 like that. You answer the questions, okay?

17 You just made a contradictory statement.  
18 You said that you did not provide medical records,  
19 because I posted your medical records on Nevada Court  
20 Watchers. Which one is it? Did you provide the  
21 records?

22 **A. I'm trying to answer you.**

23 MR. GHIBAUDO: Mr. Nelson.

24 **A. You, first of all, got into a conflict on**  
25 **Nevada Court Watchers.**



1 MR. GHIBAUDO: If we're just going to  
2 continue to scream and shout at each other, or is your  
3 client going to answer questions?

4 MR. NELSON: I believe my client is trying  
5 to state an answer, if you can just allow her a moment  
6 to explain. You said that she made a statement --  
7 contradictory statement. I don't believe she did. If  
8 you can allow her to explain, I would be so --

9 MR. GHIBAUDO: Okay.

10 THE DEPONENT: Thank you.

11 Q. (By Mr. Ghibaudo) You're -- so let's start  
12 here. You're alleging that I said one word about you  
13 on the Nevada Court Watchers?

14 A. I am alleging that you stated on Nevada  
15 Court Watchers in an exchange with Attorney Sigal  
16 Chattah that you said that my dad provided court  
17 documents that said that I am mentally disabled. Is  
18 that not correct?

19 Q. Are you asking me a question, ma'am?

20 A. Because I do have the documents.

21 Q. Are you yet again asking me a question?

22 A. Well, I have a document.

23 Q. What don't you understand about not asking  
24 me questions? Can I ask you that? That's a valid  
25 question.



1                   What -- is that part of your cognitive  
2   disability? What don't you understand about not  
3   asking me questions? Can I ask you that? What part  
4   of that don't you understand?

5                   Maybe I can clarify it for you. You do not  
6   get to ask me questions. Is that clear enough to you;  
7   yes or no? That's a question I'm asking you.

8           **A.     I can't -- I can't hear you. What?**

9           Q.     I'm asking you: Is it clear enough to you  
10   that you do not get to question me? Is that clear;  
11   yes or no?

12          **A.     Yes, that's very clear, Mr. Ghibaudo.**

13          Q.     Thank you.

14          **A.     I apologize for --**

15          Q.     Well, that's just very kind of you.

16          **A.     I know it is.**

17          Q.     So you never provided medical records  
18   substantiating what you're claiming now concerning  
19   your disability, true?

20          **A.     That is true.**

21          Q.     Okay. And you're asserting that that's the  
22   case because you were afraid that I would post it  
23   online; is that true? Not that I did, but --

24          **A.     In addition to other factors. In addition**  
25   **to other factors.**



1 Q. Like what?

2 A. Because my disability had nothing to do with  
3 our settlement agreement. My disability was never  
4 mentioned in our settlement agreement.

5 Q. Wasn't it the case that --

6 A. And you don't want me to finish, so I'm not  
7 going to.

8 Q. Wasn't it the case that the discovery  
9 commissioner during that litigation ordered you to  
10 provide those medical records?

11 A. The discovery -- what are you talking about?

12 Q. During the 2019 to 2020 litigation, there  
13 was a hearing before the discovery commissioner,  
14 because you refused to provide your medical records,  
15 because you continue to claim you can't work based on  
16 your disability. That is relevant. And you refused  
17 to provide them despite the fact that you were ordered  
18 to do so; yes or no?

19 A. I do -- I do not recall that whatever --  
20 100 percent. I do not recall that.

21 Q. All right. When did you apply for  
22 disability with the government?

23 A. It was a few a months ago.

24 Q. So you applied for disability a few months  
25 ago. What is the status of that case?



1           **A.       I don't know.**

2           Q.       Who is your attorney for that? Who is  
3 assisting you in that?

4           **A.       I can't remember the firm right now.**

5           Q.       You hired a lawyer, and you don't remember  
6 the name of your lawyer? Is that what you're  
7 asserting today?

8           **A.       That's what I'm asserting right now.**

9           Q.       Okay.

10          **A.       Richard Harris. Richard Harris.**

11          Q.       Okay. And when were you diagnosed with  
12 generalized anxiety and ADHD?

13          **A.       It was in 2013. You're well-aware of it.**

14          Q.       Again, that comment is not necessary.  
15 Again, you're making -- you're just -- you're making  
16 comments that are escalating this issue that are not  
17 necessary.

18                 All right. I'm asking you the questions.  
19 If I'm well-aware of it, that doesn't matter. I want  
20 to hear it from you to make a record. Is that clear?

21          **A.       Very clear, Mr. Ghibaudo.**

22          Q.       Thank you. Yes, thank you very much.

23                 So if you knew that you had generalized  
24 anxiety and ADHD in 2013, why did you wait until a few  
25 months ago to apply for disability?



1           **A.       Because I have a doctor's letter that says**  
2           **that I am unemployable.**

3           Q.       Weren't you under the care of a doctor since  
4           2013? In fact, haven't you been under the care of a  
5           doctor since before 2013?

6           **A.       Yes. I've been under the care of a doctor**  
7           **since 2013, yes.**

8           Q.       Okay. So eight years ago, you were -- you  
9           were deemed what -- at that time did they tell you you  
10          were disabled?

11          **A.       No.**

12          Q.       You just suddenly became disabled?

13          **A.       Over the past couple years, as the letter**  
14          **states, due to ongoing litigation and ongoing marital**  
15          **stressors.**

16          Q.       We're not married.

17          **A.       Well, I'm just telling you what the letter**  
18          **said.**

19          Q.       Okay. And how long is this process going to  
20          take, approximately?

21          **A.       I have no idea.**

22          Q.       You didn't -- your lawyer didn't give you a  
23          time frame about what and how long this may take?

24          **A.       No.**

25          Q.       How many times have you spoken to your



1 lawyer about this issue?

2 **A. I've never spoken to the lawyer. They have**  
3 **paralegals that are handling it.**

4 Q. So you hired a law firm, which you don't  
5 know who your lawyer is, you're just dealing with the  
6 paralegal?

7 **A. I just said it was Richard Harris Law Firm**  
8 **and --**

9 (Crosstalk.)

10 Q. But you never met a lawyer at that law firm?

11 **A. Pardon?**

12 Q. But you never met a lawyer from that law  
13 firm?

14 **A. No.**

15 Q. So the paralegal told you that you're --  
16 you're eligible for disability benefits?

17 **A. She didn't say anything. She -- in the**  
18 **process of -- of getting the information from my**  
19 **physicians to provide documentation.**

20 Q. Okay. And does your doctor in his letter  
21 state you're unable to work, or does he just state  
22 that you're disabled?

23 You can work if you're disabled, correct?

24 **A. I'm just telling you what the letter says.**  
25 **That's all I'm saying, is what the letter says.**



1 Q. So --

2 A. I can't -- I cannot think of what the doctor  
3 is thinking in her mind. All I'm stating is what the  
4 letter says.

5 Q. How long have you been treating with that  
6 doctor that provided the letter that was attached to  
7 your motion for a protective order?

8 A. That was what? Attached to what?

9 Q. The motion for a protective order that you  
10 presumably read and signed off on, the letter that you  
11 provided to your attorney that he attached as an  
12 exhibit to the motion for a protective order that you  
13 just referenced.

14 A. Oh, for the discovery commissioner.

15 Q. Yes.

16 A. I believe it was March 2019.

17 Q. So you've been under that doctor's care for  
18 the last four years, and she just determined that you  
19 are disabled? Is that what you're asserting?

20 A. I don't believe it's four years.

21 Q. You said 2018. It's 2022.

22 A. I said 2019.

23 Q. No, you didn't. But okay.

24 So for the last three years, you've been  
25 under the care of that doctor, but she only recently





1 determined that you're disabled, right? Is that what  
2 you're inferring?

3 **A. That's what the letter says.**

4 Q. Okay. And did that doctor's opinion -- was  
5 that doctor's opinion that your disability is to such  
6 a level that you cannot sit at a desk and answer  
7 phones, for example?

8 **A. I'm just repeating what the letter says.**

9 Q. What does the -- I'm asking you, does the  
10 letter say that your disability is so great that you  
11 can't get a job?

12 **A. It says that I'm unable to work at this**  
13 **time.**

14 Q. At this time. Does it state that you can  
15 work at a later time after you get therapy and you do  
16 substantial therapy --

17 **A. No, it doesn't state anything.**

18 Q. -- to deal with whatever issue you have?

19 **A. No, it doesn't state anything like that.**

20 Q. Okay. Well, let's pull it up and see.

21 **A. Okay.**

22 Q. Well, let's not. Let's just --

23 MR. GHIBAUDO: Mr. Nelson, you filed the  
24 motion. I think you understand what the letter says.  
25 We'll deal with her statement at trial and impeach her



1 with it.

2 Q. (By Mr. Ghibaudo) So you have no intention  
3 of working for the rest of your life? Is that the  
4 case? You want to collect disability? Is that a true  
5 statement?

6 A. No.

7 Q. So you intend to go back to work at some  
8 point?

9 A. No. I intend to finish school, and then --  
10 (Crosstalk.)

11 Q. All right. Let's talk about that, by the  
12 way.

13 You have, according to your own testimony,  
14 seven classes that are -- that you need to take,  
15 correct?

16 A. Correct.

17 Q. And how much do those seven classes cost  
18 you? What costs you, if you paid for them and you  
19 took them?

20 A. I don't know.

21 Q. Well --

22 A. I don't have any financial aid.

23 Q. What school are you going to?

24 A. What?

25 Q. What school are you attending or were



1 attending? UNLV or -- which one was it?

2 **A. UNLV.**

3 Q. Okay. So how much do they charge per  
4 credit?

5 **A. I do not know what the current price is.**

6 Q. What do you know about your life? Do you  
7 know anything?

8 MR. NELSON: Objection. Argumentative.

9 Q. (By Mr. Ghibaudo) Okay. How much have you  
10 spent on attorneys in the last six years?

11 **A. I haven't spent any money, because I don't**  
12 **have any money.**

13 Q. Okay. In 2017, did I pay you money?

14 **A. I believe you paid some money.**

15 Q. \$30,000?

16 **A. No.**

17 Q. Okay. So you're lying again?

18 **A. No, I'm not.**

19 MR. NELSON: Objection.

20 Q. (By Mr. Ghibaudo) In 2018, were you paid  
21 money by me? In 2018, did you collect money from me?

22 **A. 2019?**

23 Q. '18.

24 **A. I believe seven months.**

25 Q. Okay. In that time have you been -- who is



1 paying for the -- who was paying for your college  
2 credits? You said you were getting school loans; is  
3 that true?

4 **A. No, that's not what I said.**

5 Q. Okay. So how were you paying for it?

6 **A. In 2018 --**

7 Q. Your college classes?

8 **A. I was not in school in 2019.**

9 Q. So you quit school in 2019 with seven  
10 classes left?

11 **A. The second semester, when you stopped paying**  
12 **me.**

13 Q. Okay. But you were able to pay, what, seven  
14 attorneys?

15 **A. I wasn't able to pay any attorneys.**

16 Q. Okay. Who paid for your attorneys?

17 **A. My parents -- my parents loaned me the**  
18 **money.**

19 Q. Okay. And how much did they loan you?

20 **A. I don't have that figure right in front of**  
21 **me.**

22 Q. Is it fair to say that you paid Marshal  
23 Willick at least \$60,000?

24 **A. Like I said, I don't have that figure in**  
25 **front of me.**



1 Q. Okay. You know that that's a public record.  
2 It was filed. You understand that, right?  
3 Presumably, you read it, because you wanted to  
4 challenge it.

5 Is it fair to say that you owe Marshal  
6 Willick in excess, let's say, of \$10,000, or you paid  
7 him at least that, since that's what his initial  
8 retainer is. Is that true?

9 **A. Of course, it's true.**

10 Q. Okay. And then, let's see, after Marshal  
11 Willick, you had Dennis Leavitt, correct?

12 **A. Well, you're forgetting Sigal --**

13 Q. Oh, I'm sorry. Okay, yeah. So you had  
14 Sigal Chattah at some point as well?

15 **A. Yes.**

16 Q. Okay. So let's run down. You had Marshal  
17 Willick, right?

18 **A. Uh-huh.**

19 Q. Since 2000 -- we're talking now since 2016.

20 **A. Uh-huh.**

21 Q. First, it was Sigal Chattah, correct? Then  
22 it was Marshal Willick; is that right?

23 **A. Correct.**

24 Q. Then it was Dennis Leavitt, correct?

25 **A. Held me in contempt for nonpayment, yes.**



1 Q. Okay. I didn't ask you that. You need to  
2 listen to the question --

3 A. I apologize.

4 Q. -- and answer the question without  
5 commentary. Your attorney will have a chance to  
6 rehabilitate you or ask you questions after, as you've  
7 been repeatedly told.

8 Okay. So after Dennis Leavitt, you had who?  
9 Peter Bellon for a minute, before he withdrew?

10 A. He was never my attorney of record.

11 Q. But you paid him, right, initially at some  
12 point, because I had conversations with him. You did  
13 hire him. Is that true or incorrect?

14 A. I don't know if it was a hire -- I don't  
15 know what happened with Mr. Bellon. I don't know.

16 Q. And then you had Sigal Chattah again,  
17 correct?

18 A. Correct.

19 Q. And then you fired her and got Chris Reed,  
20 correct?

21 A. I did not fire her.

22 Q. She fired you?

23 A. No, she didn't fire me. I decided that  
24 Chris Reed was capable of handling both, instead of me  
25 paying for two attorneys, because he was the one that



1     **I initially hired to -- for the garnishment.**

2           Q.     Okay. So then after Chris did fire you,  
3     actually, because he couldn't control you, you hired  
4     Mr. Nelson?

5           **A.     That's incorrect.**

6           Q.     Okay. And then you hired Mr. Nelson,  
7     correct?

8           **A.     Yes.**

9           Q.     And you gave Mr. Nelson at least \$15,000,  
10    correct?

11          **A.     That's correct.**

12          Q.     Okay. So that's a lot of attorneys and a  
13    lot of money?

14          **A.     Yeah.**

15          Q.     All right.

16          **A.     You're absolutely correct.**

17          Q.     Why couldn't you use any of that money to  
18    finish your seven classes?

19          **A.     Because it's not my money.**

20          Q.     It's not your money. But you were able to  
21    get enough loans to hire enough attorneys to litigate  
22    this for six years, but you couldn't get money to pay  
23    for seven classes at UNLV? Is that what you're  
24    saying?

25          **A.     It's not my money.**



1 Q. So your -- who dictates how you spend your  
2 money?

3 A. It's not my money.

4 Q. But you get the money, correct?

5 A. No, I don't.

6 Q. Who gets it?

7 A. My parents. My parents have the money.  
8 They loan me the money.

9 Q. So you get the money. You have money,  
10 because they loan it to you.

11 A. No. No, that's not true.

12 Q. So at some point, if you have a loan, that  
13 loan is given to you; yes or no?

14 A. No.

15 Q. So you don't have a loan?

16 A. The money is paid directly to the attorney.

17 Q. Okay. So why couldn't you ask for a loan to  
18 finish your school?

19 A. Because my parents are also paying for your  
20 daughter's college tuition.

21 Q. So your parents can pay upwards of \$200,000  
22 for attorneys, but they can't pay for seven classes?  
23 Is that what you're -- you're testifying to today?

24 A. Yes. In addition to living expenses, of  
25 course, they also are forced to pay for, because you





1     **didn't pay your court-ordered support obligation.**

2           Q.     And you're asserting that \$2,500 a month  
3     will pay for your -- the entirety of your bills?

4           A.     **No.**

5           Q.     How much do you pay for --

6           A.     **I have back support that you owe me.**

7           Q.     Okay. How much do you pay for the mortgage  
8     on your home, on your condo?

9           A.     **Okay. It's not my mortgage.**

10          Q.     So you didn't pay anything for that?

11          A.     **I pay rent.**

12          Q.     Okay. How much do you pay in rent?

13          A.     **1,250.**

14          Q.     Okay. Do you have a car note?

15          A.     **No.**

16          Q.     So your car's paid off?

17          A.     **Yes.**

18          Q.     All right. And presumably --

19          A.     **Part of the marital debt that you never paid**  
20     **for.**

21          Q.     Yeah, that I will never pay for, because  
22     that's what was ordered.

23                   So I'm not understanding. It doesn't make  
24     any sense. How is it that you can acquire seven  
25     attorneys in at least excess of \$200,000, but you



1 can't afford to pay for seven classes to finish  
2 school? Explain that.

3 **A. That's just how it is. Sorry.**

4 Q. That's just how it is --

5 **A. Yes.**

6 Q. -- because you don't want to get a job,  
7 right?

8 **A. No. I was doing just fine until you stopped**  
9 **paying your court-ordered support.**

10 Q. So you were paying your classes with my --

11 **A. And you did so purposely so I couldn't**  
12 **finish.**

13 Q. Hang on. I'm not -- you don't get a chance  
14 to talk. I'm asking you a question.

15 So you're saying that you were paying for  
16 your college tuition by my -- with my court-ordered  
17 support? Is that what you're saying?

18 **A. Yes.**

19 Q. But you previously said that you had school  
20 loans, so which one is it?

21 **A. No, I didn't say that.**

22 Q. You never had school loans?

23 **A. No. I exhausted my school loans by paying**  
24 **your reinstatement fee.**

25 Q. Okay. You paid it. I didn't have any --



1     okay.   Yeah, right.

2           **A.       Yeah, right.**

3           Q.       So it makes sense to you to have your  
4     elderly parents shell out over \$200,000 to collect  
5     \$2,500 a month, rather than pay for seven classes and  
6     get a job.   That make sense to you?

7           **A.       I can't determine what my parents pay and**  
8     **what they don't pay.   I apologize.**

9           Q.       Is it you that asked them for the money to  
10    pay for the attorneys, or they just shell it out  
11    themselves?   Are they the ones driving this  
12    litigation, or is it you?

13          **A.       Whatever is required, that's what they do.**

14          Q.       Is it not required for you to get your  
15    education and get a job?   They don't think that?

16          **A.       No.   What's required is for you to pay your**  
17    **monthly support.**

18          Q.       That's not what I asked you.

19          **A.       I don't know.**

20          Q.       That's not what I asked you.

21          **A.       I don't know what my parents think.   I don't**  
22    **know what they feel.   I don't know what they have**  
23    **moneywise.   It's not -- it's not up to me.**

24          Q.       How old are you?

25          **A.       You're making me make assumptions when I**



1     **have nothing to -- to assume.**

2           Q.     So how old are you?

3           A.     **I am 48.**

4           Q.     Okay. And your parents dictate to you, a  
5     48-year-old woman, what to do with your life? Is that  
6     what you're asserting?

7           A.     **No.**

8           Q.     Well, you're just telling me that you don't  
9     get a choice as to what -- how the money is spent.

10          A.     **They're paying, yes. I don't get to choose,**  
11     **and I don't get to dictate how they spend their money.**

12          Q.     So you think it's not a good idea to go to  
13     your parents, who have enough money to spend \$200,000  
14     on lawyers, and ask, Hey, can you just loan me the  
15     money to pay for seven classes to finish school.  
16     That's what you're saying?

17          A.     **I'm saying it's not up to me.**

18          Q.     Okay. It's up to your parents. So your  
19     parents don't want you to finish school. That's what  
20     you're saying?

21          A.     **I'm saying it's not up to me.**

22          Q.     That's not what I asked you. I'm asking  
23     you: Is it your contention --

24          A.     **I don't know what my parents want to do.**

25          Q.     I'm not done with my question, ma'am.



1           So is it your assertion that your parents  
2 would prefer to litigate this forever, rather than  
3 have you finish school and get a job? That's what  
4 your parents want?

5           **A.       I don't know what they want.**

6           Q.       They just want you to litigate this forever?

7           **A.       Like I said, I don't know what they want.**

8           Q.       Well, that's what you've been doing, right?  
9 For the last six years, instead of getting a job,  
10 you've been going back and forth to court; isn't that  
11 true?

12          **A.       I've been trying to get enforcement for you**  
13 **to pay your court-ordered support.**

14          Q.       Wouldn't it just be easier to finish school  
15 and get a job, like everybody else?

16          **A.       No. I think --**

17               MR. NELSON: Objection. At this point, this  
18 has been asked and answered. And, you know,  
19 obviously, I get the point you're trying to make,  
20 Mr. Ghibaudo. She should get a job, and while we  
21 respectfully disagree with those assertions, I think  
22 you've asked the same question about --

23               MR. GHIBAUDO: I'm trying to get her to  
24 answer a question that she's evasive. That's what  
25 she's been doing all day, is be evasive. We would



1 have been done with this hours ago if she would just  
2 answer straight, but she doesn't.

3 No matter how many times you discussed with  
4 her to be straightforward and just answer a question,  
5 she wants to be evasive. So that's why we're here  
6 wasting time.

7 Q. (By Mr. Ghibaudo) So I'm going to ask you  
8 one last time. Is it -- would it not be a better --  
9 better use of money that you're getting lent -- you're  
10 saying that your parents are loaning you money -- that  
11 it wouldn't be a better use of that money to just get  
12 a college degree and get a job?

13 A. Like I said, I don't get to determine what  
14 my parents do with their money.

15 Q. Don't get to determine -- blah, blah, blah,  
16 blah, blah. All right. Thank you.

17 So you're saying that you're disabled, and  
18 the disability was determined several months ago. How  
19 many months ago exactly is that?

20 A. I don't know what the date on the letter  
21 says. I don't have it in front of me.

22 Q. You say you don't even know when you're  
23 doctor said you're so disabled, you can't work? You  
24 can't even answer that question?

25 A. It's on the letter. The date is on the



1     **letter.**

2           Q.     I'm asking you, because you're the one that  
3     had the meeting with your doctor, and your doctor at  
4     some point determined, and presumably told you,  
5     Ms. Kellogg, you are so damaged that you cannot work.  
6     When did that happen is what I'm asking you?

7           A.     **I don't know.**

8           Q.     Okay. Well, let's run through it. When is  
9     the last time you had an appointment with your doctor?

10          A.     **A couple weeks ago.**

11          Q.     And then before that?

12          A.     **A couple weeks before that.**

13          Q.     So how many weeks -- how many -- how many  
14     times a month do you see your doctor?

15          A.     **Sometimes twice, sometimes once.**

16          Q.     Okay. And you can't remember at this point,  
17     even though you see your doctor often, when it was  
18     that you two discussed whether or not you can work, or  
19     was that letter just generated for litigation  
20     purposes?

21          A.     **It doesn't say when I can work. It says --**

22          Q.     Because you're disabled.

23          A.     **-- that I'm unable to work.**

24          Q.     That's what I'm asking you. When was it  
25     that your doctor decided that you -- your anxiety



1 disorder and your ADHD, which you're heavily medicated  
2 for, is so severe that you can no longer work? When  
3 did that conversation take place?

4 **A. I don't recall.**

5 Q. Was it within the last two months?

6 **A. I don't recall.**

7 Q. Was it within the last three months?

8 **A. I don't know when the letter was dated,**  
9 **Mr. Ghibaudo.**

10 Q. I'm not asking you about the letter. I'm  
11 asking you about what conversation and when the  
12 conversation occurred with your doctor, where it was  
13 determined where she said, You know what, Ms. Kellogg,  
14 you are so severely damaged that you can no longer  
15 work. When did that conversation take place?

16 **A. I don't know.**

17 Q. How is it that you don't know just basic  
18 conversations that you have with your medical  
19 providers?

20 **A. I have a cognitive disability.**

21 Q. What does that mean?

22 **A. It means that it's difficult for me to**  
23 **remember.**

24 Q. So you don't -- so do you have ADHD, or do  
25 you have a -- I don't know what to call it -- sort of





1     retardation, where you can't remembering anything?

2                   MR. NELSON:  Objection.  Argumentative.

3           Q.     (By Mr. Ghibaudo)  Which one is it?

4                   MR. GHIBAUDO:  I'm sorry, Mr. Nelson.  But  
5     I'm trying to get to the bottom of why she can't  
6     remember a single thing.  I mean, that's a good -- I'm  
7     trying to figure it out.  And she's not --

8                   THE DEPONENT:  You can disparage me all you  
9     want.

10                  MR. GHIBAUDO:  I'm not asking you a question  
11     right now, ma'am.  You need to stop talking.

12                  MR. NELSON:  Is the question why she can't  
13     remember things?  Is that what you're trying to ask  
14     without the disparaging remark?

15                  MR. GHIBAUDO:  Why is it that she can't  
16     remember a single solitary thing?

17           **A.     I've answered you -- I've answered your**  
18     **questions.**

19           Q.     (By Mr. Ghibaudo)  You have a cognitive  
20     disability --

21           **A.     You can call it whatever you want.**

22           Q.     -- and so you can't remember anything.  But  
23     you can remember how much I owe you, right?  You can  
24     remember that.  You can remember how much I haven't  
25     paid.  That's easy to remember.



1           **A.       Yeah. It's been a great deal of money.**

2           Q.       Yeah. That is -- the recall for that is --

3           **A.       So why don't you pay it?**

4           Q.       -- right, instant? But you can't remember a  
5 conversation you had with your doctor.

6           **A.       Is that a question?**

7           Q.       It's a comment.

8                    So now, you say that -- let's assume,  
9 because I think your prior testimony -- and we can ask  
10 the court reporter to look back -- when I initially  
11 asked you this, that you said it was a couple of  
12 months ago, assuming two months, based on your  
13 testimony. Now you're saying you don't know.

14                   And that's how depositions work. You catch  
15 people lying. You've already said that it was a  
16 couple of months ago. Now you're saying you don't  
17 remember.

18                   So it's 2022 now. We're assuming maybe at  
19 the end of 2021 is when she told you that you can no  
20 longer work, and you're disabled, right?

21           **A.       I don't know.**

22           Q.       Okay. But you were -- you were smart  
23 enough -- or you didn't have a cognitive disability to  
24 such an extent that you were able to get an  
25 associate's degree, right?



1           **A.       My disability has greatly increased over the**  
2           **past couple years. I don't have the exact date. My**  
3           **apologies.**

4           Q.       So you got an associate's degree -- when was  
5           that, or can you recall?

6           **A.       2017.**

7           Q.       And how long did you attend UNLV after that?

8           **A.       For two years.**

9           Q.       So until 2019. And then it wasn't until two  
10          years later, end of 2021, where you determined that  
11          you were disabled. Why couldn't you get a degree  
12          between 2019 and 2021?

13          **A.       I didn't determine I was disabled. My**  
14          **doctor did.**

15          Q.       Okay. So you didn't know that you were  
16          disabled between 2019 and 2021?

17          **A.       I don't get to determine that. My doctor**  
18          **does.**

19          Q.       Do you feel like you're so anxiety ridden  
20          and you're so mentally disorganized that you can't get  
21          a basic job and earn a living?

22          **A.       It's not my determination.**

23          Q.       It's not what I asked you. Do you feel like  
24          your mind is so disorganized and that you're so  
25          anxiety ridden that you can't get a basic job?



1           **A.       Yes.**

2           Q.       Okay. But you applied for a job at We Care,  
3 right?

4           **A.       Yes.**

5           Q.       So you can get a job. You just don't want  
6 to?

7           **A.       It's a babysitter job.**

8           Q.       Okay. So why can't you babysit?

9           **A.       Because since then, it's continued to**  
10 **increase.**

11          Q.       So you can't sit down and just watch a  
12 child?

13          **A.       No, I can't.**

14          Q.       Okay. So who took care of your child that  
15 you said you took care of all this time? Was it your  
16 grandparents?

17          **A.       Took care of what?**

18          Q.       Nicole.

19          **A.       Oh, the woman? The 20-year-old woman?**

20          Q.       The 20-year-old woman that you claim to take  
21 care of to this date. Can you do that?

22          **A.       Yeah, I do.**

23          Q.       Okay. So you're capable of caring for your  
24 grown adult child, and you were capable of caring for  
25 her when she was a minor, but you can't get a job.



1 Is there something funny about getting a  
2 job? Do you think it's funny?

3 **A. I've answered -- I've answered your**  
4 **questions. I don't know what more you want me to say.**

5 Q. Do you think that you're so above everybody  
6 that you're not supposed to get a job? You should  
7 live off of me. Is that what you're asserting?

8 **A. I think that you should pay your**  
9 **court-ordered support.**

10 Q. Okay. I think you should get a job. How  
11 about that?

12 **A. Okay. Well --**

13 MR. NELSON: Objection. Argumentative. Is  
14 that a question, or are you just making comments?

15 THE DEPONENT: He just wants to disparage  
16 me, as usual, even with --

17 MR. GHIBAUDO: That's rich.

18 That's all I got for now. Go ahead,  
19 Mr. Nelson. Ask her whatever you want. Hopefully,  
20 she'll remember when you ask her questions.

21 EXAMINATION

22 BY MR. NELSON:

23 Q. Ms. Kellogg, there was question going  
24 around. Is it your position that you have cognitive  
25 disabilities that prevent you from finding a job?



1           **A.       This is what my doctor has said in the**  
2           **letter, so yes.**

3           Q.       Okay. And in your opinion, has your  
4           condition worsened since 2017?

5           **A.       It has worsened within the past --**

6           MR. GHIBAUDO: Object to that --

7           **A.       -- two to three years.**

8           MR. GHIBAUDO: -- in the sense that she's  
9           not an expert to make a determination of her medical  
10          condition.

11          MR. NELSON: But I asked her opinion.

12          Q.       (By Mr. Nelson) So continue to answer.

13          **A.       It has greatly increased in the past two to**  
14          **three years.**

15          Q.       So is it fair to say what you may have been  
16          able to do back in 2015 concerning employment and  
17          schooling may not necessarily be capable -- you may  
18          not be capable of in today in 2022?

19          **A.       Unfortunately, yes.**

20          Q.       When you applied to We Care, did you find a  
21          lot of jobs asking to babysit 16-year-old children?

22          **A.       No.**

23          Q.       Is that part of the reason why you were  
24          unable to obtain employment through We Care?

25          **A.       Well, yes.**



1 Q. Today, when you were being deposed by  
2 Mr. Ghibaudo, was there any reason that your cognitive  
3 disability would have impaired your ability to answer  
4 honestly and forthright?

5 A. Sometimes his questions were confusing,  
6 sometimes his questions were compounded, and sometimes  
7 his questions were hostile, so forth.

8 Q. Concerning the employment of attorneys, just  
9 to clarify, Mr. Ghibaudo asked if you had paid your  
10 attorneys over 200,000. You, yourself, did not pay  
11 your attorneys any of the \$200,000; is that correct?

12 A. That is correct. As you know, the check  
13 that was paid to you was from my parents.

14 Q. So the 200,000 that you paid to my office  
15 and your other prior attorneys was paid from your  
16 parents; is that correct?

17 A. That's correct. And they made it very clear  
18 that these are loans.

19 Q. And is it true that you have to rely upon  
20 them, your parents, to help sustain your current  
21 lifestyle and living conditions?

22 A. Yes.

23 Q. And that is why you're seeking to have  
24 Mr. Ghibaudo pay his court-ordered -- court-ordered  
25 support; is that correct?



1           **A.       Correct.**

2           MR. NELSON: I don't have any other  
3 questions.

4           MR. GHIBAUDO: I got one last question, if  
5 you don't mind, Mr. Nelson.

6           MR. NELSON: Sure.

7                               EXAMINATION

8 BY MR. GHIBAUDO:

9           Q.       Do you care if I lose my law license?

10          **A.       I don't -- I don't wish anybody to lose**  
11 **their professional license. That determination is not**  
12 **mine. I don't want you to lose your license. That's**  
13 **my opinion.**

14          Q.       Then why are you trying so hard to make that  
15 happen?

16          **A.       I'm not.**

17          Q.       Then why are you posting comments and making  
18 bar complaints that would -- first, the comments that  
19 would harm me and my ability to earn a living and bar  
20 complaints that could potentially cause me to be  
21 suspended or lose my license?

22                Why do you do that if you say that you have  
23 no intent to do me harm?

24          **A.       It's an absolute lie what you're saying, bar**  
25 **complaints. I filed a bar complaint in 2017, and**





1     **that's it -- and/or 2018. I can't recall. One.**

2           Q.     You filed three.

3           **A.     I filed one.**

4           Q.     Okay. So isn't it true that you're  
5     litigating this in bad faith, and really, what you  
6     have in mind is me losing my license? Isn't that the  
7     fact?

8           **A.     No.**

9           Q.     So then do you see in front of you a check  
10    that I paid you?

11          **A.     No.**

12          Q.     You don't see a check in front of you?

13          **A.     No.**

14          Q.     Okay. Look down on the table.

15          **A.     This is made out to Jonathan.**

16          Q.     And you. And you.

17          **A.     Okay.**

18          Q.     And you, correct?

19          **A.     It apparently looks like it, yes.**

20          Q.     Okay. So if I continue to pay you on a  
21    monthly basis, are you going to stop disparaging me,  
22    or are you going to continue to do that?

23          **A.     I don't believe I'm disparaging you. I**  
24    **believe that I have posted and/or shared with people**  
25    **my own experience of public concern regarding our**



1     **judicial system.**

2           Q.     That I'm involved in --

3           **A.     That I'm also involved in.**

4           Q.     -- that pertains to me -- that it pertains  
5     to me specifically, correct?

6           **A.     It pertains to me specifically as well.**

7           Q.     And me, who pays you, or is ordered to pay  
8     you, correct?

9           **A.     I don't --**

10                   (Crosstalk.)

11          Q.     So I mean, at the end of the day, you are,  
12     in fact, trying to undermine my ability to earn a  
13     living?

14          **A.     Is that a question?**

15          Q.     Yeah.

16          **A.     Okay.   Would you repeat it?**

17          Q.     That's a yes or no.   Are you actively trying  
18     to undermine my ability to earn a living?

19          **A.     No.**

20          Q.     Then what are you trying to do, aside from  
21     inform the public about the judicial system?

22                   And wait.   Let me ask you this:   Couldn't  
23     you inform the public about the judicial system  
24     without throwing me under the bus?   Is that a  
25     possibility?



1           **A.       I don't see how I'm throwing you under the**  
2   **bus.**

3           Q.       Calling me a liar, calling me a cheat,  
4   calling me a junkie, which you admit --

5           **A.       That's my opinion.   That's my opinion.**

6           Q.       You don't think that's throwing anybody  
7   under the bus? You don't think that harms my ability  
8   to earn a living, which, in turn, would harm your  
9   ability to get paid?

10          **A.       It's my opinion.**

11          Q.       Is that part of your cognitive disability  
12   that you don't understand that harming the person --  
13   that biting the hand that feeds you is not a good  
14   idea? Is that part of your cognitive disability?

15          **A.       I guess so.**

16          Q.       Okay. Let me explain to you, then, that it  
17   would be a bad idea to bite the hand that feeds you.  
18   If you want to get fed, you don't bite the hand that  
19   feeds you.

20                 So I'm going to ask you again. If I pay you  
21   what I've been ordered to pay, are you going to stop  
22   sending videos to Steve Sanson, who is a grifter, and  
23   are you going to stop posting that I'm a liar, that  
24   I'm a cheat, that I'm a junkie, and further -- and so  
25   on? Is that what you're -- or you going to continue



1 to do that?

2 **A. Are you going to -- Mr. Ghibaudo, I have no**  
3 **intention I'm doing anything derogatory towards you.**  
4 **I have a life.**

5 Q. But you are doing it.

6 **A. I have a life. I have -- what you do and**  
7 **your life is no concern to me.**

8 Q. Then why do you continually post about me?

9 **A. Why do you continually make Facebook pages**  
10 **against me?**

11 Q. If you have no interest -- I'm not doing  
12 anything. You got to get over that.

13 **A. What?**

14 Q. I am not doing anything to you, nothing. I  
15 don't care about you. I don't care what you do. I  
16 don't care to let anybody know who you are. I could  
17 care less.

18 So the question is: If I continue to pay  
19 you, are you going to stop sending videos of  
20 proceedings to Steve Sanson, and are you going to stop  
21 disparaging me online? Is that something that you  
22 plan on doing if you get paid or --

23 **A. It has nothing to do with anything that I**  
24 **do.**

25 Q. Or is it the case that if I pay you



1 regularly, you are still going to go disparage me,  
2 post videos about our hearings, try to embarrass me,  
3 call me a junkie. Which one is it? It's a specific  
4 question. This is a legitimate question.

5 **A. I don't find it legitimate. I don't even**  
6 **know what the question is.**

7 Q. The question is -- because I'm trying to get  
8 at whether you're acting in good faith or bad faith.  
9 That's what I'm getting at.

10 If I'm paying you and you have no reason to  
11 go online --

12 **A. So you think that this payment is to shut me**  
13 **up? Is that what you're saying?**

14 Q. No.

15 (Crosstalk.)

16 Q. I think that what you're doing is trying to  
17 pressure me and bully me into paying you --

18 **A. Okay. You can't shut me up. No.**

19 Q. No. So you're not going to shut up. You  
20 will continue to disparage me.

21 **A. No. You're not going to take away my First**  
22 **Amendment right.**

23 Q. Oh, you know about the First Amendment?

24 **A. Yeah, I do.**

25 Q. So -- so that's the case. So if I continue



1 to -- it's not about payment. It's not about not  
2 getting paid. It's literally about bad-mouthing me  
3 and disparaging me.

4 **A. You're not going to bully me --**

5 Q. I'm asking you a question.

6 **A. -- and you're not going to control me.**

7 Q. I'm asking you a question.

8 **A. You're not going to bully me, and you're not**  
9 **going to control me.**

10 Q. All right. This is a specific question that  
11 goes to whether you're acting in bad faith, and you're  
12 not answering the question.

13 If I pay you and you have no more reason to  
14 complain, are you going to continue to call me a  
15 junkie, are you going to call me a liar, and are you  
16 going to continue to send videos to Steve Sanson; yes  
17 or no?

18 **A. I have no answer. You're not going to**  
19 **control me.**

20 Q. I'm not trying to control you. I'm asking  
21 you a question --

22 **A. Yes, you are.**

23 Q. -- and you won't answer it. So let me ask  
24 you again. If you get paid and you have no reason to  
25 complain, are you going to continue to send videos to



1 Steve Sanson, and are you going to continue to call me  
2 a liar, a cheat, a junkie, and a fraud online?

3 **A. You're not going to control me.**

4 Q. Okay. I got to ask you the same question  
5 again.

6 **A. Keep on doing it.**

7 MR. GHIBAUDO: Mr. Nelson, can you please --

8 THE DEPONENT: Then keep on doing it.

9 MR. GHIBAUDO: -- instruct her to answer?

10 MR. NELSON: Mr. Ghibaudo, repeat the  
11 question.

12 MR. GHIBAUDO: The question is this -- and  
13 I'm getting at whether she's acting in good faith or  
14 bad faith, Mr. Nelson -- that if I pay her her  
15 court-ordered amount, what she's been -- what I've  
16 ordered to pay, is she going to continue to badmouth  
17 me online, call me a liar, a cheater, a fraud, and so  
18 forth, and continue to send videos to Steve Sanson?

19 So in other words, if my position is that if  
20 I pay her her court-ordered amount --

21 (Crosstalk.)

22 MR. GHIBAUDO: -- and she continues to do  
23 that, that would be bad faith. That would be her  
24 intent to undermine my ability to work, because then  
25 she would have no reason to complain.



1 Q. (By Mr. Ghibaudo) That's the question.  
2 It's a simple question.

3 Even if you get paid, if even if I do  
4 everything that's been ordered, are you going to  
5 continue to disparage me; yes or no?

6 **A. You're not going to bully me.**

7 Q. That's not an answer.

8 (Crosstalk.)

9 Q. You're not answering.

10 **A. You are not going to --**

11 Q. You're not answering. You're not answering  
12 the question.

13 MR. NELSON: Mr. Ghibaudo, can I clarify?  
14 Is that the ongoing support or if you pay the \$300,000  
15 in arrears?

16 Q. (By Mr. Ghibaudo) If I -- let's say I pay  
17 everything, 300,000 in arrears -- and it's not  
18 300,000, by the way -- and the \$2,500 a month, is  
19 that -- even if that gets all paid all at once, will  
20 the continued claims of a liar and a cheater and a  
21 narcissist and a fraud and somebody that's about to  
22 get disbarred and sending videos to Steve Sanson, will  
23 that continue?

24 Simple question. And that's a yes-or-no  
25 question. It's not I'm bullying and this -- yes or





1 no? Will that continue if all court orders are  
2 satisfied? Yes or no.

3 **A. This depends on you. This depends on you.**

4 Q. That's not an answer. That is not the  
5 answer.

6 Again, I asked you a yes or no --

7 MR. GHIBAUDO: Was that a clear question,  
8 Mr. Nelson? Do you understand what I'm asking?

9 MR. NELSON: I want to make sure, and I'm  
10 trying to help get an answer so we can conclude this.

11 Mr. Ghibaudo, I believe you're asking if,  
12 today -- hypothetically, everything was paid, all  
13 court orders were, you know, fulfilled, your question  
14 is would she continue to post any adverse comments  
15 about you or share videos to Mr. Sanson, I believe?

16 MR. GHIBAUDO: Yes.

17 MR. NELSON: If you were fully compliant  
18 with all court orders, all past obligations, would she  
19 continue to post anything about you that could be  
20 detrimental or --

21 MR. GHIBAUDO: It could deemed defamatory.  
22 Because, as you well know, her admissions today and  
23 the admissions that you made in the answers are, in  
24 fact -- she's admitted to defamation. At this  
25 point --



1 THE DEPONENT: Again, see, this --  
2 (Crosstalk.)

3 MR. GHIBAUDO: I have a motion for summary  
4 judgment. But, yes, that's exactly it, Mr. Nelson.  
5 If you want to ask her --

6 THE DEPONENT: This is how he --

7 MR. GHIBAUDO: You need to stop talking.

8 MR. NELSON: Mr. Ghibaudo, can I add to the  
9 question to maybe clarify at all?

10 If there are no ongoing lawsuits, all  
11 lawsuits were dismissed, and Mr. Ghibaudo was fully  
12 complying with all court-ordered arrearages and  
13 ongoing support, would you continue to post anything  
14 that could be deemed defamatory or share videos with  
15 Mr. Sanson from court proceedings?

16 Is that fair, Mr. Ghibaudo?

17 THE DEPONENT: There would be no court --

18 MR. GHIBAUDO: That's fair. Absolutely  
19 fair.

20 THE DEPONENT: There would be no court  
21 proceedings. Of course.

22 MR. NELSON: Okay.

23 Q. (By Mr. Ghibaudo) Of course what?

24 A. **There would be no court proceedings to share**  
25 **with anybody.**



1 Q. Okay. What about the posting that you -- so  
2 you're missing one part, another part of the question.

3 Would you continue to get online and say  
4 that I am a fraud, that I'm a liar, that I'm a  
5 narcissist, and post those things publicly, even  
6 though everything was compliant?

7 **A. That's completely different.**

8 MR. NELSON: Let's just stipulate anything  
9 defamatory what she posts about you whatsoever. How  
10 about that?

11 MR. GHIBAUDO: I mean, that's -- you know,  
12 defamatory has got to be defined, right?

13 MR. NELSON: Fair enough.

14 THE DEPONENT: What about what he posts  
15 about me and the Facebook pages and everything else?

16 Q. (By Mr. Ghibaudo) Okay. Let's say that  
17 because you think so -- you're stuck on this idea that  
18 I'm even on Facebook, which I think is childish,  
19 and --

20 **A. You're on it.**

21 Q. And I -- and I sign an NDA, a nondisclosure,  
22 agreement, and we agree to not say a word about each  
23 other, and I'm fully compliant, will you stop posting  
24 stuff like you've been posting, that I'm a liar, a  
25 cheater, that I am a fraud, and so forth? And will



1 you stop sending videos of past proceedings, and will  
2 you do what you need to or should do to get the videos  
3 that have been posted taken off of the Internet?

4 **A. I have no control of any videos that are**  
5 **on the Internet.**

6 Q. You absolutely do. If we entered into a  
7 stipulation and order --

8 **A. I have no control of it.**

9 Q. -- and sent it Google, they will take it  
10 down. But you don't want to do that? You don't want  
11 to do that?

12 **A. I have no control of it.**

13 (Crosstalk.)

14 Q. You have control over it.

15 **A. I have no control of these things.**

16 Q. If you had control over it, would you do it?

17 MR. NELSON: Mr. Ghibaudo, you froze at the  
18 last second there. "If you had control" -- you froze  
19 up. Sorry.

20 MR. GHIBAUDO: If she had control --

21 Q. (By Mr. Ghibaudo) The question is: If you  
22 had control over the videos that have already been  
23 posted; in other words, if you could do something  
24 about taking them off the -- offline, would you do it  
25 if I was fully compliant?



1           A.       So long as you no longer disparage me, have  
2       agents contact me, leave horrific voicemails, contact  
3       my daughter --

4           Q.       I'm not doing that.

5           A.       -- disparage me with Facebook posts,  
6       everything else, and be compliant and just forget I  
7       exist --

8           Q.       I'm --

9           A.       -- then, yes. Then the answer is yes. Then  
10      the answer is yes.

11          Q.       Okay. The answer is yes. Okay.

12               MR. GHIBAUDO: Maybe, Mr. Nelson, we have  
13      room to negotiate.

14               MR. NELSON: Okay.

15               MR. GHIBAUDO: Do you agree?

16               MR. NELSON: Potentially, yes. I mean,  
17      obviously, there's a large arrearage that needs to be  
18      addressed. But, you know, we look forward to any  
19      offer. I know you've spoken to my associate. If  
20      there's an offer, you know, please, send it over. We  
21      can address that.

22               MR. GHIBAUDO: All right. I have nothing  
23      more.

24               MR. NELSON: I think that concludes my  
25      questions.



1           And I created a list. If there -- if you  
2   want to do a follow-up email to confirm the items, in  
3   case I missed something that you're looking to get  
4   disclosed, Mr. Ghibaudo, please do so.

5           And we'll work diligently to get you any of  
6   those items that you think we need to dis- -- or you'd  
7   like us to disclose.

8           MR. GHIBAUDO: I'll ask you this while I  
9   have you on, if you want to do it.

10          Let's go off the record real quick, please.

11          THE VIDEOGRAPHER: Okay. We're now going  
12   off the record. The time is approximately 3:02 p.m.

13          (Discussion held off the video record.)

14          THE REPORTER: Before you sign off, is  
15   anybody going to order this transcript?

16          MR. GHIBAUDO: Yeah, I want it expedited,  
17   actually. Yeah, I want it -- how long would it take  
18   you if it's in the ordinary course?

19          THE REPORTER: Ten days.

20          MR. GHIBAUDO: Okay. Let's do just that.  
21   That's fine.

22          Do you want a copy of it, Jon?

23          MR. NELSON: Yeah. I don't want a copy of  
24   the video, just the transcript, I think. Normal  
25   course, eTran.



1 THE REPORTER: Mr. Nelson, is she going to  
2 read and sign it?

3 MR. NELSON: We'll have it in ten days?  
4 Yeah, I'll have her read and sign it.

5 THE REPORTER: Okay.

6 (Deposition concluded at 3:04 p.m.)

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1 I, TARA KELLOGG, do hereby certify that I  
2 have read the foregoing deposition and found the same  
3 to be true and correct except as follows (noting the  
4 page and line number of the change or addition as  
5 desired and the reason why.)

6

7 Page Line Correction

8

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25

TARA KELLOGG





1 BE IT KNOWN that the foregoing proceedings  
2 were taken before me; that the witness before  
3 testifying was duly sworn to the whole truth; that the  
4 foregoing pages are a full, true, and accurate record  
5 of the proceedings, all done to the best of my skill  
6 and ability; that the proceedings were taken down by  
7 me in stenographic shorthand and thereafter reduced to  
8 print under my direction.

9 I CERTIFY that I am in no way related to any  
10 of the parties hereto, nor am I in any way interested  
11 in the outcome thereof.

12

13

14

15 (X) Review and signature was requested.

16 ( ) Review and signature was waived.

17 ( ) Review and signature was not requested.

18

19

20



21

Cynthia A. Hudak, RPR  
Nevada Certified Reporter, #987

22

23

24

25



## WORD INDEX

< \$ >

**\$10,000** 171:6

**\$15,000** 173:9

**\$150,000** 8:22

**\$160,000** 41:12

**\$2,500** 8:19 9:1, 14

37:15, 22 105:16

175:2 177:5 198:18

**\$200** 35:11

**\$200,000** 174:21

175:25 177:4

178:13 189:11

**\$30,000** 169:15

**\$300,000** 41:25

43:2 44:16 109:6

198:14

**\$400,000** 40:20

**\$6,500** 10:7, 21

**\$60,000** 170:23

< 0 >

**009** 122:23

< 1 >

**1,250** 175:13

**1:12** 81:23

**1:27** 152:9, 10

**10** 14:11 100:17,

18, 19, 23 122:21

152:18

**10/20/2021** 81:23

**10:30** 62:16, 17

**100** 53:23 112:10

125:5 162:20

**10th** 14:10

**11:22** 62:17, 19

**11:59** 96:10, 11

**11th** 120:24

**12:27** 96:11, 13

**12836** 4:15

**15** 22:23 96:5

133:21, 22 152:18

**16** 18:22 150:7

**16-year-old** 20:12

188:21

**17** 8:25 9:17

22:23 39:14 40:14

**18** 40:14 89:12

142:16 152:23

169:23

**187** 3:2

**18th** 23:10

**19** 40:14 137:4

**190** 3:2

**197** 2:3, 15 4:6

< 2 >

**2,500** 154:11

**2:09** 152:10, 12

**20** 32:5 40:15

88:10, 19 126:20,

21 137:4, 22, 24

**200,000** 189:10, 14

**2000** 35:5 46:5, 16

132:9 171:19

**2001** 22:25 23:3,

11 140:15, 24

**2007** 35:7

**2008** 141:21

**2010** 146:22

**2011** 23:20 26:8

28:21 29:8, 10

141:21

**2012** 29:20

**2013** 146:22

163:13, 24 164:4, 5,

7

**2015** 18:8 188:16

**2016** 18:8, 20 23:9,

11 40:14 128:17

152:24 171:19

**2017** 17:20 18:25

23:6 34:25 35:5

36:20 37:24 39:25

40:5 68:8 128:20,

24 129:4 130:19

131:20 132:13

133:9 135:10

142:15, 16, 18

155:13, 19, 20

169:13 185:6

188:4 190:25

**2018** 21:6 89:23

130:22 131:6

133:6, 15 134:1, 2,

10 135:3 137:4

142:15, 24 155:23

166:21 169:20, 21

170:6 191:1

**2019** 21:8 39:17

40:20 41:8 130:22

134:14, 16 135:3

156:1 158:25

162:12 166:16, 22

169:22 170:8, 9

185:9, 12, 16

**2020** 8:25 9:17

39:14 40:5, 7

55:19 87:11, 14, 20

118:23 119:19

130:22 134:19

156:22 159:1

162:12

**2021** 14:11 16:8,

22 17:3 19:3

39:14 97:23

118:21 123:15

129:22 130:22

133:17 134:22

136:12 156:24

184:19 185:10, 12,

16

**2022** 1:1 2:2 4:4

130:22 157:1

166:21 184:18

188:18

**205** 2:11

**20-minute** 96:16

**20-year-old** 89:1

186:19, 20

**21** 89:14 102:3

137:4

**21st** 9:17

**22** 137:4

**23rd** 112:20 113:3

**24/7** 56:22

**25** 97:22

**250** 2:4, 15

**27** 1:1 2:2

**27th** 4:19, 22, 25

**28** 4:3

**28th** 4:18, 25

< 3 >

**3** 65:9 77:22, 23

84:16, 17 92:15

125:19 145:22

**3:02** 204:12

**3:04** 205:6

**30** 24:5, 11 32:5

87:4, 17 118:18, 23

119:23

**300,000** 198:17, 18

**30-day** 55:14

**31** 64:6 65:11, 12,

24 77:22, 23 79:16,

19 81:6

**32** 84:4, 17, 20

92:3, 4 155:5

**320** 143:6

**33** 92:14, 16

125:14, 20, 21

126:11, 16, 18, 22

136:17

< 4 >

**4** 145:24, 25

**45** 121:18

**462-5888** 2:16

**48** 178:3

**48-year-old** 178:5

**4-A** 154:7

< 5 >

**5** 118:21 123:15

150:4

< 7 >

**702** 2:12, 16

**703** 143:4

**7220** 2:11

**727-9900** 2:12

< 8 >

**8** 62:25 64:4 92:1

125:13 126:8, 10,

12, 13, 17, 21

136:16, 17

**89104** 2:16

**89113** 2:11

< 9 >

**9** 101:7, 11 122:2,

14, 15, 16, 21

**9:22** 1:1 2:2 4:4

**9:56** 123:15

**9:59:47** 123:16



<p><b>987</b> 1:1 2:5 207:21</p> <p>&lt; A &gt;</p> <p><b>a.m</b> 1:1 2:2 4:4 62:16, 17, 19 96:10, 11 123:15, 16</p> <p><b>AA</b> 25:25 132:11</p> <p><b>abide</b> 92:7</p> <p><b>ability</b> 11:14 38:5 48:16 66:10 67:4 96:24 105:21 108:9, 10, 16, 19 109:12, 16 110:22 111:8 113:4 118:4 189:3 190:19 192:12, 18 193:7, 9 197:24 207:6</p> <p><b>able</b> 20:3 22:17, 19 47:7 108:22 170:13, 15 173:20 184:24 188:16</p> <p><b>abnormal</b> 23:15</p> <p><b>absolute</b> 140:4 190:24</p> <p><b>Absolutely</b> 11:21 47:13 85:9 116:15 121:9 138:20 143:8 148:7 154:19 173:16 200:18 202:6</p> <p><b>abuse</b> 32:14 52:8 98:14 147:4</p> <p><b>abusing</b> 25:18</p> <p><b>abusive</b> 32:6, 7</p> <p><b>accepted</b> 157:18</p> <p><b>accepting</b> 83:15, 17</p> <p><b>access</b> 18:9 60:1 153:5</p> <p><b>accommodate</b> 6:18</p> <p><b>account</b> 15:25 45:2, 4 55:4</p> <p><b>accountant</b> 39:21 41:14, 18, 24</p> <p><b>accounting</b> 44:2</p> <p><b>accounts</b> 84:8</p> <p><b>accurate</b> 105:9, 10 207:4</p> <p><b>accurately</b> 13:19 16:17 92:25 126:1 127:3</p>	<p><b>accusatory</b> 72:20</p> <p><b>acquire</b> 175:24</p> <p><b>act</b> 151:17</p> <p><b>acting</b> 29:15 67:9 195:8 196:11 197:13</p> <p><b>action</b> 99:1, 2</p> <p><b>actions</b> 45:23 109:2 153:17, 18</p> <p><b>actively</b> 192:17</p> <p><b>activity</b> 36:1</p> <p><b>acts</b> 31:11</p> <p><b>actual</b> 64:24 79:11 113:14 122:14 125:13</p> <p><b>adage</b> 64:17 75:8 76:7 79:4</p> <p><b>Adam</b> 120:2</p> <p><b>add</b> 97:6 200:8</p> <p><b>addict</b> 36:12 91:24 123:22</p> <p><b>addicted</b> 25:1, 2</p> <p><b>addiction</b> 24:19 25:10, 15, 21 28:2</p> <p><b>addition</b> 7:17 13:22 16:20 93:3 127:6 139:1 142:8 161:24 174:24 206:4</p> <p><b>additional</b> 84:11 91:3</p> <p><b>Additionally</b> 5:15 6:10</p> <p><b>address</b> 97:19 203:21</p> <p><b>addressed</b> 203:18</p> <p><b>ADHD</b> 157:20 163:12, 24 182:1, 24</p> <p><b>adjacent</b> 6:10</p> <p><b>Administration</b> 129:2, 21 131:23 132:21 135:1</p> <p><b>admission</b> 116:14</p> <p><b>admissions</b> 199:22, 23</p> <p><b>admit</b> 65:25 93:5 106:14 193:4</p> <p><b>admits</b> 65:12 79:19 84:18 92:16 125:21</p>	<p><b>admitted</b> 17:22 20:19 65:22 66:22 72:24 74:15 77:16 78:3, 11, 16, 19 80:14, 21, 22 81:8 85:5 92:20 94:19 116:12 199:24</p> <p><b>admitting</b> 85:8</p> <p><b>adult</b> 186:24</p> <p><b>adverse</b> 32:18 48:10 199:14</p> <p><b>advice</b> 50:24 52:15</p> <p><b>advised</b> 97:13</p> <p><b>advisor</b> 42:15, 20 43:9</p> <p><b>affect</b> 105:21</p> <p><b>affirmative</b> 65:17 95:5</p> <p><b>afford</b> 176:1</p> <p><b>afraid</b> 161:22</p> <p><b>African-American</b> 17:17</p> <p><b>AG</b> 99:9</p> <p><b>age</b> 89:12 147:18</p> <p><b>agency</b> 137:25</p> <p><b>agent</b> 72:10 73:4</p> <p><b>agents</b> 203:2</p> <p><b>ago</b> 18:15, 21 26:10 142:6 151:10 162:23, 25 163:25 164:8 180:1, 18, 19 181:10 184:12, 16</p> <p><b>agree</b> 9:20 30:14 32:1 36:8 38:22 39:6 40:16 65:22 67:13 91:16 92:20 97:10 118:1 123:3 201:22 203:15</p> <p><b>agreed</b> 96:16 155:8</p> <p><b>agreement</b> 63:23 162:3, 4 201:22</p> <p><b>Ah</b> 109:23</p> <p><b>ahead</b> 9:8 28:4 64:8 72:15 126:23 146:3 187:18</p> <p><b>aid</b> 168:22</p> <p><b>aka</b> 13:17 16:15 92:23 126:24 127:1</p> <p><b>alcohol</b> 23:16, 25 24:3, 19 25:1, 3, 4,</p>	<p>10, 18, 21 28:1, 10 52:8 98:14</p> <p><b>Alcoholics</b> 25:23 26:1, 3, 12, 17</p> <p><b>ALEX</b> 1:1 2:3, 12, 15 4:2, 12 13:17 16:15 58:13 59:3 75:24 76:4 84:6 92:23 101:8 125:24 126:25 127:1</p> <p><b>alex@glawvegas.com</b> 2:17</p> <p><b>alimony</b> 9:14 47:20 110:23 154:12, 14, 18</p> <p><b>allegation</b> 28:15 53:4 65:13 79:20 84:18 92:17, 18 125:22 132:10 156:19</p> <p><b>allegations</b> 21:22 27:20</p> <p><b>allege</b> 18:6, 16 22:8 46:23 147:12</p> <p><b>alleged</b> 34:14 46:23 47:19, 20 53:2</p> <p><b>alleging</b> 44:20 142:14 146:17 149:9 160:12, 14</p> <p><b>allow</b> 73:8 74:12 99:17 160:5, 8</p> <p><b>allowed</b> 50:9 66:25</p> <p><b>altercation</b> 124:13</p> <p><b>altered</b> 48:4</p> <p><b>Alternatively</b> 99:20</p> <p><b>amend</b> 82:8</p> <p><b>amended</b> 65:6</p> <p><b>Amendment</b> 13:25 14:3 195:22, 23</p> <p><b>amount</b> 9:14, 20, 25 10:2 61:18 110:23 146:12 154:14 197:15, 20</p> <p><b>and/or</b> 7:3 52:14 53:13 99:8, 21 129:20 131:22 135:3 191:1, 24</p>
---	---	---	---



<p><b>anger</b> 67:21, 25 75:4</p> <p><b>angled</b> 5:17 6:7, 15</p> <p><b>angry</b> 108:2 125:6</p> <p><b>anguish</b> 75:4</p> <p><b>Anonymous</b> 25:23 26:1, 4, 13, 17</p> <p><b>answer</b> 7:16, 18 8:4, 6 10:1, 23 12:6, 7 14:22 16:2 17:4 22:16 23:22 24:8, 23 27:4, 9, 12 28:4, 5 30:1, 23 31:1, 10 32:5 33:2 36:17 37:8 48:1 50:21 51:5 60:15 62:23 65:5, 23 68:20 73:24, 25 74:8, 11 75:21 76:15, 17, 18 77:16, 18, 19, 23 79:18 80:2, 17 81:6, 8, 12, 16 82:2, 8 83:15, 17, 20 90:13, 15 91:5 92:15 94:24 96:20, 24 97:1, 2, 13 107:24 108:5 109:10 122:19 125:20 130:4, 5 131:2, 18, 19 133:25 134:7, 9 141:7, 9 145:12, 16 151:19 158:10 159:13, 16, 22 160:3, 5 167:6 172:4 179:24 180:2, 4, 24 188:12 189:3 196:18, 23 197:9 198:7 199:4, 5, 10 203:9, 10, 11</p> <p><b>answered</b> 10:20, 22 14:17 24:21 27:2 28:3 31:25 32:3, 11, 12 56:8 65:16 70:16 86:22 95:5 136:8 150:2 179:18 183:17 187:3</p> <p><b>answering</b> 8:12 17:5 31:8 48:7 66:3 68:6, 10 69:8</p>	<p>83:6, 13 85:15 132:23 133:23 196:12 198:9, 11</p> <p><b>answers</b> 10:18 27:12, 22 141:5 199:23</p> <p><b>anticipate</b> 99:11</p> <p><b>antics</b> 84:7 98:24 125:2</p> <p><b>anxiety</b> 157:9, 21 158:9 163:12, 24 181:25 185:19, 25</p> <p><b>anybody</b> 47:3 48:23 50:17 104:12 119:12 122:11 190:10 193:6 194:16 200:25 204:15</p> <p><b>anymore</b> 30:20 62:7 68:4 73:15 75:24 88:17 120:13 124:10</p> <p><b>anytime</b> 44:23</p> <p><b>anyway</b> 117:23 148:9, 11, 12</p> <p><b>apartment</b> 18:7, 9</p> <p><b>ape</b> 123:23</p> <p><b>apologies</b> 126:7 185:3</p> <p><b>apologize</b> 4:20 42:18 81:4 126:14 136:19 141:15 161:14 172:3 177:8</p> <p><b>apparently</b> 191:19</p> <p><b>appeal</b> 9:9, 11, 12</p> <p><b>appear</b> 34:17 54:22</p> <p><b>APPEARANCES</b> 2:8</p> <p><b>appears</b> 32:16</p> <p><b>applications</b> 43:20</p> <p><b>applied</b> 155:13 156:9, 14, 24 157:1, 15 162:24 186:2 188:20</p> <p><b>apply</b> 155:20, 22, 25 156:22 162:21 163:25</p> <p><b>appointment</b> 135:2 181:9</p> <p><b>appreciate</b> 96:4</p>	<p><b>approaching</b> 33:23</p> <p><b>appropriate</b> 67:17</p> <p><b>approved</b> 120:24 121:6</p> <p><b>Approximate</b> 21:5 55:25 142:20</p> <p><b>approximately</b> 4:4 41:25 62:16, 19 96:10, 13 101:25 152:9, 12 164:20 204:12</p> <p><b>April</b> 39:17</p> <p><b>argue</b> 73:22 91:19</p> <p><b>argument</b> 97:2, 14</p> <p><b>Argumentative</b> 141:8 169:8 183:2 187:13</p> <p><b>Argumentive</b> 73:19</p> <p><b>arrearage</b> 203:17</p> <p><b>arrears</b> 200:12</p> <p><b>arrears</b> 8:23, 24 41:12 43:3 118:17 198:15, 17</p> <p><b>arrested</b> 103:1</p> <p><b>arrests</b> 29:16</p> <p><b>article</b> 102:17 103:22 104:1, 16 105:1, 8, 9, 10, 19</p> <p><b>aside</b> 44:12 97:14 122:19 192:20</p> <p><b>asinine</b> 98:18</p> <p><b>asked</b> 8:15 10:22 11:16, 17 14:2 15:14 20:11 24:21 27:2 28:3 29:25 30:10, 23 31:11, 25 32:2, 11, 12 37:11 47:10 51:7, 11, 12, 13, 24 56:8 63:7 70:16 86:13 94:22 104:9 115:15 131:4 146:14, 15 150:2 151:10 177:9, 18, 20 178:22 179:18, 22 184:11 185:23 188:11 189:9 199:6</p> <p><b>asking</b> 9:19 10:6 14:4 15:13 17:8 27:13 48:13 50:16, 23, 25 51:2 64:1</p>	<p>67:24 68:19 75:16 76:11, 16 83:14, 18, 21 85:14 87:18 89:5 94:7, 8 96:19 97:8 107:17 110:2, 3 131:1 132:24 136:2 141:3 147:1, 3, 15 148:19 150:12 151:19 156:14 158:13 160:19, 21, 23 161:3, 7, 9 163:18 167:9 176:14 178:22 181:2, 6, 24 182:10, 11 183:10 188:21 196:5, 7, 20 199:8, 11</p> <p><b>asks</b> 141:14</p> <p><b>ass</b> 13:20 16:19 93:2 126:2 127:4</p> <p><b>assert</b> 72:1</p> <p><b>asserting</b> 52:16 59:10 62:5 71:20 72:9 76:5 161:21 163:7, 8 166:19 175:2 178:6 187:7</p> <p><b>assertion</b> 49:21 58:22 179:1</p> <p><b>assertions</b> 179:21</p> <p><b>asserts</b> 7:19</p> <p><b>assist</b> 50:17</p> <p><b>assisting</b> 52:14 163:3</p> <p><b>associate</b> 63:7 203:19</p> <p><b>associated</b> 17:20</p> <p><b>associate's</b> 61:22 62:1 184:25 185:4</p> <p><b>association</b> 4:8</p> <p><b>assume</b> 64:1 77:17 94:13 139:20 152:24 178:1 184:8</p> <p><b>assuming</b> 56:22 86:17 156:15 184:12, 18</p> <p><b>assumptions</b> 177:25</p> <p><b>asylum</b> 99:19</p> <p><b>attach</b> 78:10</p> <p><b>attached</b> 15:21 100:13 166:6, 8, 11</p>
--	--	---	---



<p><b>attempt</b> 91:17  <b>attempting</b> 53:13  <b>attend</b> 24:18, 25  25:14, 23 26:3  185:7  <b>Attendance</b> 2:17  <b>attended</b> 26:16  28:2  <b>attending</b> 26:12  168:25 169:1  <b>attention</b> 27:7 41:6  136:18 151:14  <b>Attorney</b> 4:14 7:14  10:11, 15, 17 11:8,  17, 19 14:17 15:19  18:2 27:8 31:7  35:19 36:9 38:12,  18 40:13 50:14  51:14 52:14 58:13  59:2 84:6, 12 85:6  86:2 88:1, 14  97:22, 25 98:21  99:6 101:2 102:13  105:20 107:2, 3, 4,  5, 9, 14, 19 109:17  110:5, 9 116:6, 12,  13 117:25 118:6  120:2 129:10  144:18 145:5, 14  150:25 151:3  160:15 163:2  166:11 172:5, 10  174:16  <b>attorney-client</b>  50:20, 22 51:4  97:24  <b>attorneys</b> 17:21, 25  51:1 111:3 169:10  170:14, 15, 16  172:25 173:12, 21  174:22 175:25  177:10 189:8, 10,  11, 15  <b>attorney's</b> 107:19  144:13  <b>Atwal</b> 52:1, 3, 5  <b>audience</b> 114:12, 14,  16  <b>August</b> 14:11  39:16 87:14, 20  97:22 118:21, 23</p>	<p>119:19 120:4  123:15  <b>authorities</b> 99:25  <b>available</b> 52:21  156:5  <b>Avenue</b> 2:4, 15 4:7  <b>average</b> 55:12  64:13 78:23  <b>await</b> 99:11  <b>aware</b> 57:24 67:7  114:20, 24    &lt; B &gt;  <b>babysit</b> 186:8  188:21  <b>babysitter</b> 186:7  <b>back</b> 6:7, 15 8:20  13:3, 5 15:2 26:8  33:3 51:23 53:6  56:24 57:20 60:6  62:18 72:8 73:6  74:4 77:18, 19  79:15 82:14 92:15  96:12 100:1 116:1  119:17 122:1  126:13 129:14  134:24 138:10  140:5, 9, 11, 12, 14,  19 145:4 152:11  168:7 175:6  179:10 184:10  188:16  <b>bad</b> 67:9 68:24  72:7 110:10 191:5  193:17 195:8  196:11 197:14, 23  <b>badmouth</b> 197:16  <b>bad-mouthing</b> 196:2  <b>baggy</b> 22:14 142:7  <b>bankrupt</b> 64:14  69:5 70:15, 18, 19  71:16 78:25  <b>Bar</b> 4:15 36:6, 11,  20 53:3 88:3 99:4  116:1 117:15  118:3, 8, 11 119:12  140:6 143:14, 19  144:1, 10, 19  146:18 190:18, 19,  24, 25  <b>bar's</b> 118:10 144:6</p>	<p><b>based</b> 14:22 41:16  42:2, 24 111:7  118:5 125:3  153:16 162:15  184:12  <b>basic</b> 64:19 76:9  79:6 182:17  185:21, 25  <b>basically</b> 128:2  141:20  <b>basing</b> 21:21  <b>basis</b> 9:10 17:14  19:2 95:2 98:15  130:7, 11 131:10  133:17 137:17  191:21  <b>Bates</b> 100:19  122:16, 23 145:25  150:4  <b>Bear</b> 122:18  <b>bearing</b> 104:3  105:14  <b>beater</b> 138:8  <b>beginning</b> 105:8  <b>begins</b> 58:12  <b>Behalf</b> 2:9, 12 4:15  <b>behave</b> 151:22  152:2, 5  <b>behavior</b> 23:15  64:14 69:5 71:16  78:25  <b>belief</b> 17:14 21:21  25:9 72:3 82:4, 24  83:10, 12, 23, 25  84:1, 3 86:5 91:23  127:15  <b>believe</b> 5:19 6:8,  25 7:2 8:20 10:11,  13 13:9, 12 15:17,  20 16:23 17:7, 12  18:8, 23 19:2 22:5,  22 25:7, 11, 20  28:6, 7, 9, 10, 24  29:9, 21 30:25  33:6, 14, 21 34:9  39:16 41:16, 23  43:9 45:14 46:5  51:13 52:23 53:11,  12 54:24 57:11  67:3, 6, 11 68:25  70:2, 10 71:2, 25</p>	<p>75:22 82:15 84:22,  23, 25 92:5 93:7  96:21 98:3 100:13  103:14 107:8  108:1, 18, 21  109:14, 19 112:5,  19 117:8 118:10  120:4, 23 122:24  124:4 127:13, 18  128:24 129:11  130:11 131:10, 25  133:18 135:2  139:4, 7 144:19  147:6 153:21  154:1 156:2  157:13 158:16  160:4, 7 166:16, 20  169:14, 24 191:23,  24 199:11, 15  <b>believes</b> 75:17, 18  <b>believing</b> 31:4  137:17  <b>Bellisario</b> 102:14,  16, 18  <b>Bellon</b> 172:9, 15  <b>belong</b> 139:24  <b>benefit</b> 93:22  <b>benefits</b> 165:16  <b>berate</b> 116:4 124:9  <b>best</b> 27:3 96:24  158:20 207:5  <b>bestowed</b> 64:20  76:10 79:7  <b>better</b> 6:1, 18 82:6  180:8, 9, 11  <b>beyond</b> 97:1  <b>big</b> 75:19, 20  109:23  <b>bills</b> 175:3  <b>bit</b> 5:24 34:24  <b>bitch</b> 123:18  124:18  <b>bite</b> 193:17, 18  <b>biting</b> 193:13  <b>blah</b> 154:12  180:15, 16  <b>blame</b> 44:18  <b>blatant</b> 66:18  <b>blatantly</b> 66:18  <b>bodily</b> 121:7, 22</p>
--	---	--	---





<p><b>borderline</b> 98:19  <b>born</b> 89:3  <b>bottle</b> 138:18  <b>bottles</b> 138:18  <b>bottom</b> 101:11  146:5 183:5  <b>boyfriend</b> 63:16, 18  <b>brain</b> 99:16  <b>brain-damaged</b>  98:13  <b>brain-dead</b> 123:20  <b>break</b> 62:12 96:16,  17 151:23  <b>breath</b> 99:14  <b>Briana</b> 100:4  101:21, 22, 24  102:5, 7, 11, 22  103:20  <b>bring</b> 50:9 66:25  72:11  <b>broke</b> 129:12  <b>brother</b> 42:19 43:8  <b>brought</b> 97:4 147:5  <b>buffoon</b> 123:20  <b>bullied</b> 68:4 73:6,  15, 21 106:10  124:10  <b>bully</b> 13:2 73:8  151:20 195:17  196:4, 8 198:6  <b>bullying</b> 198:25  <b>bumbling</b> 98:13  <b>bus</b> 192:24 193:2, 7  <b>business</b> 39:1, 2, 9  66:14 105:13, 15  110:22  <b>busy</b> 125:4</p> <p>&lt; C &gt;  <b>calculation</b> 41:12  <b>California</b> 2:3, 15  4:6 42:19 43:22  116:7  <b>call</b> 32:13 98:12  99:14, 23 143:16  150:23 182:25  183:21 195:3  196:14, 15 197:1, 17  <b>called</b> 23:23 51:22  57:12 59:17 153:12</p>	<p><b>calling</b> 38:17 71:9  109:17 110:9  193:3, 4  <b>Calls</b> 36:15 37:6  38:13, 19 40:25  47:24 49:23, 25  59:24 60:2 66:11  75:13 88:23 89:17  95:8 97:1 110:25  148:5  <b>calm</b> 141:3 151:15  <b>camera's</b> 5:13  <b>capable</b> 172:24  186:23, 24 188:17,  18  <b>caps</b> 127:8  <b>car</b> 175:14  <b>care</b> 5:18 18:12  23:23 24:2, 4, 10,  18, 25 25:14, 25  26:4, 20, 21 28:2,  13 105:24 106:2  111:15 124:24  127:22 133:13  149:23 150:1  153:20 156:2, 4  164:3, 4, 6 166:17,  25 186:2, 14, 15, 17,  21 188:20, 24  190:9 194:15, 16, 17  <b>carefully</b> 134:8  <b>caring</b> 186:23, 24  <b>cars</b> 92:11  <b>car's</b> 175:16  <b>CASE</b> 1:1 17:20  19:24 20:9, 10, 16,  17, 24 21:10, 15, 18  45:6, 7, 9 49:2, 6, 7,  8 50:5 59:19 74:9  103:11 104:23  120:8, 13 136:15  138:15 146:20, 23  147:12 149:8  151:3, 4, 6, 7, 14  161:22 162:5, 8, 25  168:4 194:25  195:25 204:3  <b>catch</b> 184:14  <b>cause</b> 75:2 76:21  120:16 121:7, 22</p>	<p>190:20  <b>causes</b> 105:19  <b>cc'd</b> 98:4  <b>cells</b> 99:16  <b>center</b> 24:3 28:13  <b>certain</b> 9:25 10:2  16:2  <b>certainly</b> 95:25  99:3 116:18  <b>certainty</b> 98:23  <b>Certified</b> 2:5 4:8  5:5 207:21  <b>certify</b> 206:1 207:9  <b>cesspit</b> 64:25 79:12  <b>chain</b> 122:24 123:2  <b>challenge</b> 171:4  <b>chance</b> 91:2  105:11 141:11  172:5 176:13  <b>Chancy</b> 63:7  <b>change</b> 9:13 206:4  <b>character</b> 73:9  <b>characterize</b> 118:6  <b>charge</b> 34:21  156:16 169:3  <b>Charleston</b> 143:6  <b>chased</b> 129:13  <b>Chattah</b> 160:16  171:14, 21 172:16  <b>cheat</b> 11:24 13:14,  22 16:21 38:17  93:4 127:6 139:2,  8, 10 193:3, 24  197:2  <b>cheater</b> 197:17  198:20 201:25  <b>check</b> 189:12  191:9, 12  <b>chicken</b> 123:19  <b>child</b> 21:14 47:19  86:4, 8 87:2, 21  88:7, 12, 17, 20, 22  89:1, 4, 7, 11  102:25 107:20  117:19 118:17  119:7, 21 120:10,  14 137:21, 23  138:1 147:18  148:14 186:12, 14,  24  <b>childish</b> 201:18</p>	<p><b>children</b> 147:25  188:21  <b>choice</b> 178:9  <b>choose</b> 105:14  178:10  <b>chooses</b> 104:3  <b>chose</b> 104:13  <b>Chris</b> 51:13 85:6  98:11 99:13, 24  101:8 116:13  122:10 172:19, 24  173:2  <b>Cimmerson</b> 2:11  <b>circulate</b> 45:1  <b>claim</b> 137:23  144:23, 25 150:19  162:15 186:20  <b>claiming</b> 161:18  <b>claims</b> 198:20  <b>clarified</b> 91:1  <b>clarify</b> 4:17 8:16  15:5 56:25 86:15  90:24 92:8 115:7,  20 122:13 161:5  189:9 198:13 200:9  <b>CLARK</b> 1:1  <b>classes</b> 61:8, 11, 16  168:14, 17 170:7,  10 173:18, 23  174:22 176:1, 10  177:5 178:15  <b>clear</b> 22:17 27:25  161:6, 9, 10, 12  163:20, 21 189:17  199:7  <b>clearly</b> 71:14  98:13, 17 99:16  <b>clerk</b> 42:11 81:23  112:24  <b>client</b> 12:6 26:25  27:18 32:17 60:4  72:24 73:23 90:13  91:18 96:2 106:15,  18 140:2 141:7  151:22 152:2, 17  160:3, 4  <b>client-attorney</b>  50:15  <b>clients</b> 11:10, 18  38:18 47:22 48:9,  16 140:8</p>
---	---	---	--



<b>clinical</b> 13:18 16:17 92:25 125:25 127:2 128:12 129:17 136:25 <b>close</b> 61:5 <b>clue</b> 135:18 <b>cocaine</b> 23:14, 17 <b>cognitive</b> 157:8 161:1 182:20 183:19 184:23 187:24 189:2 193:11, 14 <b>cognizant</b> 27:19 <b>collect</b> 8:18 36:25 37:2 57:9 105:12, 22 108:11 111:9, 10 168:4 169:21 177:4 <b>college</b> 43:11, 23 60:19 170:1, 7 174:20 176:16 180:12 <b>come</b> 54:8 56:9, 19 72:8 123:19 124:6, 11 <b>comes</b> 56:16 64:23 72:6 74:22 79:10 <b>coming</b> 67:2, 8 <b>commence</b> 99:2 <b>comment</b> 13:3, 5 16:14 17:2 92:18 125:16 139:18 146:5 163:14 184:7 <b>commentary</b> 172:5 <b>comments</b> 12:22 16:6, 7, 9, 12 56:19 94:18 98:20 106:6, 8 107:3 111:21 112:3 125:3, 4 163:16 187:14 190:17, 18 199:14 <b>commission</b> 32:13 121:13 <b>commissioner</b> 63:13 74:5 85:16 91:10 95:23 119:21, 22 162:9, 13 166:14 <b>commissioner's</b> 5:11 <b>committed</b> 31:11 <b>committee</b> 33:22	<b>common</b> 64:19 76:9 79:6 110:8 <b>company</b> 63:8 <b>company's</b> 5:16 <b>compass</b> 64:21 77:1, 4, 9 79:8 82:14, 15, 19 <b>complain</b> 196:14, 25 197:25 <b>complaint</b> 14:10, 16, 23 15:3, 6, 9, 15, 18, 22 53:3 62:22, 24 64:4 65:6 78:2, 11 81:12 84:20 95:4 99:4 100:14, 15 122:5, 6, 7, 15 125:14 126:8, 10, 21 146:1 190:25 <b>complaints</b> 116:2 190:18, 20, 25 <b>complete</b> 98:16 99:15 116:21 146:23 <b>completed</b> 26:4 <b>completely</b> 71:13 112:10 124:16 201:7 <b>compliant</b> 199:17 201:6, 23 202:25 203:6 <b>comply</b> 63:9 <b>complying</b> 200:12 <b>Compound</b> 136:1, 3 148:16 <b>compounded</b> 189:6 <b>computer</b> 5:20 6:8 113:11 124:19 <b>concern</b> 56:20 114:19 191:25 194:7 <b>concerning</b> 16:4 32:19 39:1 57:22 95:12 151:2, 4 161:18 188:16 189:8 <b>conclude</b> 199:10 <b>concluded</b> 205:6 <b>concludes</b> 203:24 <b>conclusion</b> 49:24 65:1 75:14, 16 79:13 88:24, 25	89:5, 18 95:9, 10 111:1 148:6 <b>condition</b> 131:6 188:4, 10 <b>conditioned</b> 31:4 <b>conditions</b> 131:9 189:21 <b>condo</b> 175:8 <b>conduct</b> 98:12 <b>conference</b> 6:21 23:9 98:12 152:23 154:6, 15, 21 <b>confidence</b> 11:11, 19 <b>confidential</b> 49:18, 19 <b>confirm</b> 204:2 <b>conflict</b> 159:24 <b>confusing</b> 189:5 <b>connection</b> 20:2, 8 <b>Connolly</b> 44:25 <b>consent</b> 86:3 87:1, 24 117:18 118:16, 22 119:20 150:8, 23, 24 <b>considering</b> 33:22 <b>constant</b> 98:14 <b>constantly</b> 29:17 72:17, 19 95:1 99:16 <b>consult</b> 107:9 <b>contact</b> 53:20 101:24 203:2 <b>contacted</b> 101:25 102:8 <b>contempt</b> 8:14, 21 89:22 171:25 <b>content</b> 51:2 102:12 <b>contention</b> 106:23 155:2 178:23 <b>continually</b> 194:8, 9 <b>continue</b> 9:4, 7 30:12 62:4 80:17 91:19 112:2 116:3 126:25 154:13 160:2 162:15 188:12 191:20, 22 193:25 194:18 195:20, 25 196:14, 16, 25 197:1, 16, 18	198:5, 23 199:1, 14, 19 200:13 201:3 <b>continued</b> 186:9 198:20 <b>continues</b> 197:22 <b>continuously</b> 32:2, 12 47:18 106:6 124:8 <b>contradictory</b> 159:17 160:7 <b>control</b> 106:1 151:18 173:3 196:6, 9, 19, 20 197:3 202:4, 8, 12, 14, 15, 16, 18, 20, 22 <b>conversation</b> 56:10 129:5 182:3, 11, 12, 15 184:5 <b>conversations</b> 102:12 172:12 182:18 <b>convicted</b> 34:20 103:2 <b>cooperate</b> 105:5 <b>cooperated</b> 104:5 <b>cooperative</b> 103:23 <b>cop</b> 63:20 <b>copied</b> 98:6 123:8 <b>copy</b> 116:14 204:22, 23 <b>core</b> 65:2 79:14 <b>corner</b> 81:18, 19 <b>correct</b> 7:3 8:19, 23 9:1, 2, 10 10:10, 15, 18, 19, 21 11:2, 3, 6, 7 18:21 20:6 21:10 23:4, 7 26:22 30:17, 18, 20, 21 33:5, 8, 11, 25 34:8, 12 35:2, 3, 4 36:9, 25 37:23 38:1 39:14, 17, 20 40:2, 17 41:9, 13 43:23 44:4, 5, 6, 7, 9, 10, 12, 13 45:25 46:9, 13, 14, 18, 24 48:25 53:2, 7, 8, 10 54:1, 6 56:14 57:1, 4 59:9 61:13, 19, 22 65:25 70:5 73:6 76:23 77:12
---	--	---	--



82:3, 19 84:21 87:22 88:1, 2, 18 93:9, 11 94:16 101:9 104:17 105:17 114:12, 14 115:9, 12, 17, 23 117:21 119:3, 6 122:25 123:7, 9, 11 126:9 127:8, 17 128:3 130:19 131:2, 7 132:11, 12, 13, 14, 19 133:4, 7 135:21 136:15 137:8 139:5, 6, 8, 9 141:12 146:6 148:9, 11 149:2 151:7 158:2 160:18 165:23 168:15, 16 171:11, 21, 23, 24 172:17, 18, 20 173:7, 10, 11, 16 174:4 189:11, 12, 16, 17, 25 190:1 191:18 192:5, 8 206:3 <b>Correction</b> 206:7 <b>correctly</b> 40:18 41:23 51:8 53:12 92:5 <b>correspondence</b> 100:3 <b>cost</b> 43:18 154:18 168:17 <b>costs</b> 168:18 <b>counsel</b> 4:10 <b>counseling</b> 129:20 131:22 148:1, 25 <b>counterclaim</b> 62:23 65:24 81:16 125:20 <b>COUNTY</b> 1:1 <b>couple</b> 123:21 157:10 164:13 181:10, 12 184:11, 16 185:2 <b>course</b> 87:13 115:10, 13 171:9 174:25 200:21, 23 204:18, 25 <b>COURT</b> 1:1 5:1 8:2, 14 15:2 20:1 22:17 48:3 51:12	58:9 60:5 67:8, 16 81:12 88:4 112:25 144:8, 11, 12 159:3, 19, 25 160:13, 15, 16 179:10 184:10 199:1, 13, 18 200:15, 17, 20, 24 <b>courtesy</b> 63:18 <b>court-ordered</b> 8:18 11:15 21:13 47:1, 9 62:3 88:6 158:4, 8 175:1 176:9, 16 179:13 187:9 189:24 197:15, 20 200:12 <b>courts</b> 57:14, 16 <b>court's</b> 81:24 <b>covered</b> 51:3 <b>CPA</b> 44:8 <b>CPS</b> 138:6, 8, 15 146:19, 23 149:8 <b>crack</b> 19:10 20:13 22:4, 8 23:12, 14 <b>Cramer</b> 63:7 <b>create</b> 96:23 <b>created</b> 13:4 16:24 84:8 85:4 204:1 <b>credibility</b> 138:14 <b>credit</b> 169:4 <b>credits</b> 60:18, 22 61:6, 9 170:2 <b>creepy</b> 153:5 <b>crime</b> 27:23 <b>criminal</b> 64:13 78:24 84:11 <b>Crosstalk</b> 22:13 26:23 35:14 38:3 45:22 49:3 55:13 80:18, 25 115:4 135:8 142:21 144:2 145:7 146:13 151:13 155:17 156:8 159:5 165:9 168:10 192:10 195:15 197:21 198:8 200:2 202:13 <b>current</b> 144:19 169:5 189:20	<b>Currently</b> 105:18 136:7 141:22, 24 142:2 157:5 <b>custody</b> 19:24 138:7, 16, 17 <b>CYNTHIA</b> 1:1 2:4 207:21  < D > <b>D-15-522043-D</b> 1:1 <b>dad</b> 51:13 160:16 <b>daily</b> 98:15 <b>damaged</b> 181:5 182:14 <b>damages</b> 62:22 <b>dancer</b> 46:10 <b>DA's</b> 120:7, 9 <b>date</b> 4:3, 18 14:20, 21, 22 15:3, 4, 7, 10 64:17 67:14 72:5 74:19 79:4 80:9 142:19, 23 157:1 180:20, 25 185:2 186:21 <b>dated</b> 102:1 118:21 182:8 <b>dates</b> 21:5 <b>daughter</b> 19:10 70:24 87:3 137:18 147:22 203:3 <b>daughter's</b> 174:20 <b>day</b> 34:3 35:8 156:6 179:25 192:11 <b>days</b> 24:5, 11 87:4, 17 118:18, 23 119:2, 23 121:18 156:3, 17, 20 204:19 205:3 <b>deal</b> 32:8 74:5 109:23 167:18, 25 184:1 <b>dealing</b> 99:14 165:5 <b>dealings</b> 39:10 <b>debt</b> 175:19 <b>deceive</b> 139:12 <b>December</b> 14:10 <b>deceptive</b> 71:25 72:2	<b>decided</b> 172:23 181:25 <b>decreases</b> 9:14 <b>decree</b> 9:14, 15, 21 23:5 150:24 155:4 <b>dedicate</b> 64:18 75:9, 11 76:8 79:5 <b>deem</b> 91:2 <b>deemed</b> 138:8 164:9 199:21 200:14 <b>deep-seeded</b> 75:3 <b>defamation</b> 14:10, 17 15:9, 16 62:22 99:5 199:24 <b>defamatory</b> 199:21 200:14 201:9, 12 <b>defaming</b> 84:9 <b>defend</b> 69:16 <b>Defendant</b> 1:1 2:2, 12 65:12 79:19 84:5, 18 92:16, 19 125:17, 21 154:10 <b>defense</b> 67:7 69:17 <b>defined</b> 201:12 <b>definitely</b> 23:14 <b>definition</b> 50:1, 3 52:21 141:19 <b>defray</b> 154:18 <b>degrade</b> 13:1 68:5 85:6 95:1 <b>degree</b> 43:11, 12, 22 44:2, 6, 8, 11, 12 61:22 62:1 64:15 71:9, 17 79:1 158:20 180:12 184:25 185:4, 11 <b>demise</b> 73:4 <b>demonstrably</b> 26:16 27:21 <b>demonstrate</b> 26:16 67:25 68:11, 22, 24 69:12 138:14 <b>demonstrates</b> 67:20, 22 69:19 <b>Dennis</b> 171:11, 24 172:8 <b>depend</b> 45:24 46:17, 24 <b>depends</b> 55:9 199:3 <b>deplorable</b> 59:5
---	--	--	--





<p><b>DEPONENT</b> 6:24 7:2, 7 9:7 15:10 74:12 81:4 90:18, 20 91:7, 11, 13 101:2, 5 126:16 141:13 145:19 152:4 160:10 183:8 187:15 197:8 200:1, 6, 17, 20 201:14 <b>deposed</b> 6:12 67:15 189:1 <b>DEPOSITION</b> 1:1 2:1 4:5 7:12 30:13 83:18 88:14 90:19 91:1, 17 141:17 151:16 205:6 206:2 <b>depositions</b> 184:14 <b>DEPT</b> 1:1 <b>Deputy</b> 120:1 <b>derogatory</b> 194:3 <b>describe</b> 29:12 139:23 <b>describing</b> 128:2 <b>deserve</b> 76:22 <b>desired</b> 206:5 <b>desk</b> 167:6 <b>desperately</b> 64:13 78:24 111:9 <b>despite</b> 162:17 <b>detail</b> 47:22 63:16 <b>details</b> 102:15 <b>determination</b> 157:19 185:22 188:9 190:11 <b>determine</b> 177:7 180:13, 15 185:13, 17 <b>determined</b> 156:21 166:18 167:1 180:18 181:4 182:13 185:10 <b>determines</b> 108:22 <b>detrimental</b> 199:20 <b>develop</b> 66:16 116:3 <b>developed</b> 69:15 94:25 <b>devoid</b> 64:19 76:9</p>	<p>79:6 <b>diagnosed</b> 163:11 <b>diatribe</b> 99:9 <b>dictate</b> 178:4, 11 <b>dictates</b> 174:1 <b>difference</b> 75:19, 20 86:21, 23 <b>different</b> 14:12 38:9 71:13 124:16 133:9 201:7 <b>difficult</b> 182:22 <b>dignity</b> 64:23 79:10 82:22 83:8 <b>diligently</b> 204:5 <b>direct</b> 12:24 16:23 66:15 68:3, 19 69:7, 11, 14 85:3, 12 94:20 106:8 112:6 145:1 <b>directed</b> 152:25 <b>direction</b> 207:8 <b>directly</b> 56:18 67:25 74:1, 9 76:11 107:17 122:10 123:6 124:11 174:16 <b>dis</b> 204:6 <b>disabilities</b> 187:25 <b>disability</b> 157:7, 9, 15 161:2, 19 162:2, 3, 16, 22, 24 163:25 165:16 167:5, 10 168:4 180:18 182:20 183:20 184:23 185:1 189:3 193:11, 14 <b>disabled</b> 157:6 160:17 164:10, 12 165:22, 23 166:19 167:1 180:17, 23 181:22 184:20 185:11, 13, 16 <b>disagree</b> 9:12 179:21 <b>disbarment</b> 98:17 117:13 <b>disbarred</b> 86:21, 24 119:6 145:5, 6, 13 198:22 <b>disclose</b> 67:9</p>	<p>158:24 204:7 <b>disclosed</b> 204:4 <b>disclosures</b> 67:14 <b>discovery</b> 5:11 32:7, 13 63:13 74:5 85:16 91:9 95:23 162:8, 11, 13 166:14 <b>discuss</b> 56:4, 7 152:1 <b>discussed</b> 6:5 50:14 103:7 113:23 128:14, 21, 23 132:10, 13, 25 154:24 156:17 180:3 181:18 <b>discussing</b> 102:11 154:17 <b>discussion</b> 51:3 96:5, 6 204:13 <b>discussions</b> 104:15 <b>Disgraced</b> 58:12 59:2, 6, 7 <b>dismissed</b> 200:11 <b>disorder</b> 157:9 182:1 <b>disorganized</b> 185:20, 24 <b>disparage</b> 12:25 13:5 68:5 70:5 73:9, 13, 14 85:6 94:25 105:2, 10, 11 116:4 183:8 187:15 195:1, 20 198:5 203:1, 5 <b>disparaging</b> 66:17 106:7 183:14 191:21, 23 194:21 196:3 <b>disseminate</b> 45:12, 16 60:10 112:21 <b>disseminated</b> 49:13 53:25 57:3 59:1, 13, 15 60:7, 11, 16 <b>disseminating</b> 47:18 48:10 112:17 113:16 <b>distorted</b> 13:1 66:18 <b>DISTRICT</b> 1:1</p>	<p>51:12 81:12 120:1 <b>DIVISION</b> 1:1 <b>divorce</b> 9:13, 15, 21 19:23 22:23 23:5 39:11 45:9 49:5 129:6 155:4, 6 <b>divorced</b> 18:24 128:19 <b>divulge</b> 50:23 <b>doctor</b> 13:18 128:22 130:16, 18 131:12, 17 132:6, 15 133:1, 2, 13, 18, 22 134:11, 15, 20, 23 135:19, 20 136:13 137:5, 6, 11 157:5 158:19 164:3, 5, 6 165:20 166:2, 6, 25 180:23 181:3, 9, 14, 17, 25 182:12 184:5 185:14, 17 188:1 <b>doctor-</b> <b>recommendation</b> 136:25 <b>doctor-</b> <b>recommended</b> 16:16 92:24 125:25 127:2 128:12 129:17 <b>doctors</b> 128:15 130:23 132:19 136:3 <b>doctor's</b> 164:1 166:17 167:4, 5 <b>document</b> 19:19 65:7 82:1, 2 121:5 148:18 150:6 153:3 160:22 <b>documentation</b> 103:13 165:19 <b>documents</b> 39:22 41:20, 22 62:21 103:10 116:17 121:11 151:12 152:22 157:11 158:24 160:17, 20 <b>doing</b> 17:17 31:6 68:8 92:9 119:13 132:1 134:3 142:9, 16 143:5 176:8</p>
--	---	--	--



<p>179:8, 25 194:3, 5, 11, 14, 22 195:16 197:6, 8 203:4 <b>dollars</b> 40:1 47:16 <b>domestic</b> 20:21 28:14 29:15, 25 30:24 31:5, 11 103:1, 3, 4, 5 146:9 <b>doubt</b> 107:12, 18, 22, 23 139:18 <b>downed</b> 138:18 <b>dozens</b> 59:11 <b>drank</b> 138:18 <b>drinking</b> 18:13 29:14 <b>drive</b> 113:10 <b>driven</b> 124:21 <b>driving</b> 177:11 <b>drug</b> 17:25 18:3 24:2 35:7 36:12 91:24 98:14 123:22 <b>drug-induced</b> 98:24 <b>drugs</b> 17:15, 17 18:7 19:5, 8 20:14, 20 22:6, 14 23:25 35:1, 3, 25 36:4, 13 92:10 <b>drunk</b> 31:15 <b>due</b> 164:14 <b>duly</b> 5:4 98:24 207:3 <b>dummy</b> 99:15</p> <p>&lt; E &gt; <b>eagerly</b> 99:11 <b>early</b> 99:21 <b>earn</b> 11:5, 9 42:21 43:2 44:14 45:19 46:18 47:7, 11, 15 48:11, 17 108:9, 10, 16, 22 109:12, 16 185:21 190:19 192:12, 18 193:8 <b>earned</b> 39:25 40:17 <b>earnings</b> 41:8 <b>easier</b> 179:14 <b>East</b> 2:3, 15 4:6 143:6 <b>easy</b> 183:25 <b>education</b> 61:19, 24</p>	<p>62:4 177:15 <b>effective</b> 99:2 <b>efficiently</b> 95:22 <b>efforts</b> 118:12 <b>eight</b> 164:8 <b>EIGHTH</b> 1:1 143:4 <b>either</b> 5:21 53:13 57:19 76:18 81:5 83:5, 24 87:17 114:25 132:19 133:2, 18 135:18 149:13 <b>elapsed</b> 119:3 <b>elderly</b> 158:5 177:4 <b>electronic</b> 6:12, 13 <b>Electronically</b> 81:22 <b>eligible</b> 165:16 <b>else's</b> 47:3 <b>Elski</b> 21:1 <b>email</b> 53:22 55:23 66:22, 23 67:4, 10 97:19, 21 98:2, 4, 5, 6, 9 100:5, 20 101:7, 18 116:1 118:19 119:2 122:10, 12, 24 123:2, 4, 6, 7, 9, 12, 24 204:2 <b>embarrass</b> 105:2 195:2 <b>employed</b> 154:13 <b>employment</b> 155:15 157:6 188:16, 24 189:8 <b>encourage</b> 96:2 <b>endeavors</b> 111:8 <b>endorse</b> 103:25 <b>Enforcement</b> 120:15 179:12 <b>engage</b> 110:16, 17 <b>engaged</b> 128:14 130:23 <b>Enjoy</b> 123:21 <b>entered</b> 23:6 202:6 <b>entirety</b> 39:23 123:13 175:3 <b>equipment</b> 6:12, 13 <b>Erickson</b> 101:22 102:22 <b>escalating</b> 163:16</p>	<p><b>especially</b> 64:18, 23 75:8 76:8 79:5, 10 <b>Esq</b> 2:10, 15 <b>essentially</b> 37:13 132:11 148:19 <b>establish</b> 72:21 <b>established</b> 12:2 139:3 <b>establishment</b> 46:6 <b>estimate</b> 55:22 <b>eTran</b> 204:25 <b>evading</b> 85:13 131:24 <b>evasive</b> 74:4 179:24, 25 180:5 <b>events</b> 32:19 <b>everybody</b> 179:15 187:5 <b>everybody's</b> 32:22 <b>evidence</b> 17:22 19:17 27:11 66:20 84:12 112:8 <b>evil</b> 64:19 75:4, 9, 11, 12, 17, 23 76:9, 12, 18, 19 79:6 106:16 107:5, 20 <b>exact</b> 142:19 185:2 <b>exactly</b> 10:12 14:6 31:2, 13 34:1 136:23 142:22 157:22 159:6 180:19 200:4 <b>Examination</b> 3:2 7:9 187:21 190:7 <b>examined</b> 5:6 <b>example</b> 16:15 40:19 44:1, 9, 24 78:21 79:16 80:11 140:1 167:7 <b>excess</b> 8:22 171:6 175:25 <b>exchange</b> 160:15 <b>excuse</b> 13:21 16:20 93:3 127:5 137:14 <b>exhausted</b> 176:23 <b>exhibit</b> 78:6, 7, 10 82:7, 11 100:11, 18, 22, 23 122:15, 23 145:22 166:12 <b>exhibits</b> 3:2 15:21 77:25 78:8 100:16,</p>	<p>18 122:3, 17, 23 126:13 146:1 150:4 <b>exist</b> 203:7 <b>expect</b> 120:3 <b>expedite</b> 90:17 <b>expedited</b> 204:16 <b>expenses</b> 174:24 <b>experience</b> 191:25 <b>expert</b> 40:10, 12 41:3 188:9 <b>expiration</b> 64:17 72:5 74:19 79:4 80:9 <b>Explain</b> 29:12 47:21, 23 48:17 49:25 59:23 106:19 108:12, 15 124:1, 3 160:6, 8 176:2 193:16 <b>explained</b> 96:18 111:3 <b>extent</b> 184:24 <b>extreme</b> 146:10 <b>ex-wife</b> 106:15 107:19 108:2 <b>eyes</b> 35:3, 6</p> <p>&lt; F &gt; <b>face</b> 123:19 124:7, 20 <b>Facebook</b> 11:23 12:11, 13, 24 13:4, 7, 10, 13, 20, 23 15:25 16:7, 18, 24 35:9 45:2, 3 53:24 54:1, 6, 7, 8, 22, 24, 25 55:2, 3 56:14, 15, 16, 18, 22 57:25 65:20 66:2, 5, 16 69:15 73:10 78:22 79:17, 22, 23 80:1, 20 82:5, 12 84:7, 8, 19 85:4 92:19 93:1, 6, 10 94:11, 18, 21 113:5 114:25 115:22 116:4, 8 125:16 126:2 127:4 144:23 147:22 148:15 194:9</p>
---	---	---	--



<p>201:15, 18 203:5  <b>facility</b> 23:24 28:17  <b>fact</b> 4:19 16:6  27:19 71:5, 11  72:2 75:12, 16, 17,  19 76:12, 23, 24  77:2 82:17, 18, 22,  23 83:1, 7, 9 84:19  85:2 95:14 106:17  116:22, 25 117:3, 5,  7, 8, 10, 14 127:13,  16, 18 128:7, 9  130:17 139:5, 8  141:23 153:14  154:3 162:17  164:4 191:7  192:12 199:24  <b>factor</b> 108:21  <b>factors</b> 161:24, 25  <b>facts</b> 125:11 153:23  <b>fair</b> 11:1, 4, 12  16:7 21:9 22:25  23:2, 8 30:7 31:14  32:9 34:10 36:11,  14 38:10 39:24  40:2, 21 42:3  43:21 54:5 57:18  58:11 63:22 70:11  71:10 81:9 87:10  94:1, 14 95:6, 16  104:14 107:11  111:16 124:13  128:1 130:15  132:16 136:12  139:17 170:22  171:5 188:15  200:16, 18, 19  201:13  <b>faith</b> 11:11 67:9  68:24 69:18 191:5  195:8 196:11  197:13, 14, 23  <b>fake</b> 84:10  <b>false</b> 84:21 118:13  127:12 133:5  142:5 143:7, 10  146:24 147:22  <b>familiar</b> 100:7  <b>FAMILY</b> 1:1  64:25 79:12 98:25</p>	<p>99:8 100:1  <b>fashion</b> 48:4  <b>father</b> 13:22 16:20  93:3 98:4 127:5  137:15  <b>fault</b> 31:6  <b>February</b> 18:25  23:6 35:7 128:19,  24 129:4 130:19  132:13  <b>fed</b> 193:18  <b>fee</b> 10:21 176:24  <b>feed</b> 54:8 56:16, 19  94:9 153:5  <b>feeding</b> 10:17  <b>feeds</b> 6:2 193:13,  17, 19  <b>feel</b> 177:22 185:19,  23  <b>fees</b> 52:24 53:9, 11,  14  <b>feet</b> 34:3, 9  <b>fellow</b> 64:25 79:12  <b>felony</b> 24:17 27:23  135:12  <b>felt</b> 59:16  <b>fighting</b> 138:17  <b>figure</b> 170:20, 24  183:7  <b>file</b> 37:18 81:11  116:2 120:21  <b>filed</b> 14:12 44:25  65:6 81:11, 22  82:1 120:22, 23  167:23 171:2  190:25 191:2, 3  <b>filing</b> 99:4  <b>filled</b> 142:7 149:25  <b>financial</b> 39:19  42:3, 15, 20 43:9  168:22  <b>find</b> 154:7, 8  188:20 195:5  <b>finding</b> 187:25  <b>findings</b> 5:12  <b>fine</b> 6:19 30:8, 9,  14 62:13 63:25  64:2 85:17 120:19  176:8 204:21  <b>finish</b> 162:6 168:9  173:18 174:18</p>	<p>176:1, 12 178:15,  19 179:3, 14  <b>finished</b> 8:4 22:16  <b>fire</b> 73:6 172:21,  23 173:2  <b>fired</b> 172:19, 22  <b>firm</b> 17:17 142:10  163:4 165:4, 7, 10,  13  <b>first</b> 5:4 7:4, 22  13:25 14:3 53:21  63:3 64:8 65:5  79:15 81:15, 16  84:16 99:23  101:20 152:13  159:24 171:21  190:18 195:21, 23  <b>five</b> 31:3 56:1  95:23, 24 96:2  128:20 130:8  <b>flared</b> 91:4  <b>flat</b> 10:4, 7, 9, 21  <b>floor</b> 97:16  <b>Fly</b> 84:13 91:21  92:4  <b>flying</b> 100:2  <b>focus</b> 125:9  <b>follow</b> 8:5 54:6, 7  <b>following</b> 13:16  20:16 21:9, 11  78:22 79:17 84:6  92:20, 21 125:18  132:4 133:3, 19  135:19 136:3, 10,  14 137:5  <b>follows</b> 5:6 206:3  <b>follow-up</b> 8:4 204:2  <b>foolish</b> 98:21  <b>foot</b> 5:17 6:6  <b>force</b> 85:16  <b>forced</b> 146:20  174:25  <b>foregoing</b> 206:2  207:1, 4  <b>forensic</b> 39:21  41:14, 18, 24  <b>forever</b> 179:2, 6  <b>forget</b> 203:6  <b>forgetting</b> 171:12  <b>forgot</b> 88:21  <b>Form</b> 45:8 48:4</p>	<p><b>forth</b> 153:22  179:10 189:7  197:18 201:25  <b>forthcoming</b> 41:19  99:20  <b>forthright</b> 189:4  <b>forward</b> 34:23  99:18 100:3 203:18  <b>forwarding</b> 99:8  <b>found</b> 17:15 18:7  19:5, 8 206:2  <b>Foundation</b> 12:1  23:24 24:2, 4, 10,  19 25:1, 14, 25  26:4, 20, 22 28:2,  13 72:13, 16, 19, 22,  24  <b>Four</b> 18:17, 19  88:16 137:19  166:18, 20  <b>fourth</b> 13:4 66:16  <b>frame</b> 164:23  <b>fraud</b> 11:24 71:10,  19, 24 109:17, 20  110:9 197:2, 17  198:21 201:4, 25  <b>fraudulent</b> 64:15  71:8, 12, 17, 25  78:25  <b>free</b> 20:3 21:12  <b>freedom</b> 14:1  <b>Fremont</b> 99:22  <b>frequented</b> 46:6  <b>frequently</b> 116:7  <b>fresh</b> 99:4 120:21  <b>friend</b> 51:11 52:12,  20 114:18  <b>friends</b> 13:20  16:18 93:1, 17, 20  94:10, 11, 12, 15, 16  126:2 127:4  <b>front</b> 16:1 85:15  87:8 100:8 143:12  170:20, 25 180:21  191:9, 12  <b>froze</b> 202:17, 18  <b>fruitful</b> 141:17  <b>frustrated</b> 141:5  <b>frustrating</b> 32:21  <b>frustration</b> 96:1</p>
--	---	---	--



<p><b>fulfill</b> 157:6  <b>fulfilled</b> 199:13  <b>full</b> 207:4  <b>fully</b> 97:2 199:17  200:11 201:23  202:25  <b>fumbling</b> 98:12  <b>funny</b> 187:1, 2  <b>further</b> 97:2 98:15  105:1 193:24</p> <p>&lt; G &gt;  <b>gainful</b> 157:6  <b>garden</b> 64:20  76:10 79:7  <b>Gardens</b> 46:9, 10  <b>garnishment</b> 173:1  <b>general</b> 76:4, 14  77:6, 7  <b>generalized</b> 163:12, 23  <b>generated</b> 149:8  181:19  <b>getting</b> 91:4  165:18 170:2  179:9 180:9 187:1  195:9 196:2 197:13  <b>GHIBAUDO</b> 1:1  2:3, 12, 15 4:3, 12  5:8, 9, 13, 16, 18, 22  6:9, 16, 19 7:1, 5, 8,  10 9:8 10:23  11:13 12:2, 4, 7  13:17 14:21, 24  15:6, 8, 13 16:15  23:22 24:8, 15, 22,  23 25:22 26:3, 7,  24 27:4, 17, 24  28:5 29:3, 4, 19, 24  30:4, 11, 18, 19, 22  32:1, 16, 24 33:3  36:17 37:8, 9 38:7,  16, 21 39:7, 13  41:2, 5 44:17 45:9  46:20 48:1 49:25  50:6, 22 51:5  56:11 57:10 58:13  59:3, 25 60:4, 9, 18  62:6, 10, 13, 20  63:1, 11, 25 64:3  66:20 67:12, 18, 19</p>	<p>72:14, 23 73:3, 20  74:3, 8, 14 75:15,  20, 21 76:3 77:25  81:5 84:7 88:25  89:6, 9, 19 90:12,  21, 23 91:8, 15, 16,  20 92:23 95:10, 14,  20 96:4, 8, 14, 15  97:5, 17, 18 100:10,  13, 20, 24 101:4, 6,  9, 12, 13, 17 106:25  111:2, 11 116:16,  19, 20 117:24  118:5 122:4, 6, 9,  13, 16, 18 123:1, 3  125:24 126:4, 5, 10,  14, 18, 19, 22, 24, 25  127:1 134:7  135:17 136:2, 5, 6  140:17, 18, 22, 23,  25 141:1, 4, 16, 19  142:11, 13 144:7  145:21, 25 146:4  148:8, 17, 20, 23  150:3 151:21  152:1, 7, 13, 20, 21  154:8, 11 159:23  160:1, 9, 11 161:12  163:21 167:23  168:2 169:9, 20  179:20, 23 180:7  182:9 183:3, 4, 10,  15, 19 187:17  188:6, 8 189:2, 9,  24 190:4, 8 194:2  197:7, 9, 10, 12, 22  198:1, 13, 16 199:7,  11, 16, 21 200:3, 7,  8, 11, 16, 18, 23  201:11, 16 202:17,  20, 21 203:12, 15,  22 204:4, 8, 16, 20  <b>Ghibaudo</b>.....  <b>.7</b> 3:2  <b>girl</b> 129:13  <b>girlfriend</b> 19:6  20:19, 22 22:7  129:12  <b>girlfriend's</b> 19:8, 9</p>	<p><b>give</b> 107:17 110:4  113:24 114:5  164:22  <b>given</b> 34:10 152:16  153:3 174:13  <b>gives</b> 20:12  <b>giving</b> 52:14 76:16  83:20 113:10  142:19  <b>go</b> 5:10 9:8 15:19  16:3 23:20 26:2  28:4, 18 43:16  56:15, 18 57:14  61:25 62:2 64:8  69:3 72:15 74:4,  24 77:19 79:15  82:14 84:15 90:21  95:19, 24 96:2  97:15 107:9 108:4  109:23 111:7  116:1, 7 122:21  126:12, 16, 23  128:11 134:24  137:2, 20 138:10  145:4 146:3 150:5  168:7 178:12  187:18 195:1, 11  204:10  <b>God</b> 64:20 76:9  79:6  <b>goes</b> 72:6 74:22  94:9 196:11  <b>going</b> 5:22 7:13, 14  8:12, 13 12:9 13:2,  5 22:18 27:24  30:19 32:2, 11  37:18 38:22 48:8,  14 50:19, 20 62:15  63:17 68:3, 9  69:16 72:11, 16  73:3, 5, 6, 8, 14, 16,  21, 22 74:6, 12, 23  82:8 83:4 85:15,  20 89:19, 20 92:21  96:9 98:9 99:18  104:2 105:6  109:23 113:24  114:2 124:9  131:18 141:8  145:11, 12, 19  152:8, 14 156:11</p>	<p>158:15 160:1, 3  162:7 164:19  168:23 179:10  180:7 187:23  191:21, 22 193:20,  21, 23, 25 194:2, 19,  20 195:1, 19, 21  196:4, 6, 8, 9, 14, 15,  16, 18, 25 197:1, 3,  16 198:4, 6, 10  204:11, 15 205:1  <b>Good</b> 4:1 69:18, 19,  23 70:2, 7, 9, 10, 14  85:19 96:6 139:14  178:12 183:6  193:13 195:8  197:13  <b>goodwill</b> 68:1, 11,  22 69:6, 12  <b>goofy-looking</b>  123:20  <b>Google</b> 202:9  <b>government</b> 157:16  162:22  <b>graduate</b> 43:12  <b>graduated</b> 42:17  43:17  <b>graduating</b> 61:6  <b>graduation</b> 60:23  <b>grandparents</b> 138:2  186:16  <b>great</b> 47:21 76:21  121:7 125:10  158:9 167:10 184:1  <b>greatly</b> 185:1  188:13  <b>grievance</b> 37:17, 18  44:25  <b>grifter</b> 193:22  <b>gross</b> 39:25  <b>grossed</b> 40:20, 24  <b>group</b> 51:21, 22  57:12 59:17  <b>grown</b> 186:24  <b>guess</b> 19:23 23:13  34:13 38:9 65:15  66:8 193:15  <b>guessing</b> 18:23  41:25  <b>guilty</b> 103:3  <b>guy</b> 109:24</p>
---	---	---	--



<p><b>guys</b> 53:20 56:4 141:9</p> <p><b>gyms</b> 116:6</p> <p>&lt; <b>H</b> &gt;</p> <p><b>hair</b> 123:22</p> <p><b>half</b> 37:13, 15 61:12</p> <p><b>hand</b> 63:9 193:13, 17, 18</p> <p><b>handed</b> 152:22</p> <p><b>handling</b> 19:22, 23, 24 165:3 172:24</p> <p><b>hands</b> 67:8</p> <p><b>Hang</b> 176:13</p> <p><b>happen</b> 63:17 75:2 113:24 119:23 181:6 190:15</p> <p><b>happened</b> 31:16 62:8 120:6 142:14 143:20 154:19 172:15</p> <p><b>happens</b> 57:15, 16 64:12 78:23</p> <p><b>harass</b> 116:4 124:9</p> <p><b>harassed</b> 124:2</p> <p><b>harassment</b> 99:5</p> <p><b>hard</b> 154:6 190:14</p> <p><b>harm</b> 37:10 75:3 76:21 121:7, 21, 22 190:19, 23 193:8</p> <p><b>harming</b> 193:12</p> <p><b>harms</b> 193:7</p> <p><b>Harris</b> 163:10 165:7</p> <p><b>Hastings</b> 43:22</p> <p><b>head</b> 33:21 64:20 76:10 79:7 98:24 110:7 114:4 116:5</p> <p><b>head's</b> 76:16</p> <p><b>hear</b> 30:20 161:8 163:20</p> <p><b>heard</b> 4:18</p> <p><b>hearing</b> 8:14 29:20 33:5 34:17 63:12 87:23 89:22 112:20 113:2 121:15, 25 162:13</p> <p><b>hearings</b> 45:10 49:22 57:1 195:2</p>	<p><b>heavily</b> 182:1</p> <p><b>Heckle</b> 73:11</p> <p><b>Held</b> 171:25 204:13</p> <p><b>help</b> 11:13 37:4, 9, 14, 16, 20 38:18 45:20 47:6, 21, 22 48:2, 9, 11, 15, 17, 19 57:8, 11 66:14 90:17 105:12 106:17 108:17 154:8 189:20 199:10</p> <p><b>helped</b> 50:12</p> <p><b>helpful</b> 47:6, 8, 11</p> <p><b>helping</b> 18:12 128:25 129:19 131:21 132:10, 25</p> <p><b>helps</b> 45:18 66:9 106:23, 24</p> <p><b>hereto</b> 207:10</p> <p><b>Hey</b> 13:16 16:15 84:6 92:23 123:18 124:18 125:23 126:24 153:3 178:14</p> <p><b>hidden</b> 93:14</p> <p><b>hide</b> 124:19</p> <p><b>high</b> 84:13 91:21 92:4, 6, 9 97:14 125:10</p> <p><b>higher</b> 5:25</p> <p><b>highly</b> 99:6</p> <p><b>hinder</b> 11:14 45:20 47:6 48:2, 19 57:11 66:14</p> <p><b>hinders</b> 66:10</p> <p><b>HIPAA</b> 149:19</p> <p><b>hire</b> 11:19 105:20 107:5, 23 139:19 172:13, 14 173:21</p> <p><b>hired</b> 163:5 165:4 173:1, 3, 6</p> <p><b>hiring</b> 107:18 156:16</p> <p><b>history</b> 137:12</p> <p><b>hit</b> 156:13</p> <p><b>holds</b> 64:18 75:8 76:7 79:4</p> <p><b>home</b> 19:6, 8, 11 20:14 22:4, 6, 9, 14</p>	<p>29:5 175:8</p> <p><b>homeless</b> 99:22</p> <p><b>honestly</b> 189:4</p> <p><b>honor</b> 64:23 79:10 82:22 83:8</p> <p><b>hope</b> 47:15 97:15</p> <p><b>hoped</b> 104:15</p> <p><b>Hopefully</b> 187:19</p> <p><b>horrific</b> 203:2</p> <p><b>hostile</b> 189:7</p> <p><b>hours</b> 142:6 151:10 155:5 156:10 180:1</p> <p><b>house</b> 17:16 29:1, 16 129:14</p> <p><b>how's</b> 74:23</p> <p><b>Hoyt</b> 6:20</p> <p><b>HUDAK</b> 1:1 2:5 207:21</p> <p><b>Hughes</b> 120:2, 12</p> <p><b>humiliation</b> 98:18</p> <p><b>hypothetically</b> 199:12</p> <p>&lt; <b>I</b> &gt;</p> <p><b>i.e</b> 84:8</p> <p><b>Iarussi</b> 17:18</p> <p><b>Iarussi's</b> 142:10, 17, 18</p> <p><b>idea</b> 42:23 49:20 58:14, 18 63:17, 19 111:12 124:21 125:3 130:15 131:16 132:5 133:2, 11 134:22 137:4, 10, 11 143:1 144:21 164:21 178:12 193:14, 17 201:17</p> <p><b>identify</b> 6:22</p> <p><b>idiot</b> 98:13</p> <p><b>illegal</b> 36:1</p> <p><b>ill-will</b> 72:7</p> <p><b>immediate</b> 99:1</p> <p><b>immediately</b> 99:3</p> <p><b>impaired</b> 189:3</p> <p><b>impeach</b> 167:25</p> <p><b>impede</b> 118:3</p> <p><b>implying</b> 71:18</p> <p><b>important</b> 11:18</p>	<p><b>impression</b> 36:12 83:3 124:22</p> <p><b>incarceration</b> 99:21</p> <p><b>incite</b> 50:19 124:12</p> <p><b>inclined</b> 107:5</p> <p><b>include</b> 49:22 61:23</p> <p><b>included</b> 50:5</p> <p><b>including</b> 51:1 70:24 99:3</p> <p><b>income</b> 11:5, 9 37:14, 16 40:1, 17 45:19, 24 47:7, 11 48:11, 17</p> <p><b>incorrect</b> 42:18 172:13 173:5</p> <p><b>increase</b> 186:10</p> <p><b>increased</b> 157:10 185:1 188:13</p> <p><b>independently</b> 112:24</p> <p><b>INDEX</b> 3:1</p> <p><b>indicated</b> 51:24 98:11 108:8 154:20</p> <p><b>indicating</b> 12:22</p> <p><b>indication</b> 20:12, 13</p> <p><b>indications</b> 19:4</p> <p><b>inevitable</b> 98:17 117:12</p> <p><b>inferring</b> 167:2</p> <p><b>inform</b> 192:21, 23</p> <p><b>information</b> 8:3 165:18</p> <p><b>informed</b> 156:21</p> <p><b>initial</b> 15:1 171:7</p> <p><b>initially</b> 172:11 173:1 184:10</p> <p><b>insane</b> 99:19</p> <p><b>insanity</b> 29:17</p> <p><b>instance</b> 53:21</p> <p><b>instant</b> 184:4</p> <p><b>instruct</b> 50:20 90:12 151:21 197:9</p> <p><b>insurance</b> 88:7</p> <p><b>integrity</b> 64:24 79:11 82:22 83:8</p> <p><b>intend</b> 72:7 76:21 168:7, 9</p> <p><b>intended</b> 12:25</p> <p><b>intends</b> 114:22</p>
--	---	--	--





**intent** 11:13 37:9  
104:25 115:6  
190:23 197:24  
**intention** 168:2  
194:3  
**intentional** 75:3  
**interest** 45:14 48:5,  
12 56:17 57:7, 12  
59:17 194:11  
**interested** 21:12  
99:9 103:21 207:10  
**Internet** 202:3, 5  
**interpreting** 50:17  
**interrupt** 5:10  
**interrupted** 30:12  
**interrupting** 141:15  
**introduce** 4:11  
**investigate** 118:12  
**involuntary** 99:19  
**involved** 192:2, 3  
**involves** 20:9  
**iota** 107:22 108:7  
**IQ** 136:20  
**irrational** 29:15  
**irritated** 125:7, 8  
**Ishi** 85:5  
**issue** 5:14 63:9  
91:9 163:16 165:1  
167:18  
**issued** 87:7, 10  
89:23 118:22  
120:16  
**issues** 95:22 97:3  
**items** 204:2, 6  
**its** 39:23 123:12  
  
< J >  
**Jack** 2:17 4:7  
**jail** 89:24 90:1, 5,  
9 103:5  
**jailbird** 84:13  
89:20 90:6  
**James** 12:25 13:17  
16:15, 24 73:12  
84:8 85:3 92:23  
94:21 125:23  
126:24, 25  
**January** 1:1 2:2  
4:3, 18 120:5, 24  
**JK** 2:10

**job** 38:9, 10 42:7,  
9, 10 79:3 111:6  
154:18 158:1, 6  
167:11 176:6  
177:6, 15 179:3, 9,  
15, 20 180:12  
185:21, 25 186:2, 5,  
7, 25 187:2, 6, 10, 25  
**jobs** 188:21  
**Joe** 20:20  
**join** 99:21  
**Jon** 204:22  
**Jonathan** 2:10  
4:14 191:15  
**jonathan@jknelsonla**  
**w.com** 2:12  
**Jones** 12:25 13:17  
16:15, 24 22:1  
73:12 84:9 85:4  
92:23 94:21  
125:23 126:24  
127:1  
**Joseph** 17:18 142:9  
**Judge** 8:22 9:19  
51:12, 24 52:6  
58:9 89:23 108:8,  
13 119:25  
**judges** 57:16  
**judge's** 51:25  
**judgment** 33:16, 21  
200:4  
**JUDICIAL** 1:1  
192:1, 21, 23  
**jumping** 72:20  
**junkie** 11:24 13:11,  
23 16:21 17:12  
19:3 21:22 38:17  
93:4 109:17, 20  
127:7, 8 139:2  
141:20, 24 142:4  
193:4, 24 195:3  
196:15 197:2  
**junkies** 64:25  
79:12  
**juvenile** 84:7  
147:18  
**juveniles** 147:25  
  
< K >  
**Karen** 44:25

**Karma** 64:17 72:4,  
11 74:19 75:1  
79:4 80:9  
**keep** 48:9 197:6, 8  
**KELLOGG** 1:1  
2:1 3:2 4:2, 6, 15  
5:3, 13, 18 6:7, 8  
7:12 12:3, 8 15:14  
39:1, 10 50:21  
51:6 62:21 63:14,  
15 73:13 75:22  
89:4 90:15 95:16,  
25 96:17 97:18  
98:1, 25 100:1  
101:1, 8, 9 109:9  
119:9 121:9 123:4  
135:11 140:10  
141:1, 6, 20 145:11  
146:2 147:9  
149:10 151:15  
152:17, 21 181:5  
182:13 187:23  
206:1, 25  
**Kellogg's** 63:7  
**Kevin** 6:24 7:4  
**key** 18:10 108:6  
**keyboard** 124:23  
**kind** 5:16 7:19  
44:15 73:16 84:9  
133:12 154:6  
161:15  
**knew** 163:23  
**know** 6:20, 22 7:13  
9:10, 24 10:5, 12  
14:12, 13 15:5  
16:1, 9, 12 17:10,  
23 18:22, 25 19:21  
20:15, 16, 18, 19  
21:15, 18 23:15  
27:6, 14 29:7 31:3,  
17 32:4, 6, 13, 21  
34:1, 19, 20, 22  
35:21 36:7, 18  
37:1, 17, 21 38:15  
40:3, 22, 23 41:10  
42:1, 5, 6 43:5  
44:18 48:23 50:3,  
4 51:14, 20 53:17,  
18, 24 54:2, 23  
56:10, 21 57:15  
58:17 59:4 60:20,

21 62:8 65:4, 15,  
16, 17, 19 66:7  
67:22 68:13, 15, 17,  
18, 21, 23 69:25  
72:7 75:24, 25  
76:2, 14 77:13  
78:5, 13, 14, 15  
79:25 80:4, 22, 23  
81:7, 10, 14 82:10,  
11 84:2 87:9, 12,  
15, 17, 18 88:3, 4, 5,  
16 90:7, 8, 10 91:5,  
6 93:12, 13 94:3, 5  
95:17, 18 96:22  
97:13 98:7, 22  
100:3 102:4, 7, 15,  
20 103:15 105:23  
106:24 107:7, 10,  
15, 16, 25 108:2, 3,  
5 110:12, 14, 16  
111:10, 11, 13, 17,  
19 112:21 113:22  
114:3, 15, 16, 17, 22  
115:2, 3, 5, 6, 8, 16,  
21 116:10 117:5, 7,  
8, 15 119:13, 14  
120:9 128:9  
130:17 131:2, 5, 13  
134:2, 10, 12, 13, 14,  
18, 19, 21, 24  
135:21, 23, 25  
136:6, 8, 9, 11  
141:9 142:19, 25  
143:11, 22, 24, 25  
144:6, 7, 18, 25  
147:8, 20 149:20,  
22, 23, 24 150:14,  
18, 20 152:16  
155:1, 7 156:7, 12  
157:8 161:16  
163:1 165:5  
168:20 169:5, 6, 7  
171:1 172:14, 15  
177:19, 21, 22  
178:24 179:5, 7, 18  
180:20, 22 181:7  
182:8, 13, 16, 17, 25  
184:13, 21 185:15  
187:4 189:12  
194:16 195:6, 23



<p>199:13, 22 201:11 203:18, 19, 20 <b>knowing</b> 136:14 <b>knowledge</b> 27:3 35:1 39:2 59:1 80:6 99:11 117:22 118:2 <b>knowledgeable</b> 32:17 <b>known</b> 22:11 42:7 207:1 <b>knows</b> 32:22 99:23 136:2 <b>Kunin</b> 85:5</p> <p>&lt; L &gt; <b>lack</b> 64:21 77:1, 4, 9 79:8 138:14 <b>Lacoa</b> 73:11 <b>laptop</b> 5:15 <b>large</b> 22:14 109:6 114:12, 14, 15, 16 203:17 <b>Las</b> 1:1 2:4, 11, 16 4:7 101:22 <b>latest</b> 98:23 <b>law</b> 2:3, 10 33:10 37:4, 12 38:5 42:11, 25 43:16, 21, 23 44:12 64:15 66:10 71:9, 17 78:25 79:1 84:14 86:12, 16 87:4, 21 89:10 110:22 118:4 123:21 142:9, 24 144:3, 16 165:4, 7, 10, 12 190:9 <b>laws</b> 92:7 <b>lawsuit</b> 99:5 <b>lawsuits</b> 14:13 200:10, 11 <b>lawyer</b> 42:7, 10 43:7 71:19 139:15 143:23 163:5, 6 164:22 165:1, 2, 5, 10, 12 <b>lawyering</b> 42:6 <b>Lawyers</b> 128:25 129:19 131:21</p>	<p>132:10, 11, 25 133:1 178:14 <b>learn</b> 152:4 <b>leave</b> 63:8 153:4 203:2 <b>Leavitt</b> 171:11, 24 172:8 <b>left</b> 62:21 170:10 <b>Legal</b> 2:17 4:8 20:3 21:12, 13 36:15 49:23 50:2 52:15 75:13, 15 88:23, 25 89:5, 17 95:8, 10 110:25 139:23 148:5, 18 <b>legitimate</b> 195:4, 5 <b>legitimately</b> 43:1 <b>lent</b> 180:9 <b>lesson</b> 65:1 79:13 <b>letter</b> 54:1 120:11 150:25 157:13, 23 158:15, 16 164:1, 13, 17 165:20, 24, 25 166:4, 6, 10 167:3, 8, 10, 24 180:20, 25 181:1, 19 182:8, 10 188:2 <b>lettuce</b> 64:20 76:10 79:7 <b>level</b> 167:6 <b>liar</b> 11:23 12:23 13:8, 22 16:21 38:17 93:4 109:18, 20 110:9 127:6 139:2, 5 193:3, 23 196:15 197:2, 17 198:20 201:4, 24 <b>libelous</b> 99:7 <b>license</b> 37:20 42:25 64:15 71:9, 17 79:1 84:14 87:4, 21 117:19 123:21 144:4, 22 190:9, 11, 12, 21 191:6 <b>licensed</b> 52:10 <b>lie</b> 66:18 86:19 118:7 120:18 190:24 <b>lied</b> 52:18 80:2 81:5, 9 86:18</p>	<p>115:12 <b>lies</b> 24:17 66:19 <b>life</b> 64:18, 21 75:9 76:8 77:1, 4, 10 79:5, 8 92:6, 9 125:8 168:3 169:6 178:5 194:4, 6, 7 <b>lifestyle</b> 158:1, 6 189:21 <b>likeness</b> 66:17 <b>limited</b> 99:3 <b>line</b> 76:25 126:20, 21 145:3 206:4, 7 <b>lines</b> 43:10 142:9, 16 143:6 <b>link</b> 59:21 113:10 <b>list</b> 135:9 204:1 <b>Listen</b> 75:21 132:22 134:8 145:11 147:16 151:15 155:18 159:11, 12 172:2 <b>literally</b> 196:2 <b>litigate</b> 173:21 179:2, 6 <b>litigating</b> 191:5 <b>Litigation</b> 4:9 17:20 27:1 32:7 35:15, 18 67:5 98:19 108:6 158:25 162:9, 12 164:14 177:12 181:19 <b>little</b> 34:23 123:18 124:18 <b>live</b> 19:6 28:20 46:18 92:6, 9 138:1, 6 187:7 <b>lived</b> 29:5, 9 138:3 <b>living</b> 11:14 28:16, 25 108:9, 11, 16, 19, 23 109:13, 16 174:24 185:21 189:21 190:19 192:13, 18 193:8 <b>loan</b> 140:16, 20 170:19 174:8, 10, 12, 13, 15, 17 178:14 <b>loaned</b> 170:17 <b>loaning</b> 180:10</p>	<p><b>loans</b> 170:2 173:21 176:20, 22, 23 189:18 <b>local</b> 99:19 <b>located</b> 4:6 <b>log</b> 55:3, 7 <b>Lol</b> 99:23 123:18, 20, 22, 23 <b>long</b> 18:18 22:21 26:10 62:2 84:13 88:10 91:21 92:6 164:19, 23 166:5 185:7 203:1 204:17 <b>longer</b> 73:9 136:21 182:2, 14 184:20 203:1 <b>look</b> 14:8 15:21 31:18 55:3 61:4 64:3, 6 65:11 73:22 80:24 100:14, 15 101:6 148:20 154:6 184:10 191:14 203:18 <b>looked</b> 51:15 102:14 118:8, 9, 11 <b>looking</b> 65:23 77:15 96:23 101:10 107:2 122:14 148:21 204:3 <b>looks</b> 122:24 150:25 191:19 <b>lose</b> 64:22 65:2 77:4, 10 79:9, 14 110:18, 20, 21, 22 111:8 190:9, 10, 12, 21 <b>loser</b> 123:22 <b>losing</b> 191:6 <b>lost</b> 37:20 42:25 62:10 70:21, 23 111:6 <b>lot</b> 18:13 46:11 96:18 173:12, 13 188:21 <b>lots</b> 46:7 <b>loud</b> 64:9 <b>love</b> 46:25 106:4 <b>loves</b> 123:22 <b>low</b> 136:20</p>
--	--	---	---



**loyalty** 64:24  
79:11 82:23 83:8  
**LSAT** 43:18  
**lunatic** 98:16  
100:1 116:21 117:9  
**lying** 121:9 140:3,  
13 143:9 169:17  
184:15  
  
< M >  
**ma'am** 69:10  
74:15 83:13 90:11  
94:24 111:3  
137:13 160:19  
178:25 183:11  
**main** 125:9  
**mainstream** 99:10  
**maintain** 31:23  
**making** 27:10, 21  
67:7 70:4 71:5, 11  
83:1 94:19 117:17  
119:18 133:11  
144:22 163:15  
177:25 187:14  
190:17  
**malice** 67:20, 25  
75:3  
**malicious** 70:25  
76:21  
**maliciously** 70:12  
**man** 20:20 64:16  
74:18 79:3 121:13  
**manufacturing** 43:9  
**March** 102:1  
166:16  
**marital** 164:14  
175:19  
**marked** 3:2  
**marriage** 28:11  
30:24  
**married** 22:21, 24,  
25 23:2, 18 84:10  
133:21 164:16  
**Marshal** 17:25  
170:22 171:5, 10,  
16, 22  
**mask** 5:23 64:14  
78:24  
**masking** 69:4  
**master** 87:23  
**Mastin** 121:13

**matter** 4:2 7:18  
82:18, 21 98:22  
163:19 180:3  
**matters** 127:24  
**MBA** 44:4  
**MD** 158:20  
**mean** 4:25 12:16  
27:9 28:8 29:11  
37:1, 2 70:17 72:4  
74:21 78:14 91:22  
92:8, 9 100:19  
111:13 124:7  
127:20, 21 130:1  
137:1 139:10  
140:7 182:21  
183:6 192:11  
201:11 203:16  
**meaning** 70:23  
71:23 124:15  
**means** 28:9 55:24  
71:24, 25 72:6  
75:1 92:11 112:21  
117:6 124:8  
139:11 140:8  
142:2 182:22  
**media** 99:10  
**medical** 23:25 24:1  
44:6 88:7 131:5, 8  
149:7, 14, 15 159:3,  
9, 18, 19 161:17  
162:10, 14 182:18  
188:9  
**medicated** 182:1  
**medication** 35:10  
**meet** 52:22  
**meeting** 181:3  
**meetings** 26:1  
**Melia** 19:14, 15  
22:1, 3  
**member** 99:7  
**memorized** 50:10  
**memory** 100:12  
**men** 116:6, 8  
**mental** 133:12  
**mentally** 160:17  
185:20  
**mentioned** 97:12  
154:24 162:4  
**messages** 19:17  
21:24, 25 22:2  
35:9, 11, 12, 17

**met** 52:23 56:2, 5  
98:24 165:10, 12  
**middle** 122:9, 11  
129:5  
**million** 40:1  
**millions** 47:15  
**mind** 107:13, 23  
166:3 185:24  
190:5 191:6  
**mindless** 98:16  
**mine** 114:18  
116:11 190:12  
**Minnesota** 51:11,  
25 52:14  
**minor** 186:25  
**minute** 77:21  
80:12 145:8 172:9  
**minutes** 62:12  
92:2 95:23, 24  
96:3, 5 152:18, 23  
**misheard** 4:19  
**missed** 204:3  
**missing** 201:2  
**misstep** 99:12  
**mistaken** 25:9  
**mocking** 124:5  
**modification** 111:5  
**modified** 9:22, 24  
**moment** 160:5  
**money** 36:25 37:5  
38:4 43:2 44:15  
46:7, 11, 17 47:23  
57:9 62:3 92:12  
105:13, 21, 22, 24,  
25 106:3, 5, 13, 18,  
23, 25 108:11  
109:1, 3, 6 111:9  
140:2, 5, 7, 10, 16,  
19, 20 169:11, 12,  
13, 14, 21 170:18  
173:13, 17, 19, 20,  
22, 25 174:2, 3, 4, 7,  
8, 9, 16 177:9  
178:9, 11, 13, 15  
180:9, 10, 11, 14  
184:1  
**moneywise** 177:23  
**month** 8:19 10:7  
37:22 55:14  
105:17 144:12, 14  
154:12 175:2

177:5 181:14  
198:18  
**monthly** 9:1  
177:17 191:21  
**months** 41:20, 21  
43:18 89:25 103:5  
123:21 143:3  
162:23, 24 163:25  
169:24 180:18, 19  
182:5, 7 184:12, 16  
**moral** 64:21 70:19  
77:1, 4, 9 78:25  
79:8 82:14, 15, 19  
**morally** 64:14 69:5  
70:15, 17, 19 71:16  
**morning** 4:1  
**mortgage** 175:7, 9  
**mother** 19:11 29:1,  
5 138:16 140:12  
**motion** 21:22  
144:13 166:7, 9, 12  
167:24 200:3  
**mountain** 103:16  
**mouth** 74:13, 16  
104:19  
**move** 34:23 75:5, 7  
82:13 84:4 91:20  
92:14 125:8  
137:13 143:3  
**moved** 22:7  
**muffled** 5:24  
**mute** 5:20  
  
< N >  
**naked** 129:13  
**name** 4:7 6:20, 24  
7:1, 4 19:12 20:24  
34:7 51:25 52:2  
102:14 150:14, 20  
163:6  
**named** 12:25 20:20  
**narcissistic** 153:6  
**narcissist** 128:3, 7  
153:12 198:21  
201:5  
**narcotic** 35:11  
**narrative** 90:16  
96:20 97:7, 12  
**nature** 39:12 97:8  
**NDA** 201:21





<p><b>necessarily</b> 12:14, 15 188:17</p> <p><b>necessary</b> 39:8 91:2 163:14, 17</p> <p><b>need</b> 7:25 27:12 32:14 34:3 68:20 72:25 78:10 90:16 98:12 108:5 109:10 134:7, 24 135:15 136:18 137:20 147:9, 15 151:15, 19, 23 152:4, 15 155:3, 18 168:14 172:1 183:11 200:7 202:2 204:6</p> <p><b>needs</b> 12:6 22:17 27:19 73:24, 25 90:25 91:18 96:20, 24 203:17</p> <p><b>negative</b> 104:16 111:21 112:3, 9, 12</p> <p><b>negatively</b> 112:6</p> <p><b>neglect</b> 147:5</p> <p><b>negotiate</b> 203:13</p> <p><b>negotiating</b> 99:15</p> <p><b>neither</b> 132:15 133:1</p> <p><b>NELSON</b> 2:10 3:2 4:14, 23 5:9, 23, 25 6:4, 23 10:22 12:1, 4 14:19 15:1, 11 23:21 24:7, 12, 21 25:19, 24 26:5, 24 27:18 28:3 29:2, 13, 22 30:2, 4, 8, 18, 21 31:25 32:4, 9, 10, 24 36:15 37:6 38:6, 13, 19, 21, 24 39:3, 5 40:25 45:8 47:24 49:23 50:19 56:8 59:24 60:2 62:8 63:1, 22 66:11 67:13, 15 72:13, 15, 18 73:1, 19 74:2, 7 75:13, 18 88:23 89:2, 3, 17 90:12, 15, 19, 23 91:8, 12, 14 95:8, 11, 20 96:7, 15 97:10, 11 100:10,</p>	<p>20, 25 101:3, 11, 14 110:25 116:16, 18 118:1, 2 122:4, 13, 18 126:4, 6, 12, 17, 20, 23 135:16 136:1 140:17, 22, 25 141:2, 14 142:12 146:1, 2 148:5, 16 150:2 151:21, 24, 25 152:3, 6, 14, 16 154:9 159:23 160:4 167:23 169:8, 19 173:4, 6, 9 179:17 183:2, 4, 12 187:13, 19, 22 188:11, 12 190:2, 5, 6 197:7, 10, 14 198:13 199:8, 9, 17 200:4, 8, 22 201:8, 13 202:17 203:12, 14, 16, 24 204:23 205:1, 3</p> <p><b>NEVADA</b> 1:1 2:4, 5, 11, 16 4:7, 15 52:11, 15 118:4 159:2, 19, 25 160:13, 14 207:21</p> <p><b>never</b> 23:13 35:2 42:14, 16, 17 50:14 56:15, 17 79:2 87:3 113:23 115:3 121:10, 19 140:14 145:6, 13 151:1, 2 154:19, 24 156:16 161:17 162:3 165:2, 10, 12 172:10 175:19, 21 176:22</p> <p><b>new</b> 92:11 99:4 116:1, 3 120:22 152:24</p> <p><b>nice</b> 65:20 66:2</p> <p><b>Nicole</b> 88:9 89:3 138:15, 17 146:8 147:18 148:24 149:4, 8, 13, 14 186:18</p> <p><b>Nicole's</b> 148:24</p> <p><b>nine</b> 60:22</p> <p><b>non-answers</b> 96:1</p>	<p><b>non-attorneys</b> 52:25 53:14</p> <p><b>nondisclosure</b> 201:21</p> <p><b>nonpayment</b> 171:25</p> <p><b>nonstop</b> 29:14</p> <p><b>normal</b> 28:18 204:24</p> <p><b>normalcy</b> 29:18</p> <p><b>note</b> 175:14</p> <p><b>noticed</b> 88:14</p> <p><b>noting</b> 206:3</p> <p><b>November</b> 112:20 113:3</p> <p><b>number</b> 57:17 65:11 79:19 100:18, 19 122:16 125:20 127:23 144:10 145:3, 22, 24 206:4</p> <p><b>numerous</b> 14:12 19:24</p> <p><b>NVCCR</b> 1:1</p> <p>&lt; O &gt;</p> <p><b>oath</b> 24:16 27:19 31:20 32:25 121:10 135:12 149:9</p> <p><b>object</b> 7:15 9:22 32:2 63:20 72:16 188:6</p> <p><b>objected</b> 119:24</p> <p><b>objecting</b> 64:1 72:19</p> <p><b>Objection</b> 10:22 12:1, 5 14:19 23:21 24:7, 12, 21 25:19, 24 26:5 28:3 29:2, 13, 22 30:2, 6, 9, 16 31:25 32:11 36:15 37:6 38:6, 13, 19, 23 39:7 40:25 45:8 47:24 49:23 50:19 56:8 59:24 60:2 63:4, 23, 24 66:11 72:13 73:2, 19, 23 75:13 88:23 89:17 95:8 110:25 136:1 148:5, 16 150:2</p>	<p>169:8, 19 179:17 183:2 187:13</p> <p><b>objections</b> 6:17 27:10, 12 30:13, 20 97:25</p> <p><b>objects</b> 7:16 27:8</p> <p><b>obligated</b> 89:11</p> <p><b>obligation</b> 37:2 47:1, 4 158:4, 8 175:1</p> <p><b>obligations</b> 92:13 199:18</p> <p><b>observe</b> 23:12</p> <p><b>obtain</b> 45:10 54:4 188:24</p> <p><b>obtained</b> 43:21 45:5 48:25 49:6, 7 54:3 56:25 59:20 60:6 112:24</p> <p><b>obviously</b> 96:25 97:14 141:4 179:19 203:17</p> <p><b>occasion</b> 20:20</p> <p><b>occasions</b> 20:22</p> <p><b>occur</b> 99:23</p> <p><b>occurred</b> 31:5 182:12</p> <p><b>occurs</b> 99:19</p> <p><b>October</b> 55:19</p> <p><b>offer</b> 18:3 25:25 203:19, 20</p> <p><b>offering</b> 17:24</p> <p><b>office</b> 63:8, 20, 21 120:7, 9 142:9, 17, 18, 24 143:10 189:14</p> <p><b>officer</b> 6:25</p> <p><b>offices</b> 2:3</p> <p><b>offline</b> 202:24</p> <p><b>Oh</b> 28:23 42:17, 21 71:4 89:6 117:11 138:4, 10 166:14 171:13 186:19 195:23</p> <p><b>Okay</b> 4:23 5:1 7:8 8:15, 23 9:7, 16 10:3, 6, 17, 23 11:4, 16, 22 12:11, 19 13:6, 10, 16 15:18 16:3 17:12, 14, 19, 24 18:6, 15</p>
--	---	---	--



<p>19:2, 12, 15 20:8 21:2, 7 22:2, 5, 11 23:11, 17 24:4 25:22 26:10 27:16 28:12 29:11, 24 30:19, 22 31:8, 18, 23 32:1 33:3, 7, 15 34:5, 8, 14, 23 35:5 36:5, 8, 19, 24 37:3 38:2, 10, 16, 21 39:5, 13, 19, 22, 24 40:19 42:12, 24 43:6, 14, 21 44:1, 8, 14 45:5, 12, 18 46:12, 17, 22 47:2, 14, 17 49:8 50:6 51:23 52:2, 13, 22 53:15, 25 54:5, 9, 13 55:6 56:4, 11 57:6, 8, 18 58:4, 7, 17, 23, 25 59:13 61:2, 5, 10, 12 64:12 65:5, 10, 21 66:3, 9 67:12, 18 69:17 70:4, 17, 22 71:4, 8 72:1, 4 73:3 74:7, 10, 17, 23 75:5 76:1, 11, 25 77:11, 18 80:2, 16 81:15, 21 82:1, 13, 17, 21 83:1, 4 84:16 85:1, 23 86:1, 6, 18 87:16, 20 88:17 89:6, 19 90:4, 20, 21 91:13 92:4, 14 93:16, 25 94:14 95:18 96:6, 14 97:21 98:5 101:5, 14, 16, 17, 24 102:4, 10, 18, 24 103:15, 19 104:8, 10, 25 105:4, 12, 19, 24 107:1 108:4 109:22 111:25 112:8, 15, 23 113:16, 20 114:20 115:7, 15, 25 116:16, 19 117:10, 24 118:5, 20 119:1 120:17, 20 121:4 122:1, 8 123:12</p>	<p>124:6, 21 125:6, 16 127:12, 20 128:5, 11 129:16, 22, 25 131:1, 10, 15, 20 132:3, 18 133:8 134:14 135:15 136:5, 9 137:9, 17, 25 138:10 139:3, 10, 14, 22 141:23 142:1 143:2, 9, 18 144:12 145:2, 18, 23 146:4, 15, 16 147:7 149:1, 11, 19 150:3, 6, 12 151:7 152:20 154:1, 5 155:10, 18 156:22 157:20 158:9, 23 159:16 160:9 161:21 163:9, 11 164:8, 19 165:20 166:23 167:4, 20, 21 169:3, 9, 13, 17, 25 170:5, 13, 16, 19 171:1, 10, 13, 16 172:1, 8 173:2, 6, 12 174:17 175:7, 9, 12, 14 176:25 177:1 178:4, 18 181:8, 16 184:22 185:15 186:2, 8, 14, 23 187:10, 12 188:3 191:4, 14, 17, 20 192:16 193:16 195:18 197:4 200:22 201:1, 16 203:11, 14 204:11, 20 205:5 <b>old</b> 88:9, 10, 19 137:21 149:2 177:24 178:2 <b>Olympic</b> 46:8, 10 <b>omitted</b> 41:21 <b>once</b> 63:20 64:16, 22, 24 74:18 77:5 79:3, 9, 11 156:2 181:15 198:19 <b>ones</b> 22:1 177:11 <b>ongoing</b> 99:5 164:14 198:14 200:10, 13</p>	<p><b>online</b> 121:12 161:23 194:21 195:11 197:2, 17 201:3 <b>open</b> 146:3 <b>opinion</b> 20:9 67:20 71:1, 4 89:7 106:20 109:25 110:1, 2 116:23 117:1, 14 125:10 128:10 139:21 153:15, 16 167:4, 5 188:3, 11 190:13 193:5, 10 <b>opportunity</b> 26:2 <b>options</b> 117:4 <b>order</b> 5:11 9:1 11:4, 9 20:1 49:11 86:3, 25 87:7, 10, 24 116:4 117:18 118:16, 22 119:20, 21 120:6, 16 121:17, 18 150:8, 24 151:9 154:18 166:7, 9, 12 202:7 204:15 <b>ordered</b> 37:13, 22 89:11, 23 105:16 162:9, 17 175:22 192:7 193:21 197:16 198:4 <b>orders</b> 199:1, 13, 18 <b>ordinary</b> 204:18 <b>orgasms</b> 84:9 <b>original</b> 14:19 <b>outcome</b> 207:11 <b>outlets</b> 99:10 <b>outstanding</b> 63:23 86:4, 8 87:2 118:17 119:7 <b>owe</b> 43:2 108:24 109:1, 3 171:5 175:6 183:23 <b>owed</b> 41:24 <b>owing</b> 44:16  &lt; P &gt; <b>p.m</b> 81:23 96:10, 11, 13 152:9, 10, 12 204:12 205:6</p>	<p><b>PAGE</b> 3:2 12:11, 13, 25 13:4, 8, 11, 13, 24 16:24 41:18 54:1, 6, 7, 18, 20, 21, 22, 25 56:14, 15, 18 62:25 63:5 64:4 65:8, 9 66:6, 17 69:15 73:10, 11, 12, 14 77:19, 22, 23 78:22 80:20 81:15, 16 82:5 84:16, 17 85:4 91:25 92:1, 15 94:23 100:17 101:7, 11, 15 112:11 122:2, 14, 15 125:13, 19 126:8, 10, 12, 13, 17, 21 136:16, 17 144:23 145:3 146:3 148:15 206:4, 7 <b>pages</b> 116:4, 9 150:7 194:9 201:15 207:4 <b>paid</b> 20:5 37:5 38:4, 11 46:7, 11, 20 47:8 64:15 79:1 86:7 87:1 90:3 109:5, 7, 8 110:17 111:12, 20, 24 112:2 117:20 119:7 140:9, 11, 12, 14, 18 156:11 168:18 169:14, 20 170:16, 22 171:6 172:11 174:16 175:16, 19 176:25 183:25 189:9, 13, 14, 15 191:10 193:9 194:22 196:2, 24 198:3, 19 199:12 <b>pandemic</b> 57:14 156:12 <b>papers</b> 49:16 <b>paperwork</b> 50:10 <b>Paragraph</b> 64:6 65:12, 24 77:22, 23 79:16, 19 80:6 81:6 84:4, 17, 20 92:3, 4, 14, 16</p>
---	--	---	--



125:14, 21 126:11, 18, 22 136:17 <b>paralegal</b> 165:6, 15 <b>paralegals</b> 165:3 <b>Pardon</b> 23:1 33:9 35:16 46:1 49:4 90:23 128:18 165:11 <b>parents</b> 121:8, 22 157:25 158:6 170:17 174:7, 19, 21 177:4, 7, 21 178:4, 13, 18, 19, 24 179:1, 4 180:10, 14 189:13, 16, 20 <b>part</b> 161:1, 3 175:19 188:23 193:11, 14 201:2 <b>parties</b> 9:20, 22 45:13 93:8 141:3 207:10 <b>party</b> 95:7, 12 <b>pause</b> 107:18 110:4 <b>pay</b> 9:1 11:2, 5, 10, 15 19:25 21:13 27:7 37:2, 4, 13, 20, 22 38:2, 11 46:22, 25 47:4, 23 48:17 86:4 87:21 88:6, 7, 8 89:11, 21, 24 102:25 105:16 106:18 107:20 111:14 118:16 136:18 140:5, 11, 19 151:14 154:10 156:18, 21 157:25 158:3, 6, 7 169:13 170:13, 15 173:22 174:21, 22, 25 175:1, 3, 5, 7, 10, 11, 12, 21 176:1 177:5, 7, 8, 10, 16 178:15 179:13 184:3 187:8 189:10, 24 191:20 192:7 193:20, 21 194:18, 25 196:13 197:14, 16, 20 198:14, 16 <b>paying</b> 41:6 47:19, 20 62:3 111:15 170:1, 5, 11 172:25	174:19 176:9, 10, 15, 23 178:10 195:10, 17 <b>payment</b> 37:15 195:12 196:1 <b>payments</b> 8:18 <b>pays</b> 192:7 <b>PC</b> 2:3, 12 6:6 <b>Pence</b> 6:24 <b>people</b> 33:15, 20 74:25 75:2 77:7 89:21 94:3, 6, 7 95:15 105:19 110:15 117:8 139:12 184:15 191:24 <b>perceive</b> 110:15 <b>perceived</b> 64:23 79:10 <b>percent</b> 53:23 112:10 125:5 162:20 <b>performers</b> 99:22 <b>period</b> 25:5 28:20 31:15 40:4, 17, 24 55:14 84:5 92:19 125:17 141:18 <b>perjures</b> 27:22 <b>perjuring</b> 135:4 <b>perjury</b> 24:17 135:12 <b>permission</b> 6:21 <b>person</b> 4:13 6:14, 22 19:13 20:25 34:2 53:22 56:2, 5 69:19, 23, 24 70:3, 7, 9, 10, 14 94:2 110:3 120:3 156:15 193:12 <b>personal</b> 35:1 <b>personality</b> 98:20 <b>pertaining</b> 103:10 148:14 <b>pertains</b> 149:13 192:4, 6 <b>pertinent</b> 72:21 <b>Peter</b> 172:9 <b>petition</b> 147:4 <b>Ph.D</b> 158:20 <b>phone</b> 6:14 99:14 135:7, 13 143:12	<b>phones</b> 158:10 167:7 <b>phonetic</b> 21:1 73:11 <b>photo</b> 142:9 <b>photos</b> 66:17 142:7 <b>physical</b> 124:12 <b>physically</b> 23:13 <b>physician</b> 158:14, 15, 17, 19 <b>physicians</b> 165:19 <b>picture</b> 13:1 17:16 142:1 <b>pictures</b> 141:25 143:5 <b>pigs</b> 116:5 <b>pipe</b> 19:10 20:13 22:4, 8 <b>piss-poor</b> 13:21 16:20 93:3 127:5 137:14 <b>place</b> 100:2 182:3, 15 <b>placed</b> 6:13 <b>plain</b> 71:22 124:15 <b>Plaintiff</b> 1:1 2:9 78:21 79:17 154:10 <b>Plaintiff's</b> 100:17 122:21, 22, 23 145:21 <b>plan</b> 146:20, 23 147:12 194:22 <b>pleadings</b> 20:24 21:3 49:17, 19 103:16 151:12 <b>please</b> 4:10 5:1 7:25 12:7 25:11 27:14 29:12 62:24 65:11 90:12, 14 98:7, 21 99:13 101:14 116:17 124:3 142:11 145:1 159:13, 14 197:7 203:20 204:4, 10 <b>pled</b> 103:3 <b>plenty</b> 78:8 <b>plural</b> 94:17 <b>point</b> 8:19 9:1 34:15 39:6 65:18 88:9 90:25 112:13	168:8 171:14 172:12 174:12 179:17, 19 181:4, 16 199:25 <b>police</b> 6:25 29:16 35:23 36:1, 2, 3 143:16 <b>Political</b> 43:13 <b>Politics</b> 51:22 57:13 59:18 114:11 <b>pool</b> 17:15 129:14 <b>POS</b> 123:20 <b>position</b> 187:24 197:19 <b>positive</b> 34:12 56:20 <b>possess</b> 143:12 <b>possibilities</b> 111:18 <b>possibility</b> 192:25 <b>possible</b> 97:15 <b>possibly</b> 62:11 85:7 <b>post</b> 12:17 13:7, 10, 13, 16 16:6 54:17 64:10 65:1, 3, 14, 20 66:2, 5 67:24 68:11 69:21 70:12 72:23 76:5, 14 77:12, 14 78:22 79:13, 22 80:1 82:12 84:5, 19, 24 92:1, 21 93:22 94:2, 3, 8 106:6, 15 107:2, 3, 8 112:3 113:4 125:23 127:9 131:15 133:17 136:13 149:12 150:19, 22 152:24 153:8 161:22 194:8 195:2 199:14, 19 200:13 201:5 <b>posted</b> 12:3, 19, 22, 24 14:4, 7 16:22 17:2 45:3 54:24 59:1 65:25 69:9 70:15 78:22 79:17, 23 80:20 81:7 84:5 92:19, 21 93:5, 8 94:23 95:3, 5 106:8 112:5, 9 114:25 119:1
--	--	--	---



<p>121:11, 12 125:17 129:22 147:17, 21 148:9, 11, 14, 17, 20, 22 150:9, 10 151:1, 2, 5 159:2, 9, 19 191:24 202:3, 23 <b>posting</b> 11:22 13:23 48:22, 23 59:22 111:21 114:20 124:23 125:4 133:8, 10 150:7 190:17 193:23 201:1, 23, 24 <b>posts</b> 54:7, 9, 21 57:19, 21, 24 58:11, 22 66:18, 21 70:4 93:14 94:15, 17 113:9 115:8, 21 125:2 201:9, 14 203:5 <b>potential</b> 11:18 106:14 <b>potentially</b> 94:10 95:12 105:21 107:17 190:20 203:16 <b>practice</b> 33:10 37:4, 12 38:5 52:10 66:10 86:11, 16 110:22 118:4 <b>practices</b> 32:7 39:9 66:15 <b>practicing</b> 36:9 88:1 117:25 144:3, 16 <b>precise</b> 98:23 <b>predict</b> 110:6 119:11, 12 <b>prefer</b> 157:25 158:3, 5, 7 179:2 <b>preliminary</b> 34:17 <b>prepared</b> 116:2 120:21 <b>prepping</b> 43:18 <b>prescribed</b> 35:10 <b>present</b> 4:16 27:10 41:4 <b>preserve</b> 27:11 30:9 <b>president</b> 51:21</p>	<p>59:18 114:10 <b>pressure</b> 195:17 <b>presumably</b> 166:10 171:3 175:18 181:4 <b>prevent</b> 187:25 <b>previous</b> 51:14 116:13 132:8 <b>previously</b> 66:13 118:15 131:20 139:4 142:6 176:19 <b>price</b> 169:5 <b>print</b> 207:8 <b>prior</b> 17:24 18:2 67:2 97:22 184:9 189:15 <b>private</b> 93:14 147:21, 23 149:6, 12 <b>privilege</b> 7:19 50:15, 20 51:4 97:24 <b>pro</b> 141:4 <b>probably</b> 38:11 61:17 152:18 <b>problem</b> 25:4, 18 28:10 44:17, 24 133:13 <b>problems</b> 44:19, 21 <b>proceeded</b> 100:21 <b>proceeding</b> 8:21 48:3 155:6 <b>proceedings</b> 7:23 8:9, 17 31:19 45:6, 10 47:18 49:2, 5, 12, 15, 22 50:1, 4 58:9 129:6 194:20 200:15, 21, 24 202:1 207:1, 5, 6 <b>process</b> 102:21 164:19 165:18 <b>produce</b> 17:19 35:12, 17 40:6 41:21 66:24 67:2, 4 135:14 142:11 <b>produced</b> 17:21 35:19 40:13, 14 <b>producing</b> 41:19 <b>product</b> 50:23 <b>profession</b> 44:18, 20, 22, 24 45:19 <b>professional</b> 44:11</p>	<p>190:11 <b>professionals</b> 24:1 <b>program</b> 132:11 <b>prohibits</b> 157:21 <b>promise</b> 85:18 <b>proper</b> 4:12 30:13 98:25 99:25 <b>prosecute</b> 120:12 <b>protected</b> 149:19 <b>protective</b> 121:17, 18 138:16 166:7, 9, 12 <b>prove</b> 142:22 <b>proven</b> 27:21 <b>proves</b> 153:5 <b>provide</b> 5:16 21:12 26:20 45:24 90:16 159:8, 18, 20 162:10, 14, 17 165:19 <b>provided</b> 9:21 59:11 158:14, 16 159:3 160:16 161:17 166:6, 11 <b>providers</b> 182:19 <b>provides</b> 59:8 <b>psychiatrist</b> 136:7, 10 158:22, 23 <b>psychotherapist</b> 158:17 <b>PTSD</b> 157:10 <b>public</b> 12:11, 14, 15, 16, 17 13:7, 10 45:14 48:5, 12 53:13 57:7, 11, 15 59:17 66:5 93:13 94:12 95:7 98:17 105:2 113:17, 18, 21 114:19 147:25 148:2, 13, 15 149:21 171:1 191:25 192:21, 23 <b>publically</b> 11:23 <b>publicly</b> 52:24 55:18 93:11, 12 112:3 113:5 114:21 115:9, 22 144:23 147:17 149:14 150:9 151:2 201:5</p>	<p><b>publish</b> 45:1 <b>publishes</b> 99:7 <b>pull</b> 138:11, 21, 23 167:20 <b>punishable</b> 24:17 <b>purchase</b> 35:10 92:11 <b>purchasing</b> 20:19 <b>pure</b> 64:19 75:9, 11, 12, 22 76:8, 12 79:5 106:16 107:4, 20 <b>purpose</b> 7:6, 23 8:8, 17 11:22, 25 57:6 69:25 102:10 103:19 104:14, 15, 25 105:4 <b>purposely</b> 176:11 <b>purposes</b> 181:20 <b>purse</b> 6:13 <b>pursuant</b> 5:11 147:12 <b>put</b> 5:10, 25 13:20 16:19 31:6 54:17, 18 63:10, 11 72:8 74:13, 16 93:2, 10 97:13 107:12, 22 116:5 122:19 126:2 127:4 <b>putrid</b> 84:10 85:1, 21 <b>putting</b> 104:18  &lt; Q &gt; <b>quality</b> 139:14 <b>question</b> 7:18, 22 8:3, 15 10:24 11:16, 17 12:8 13:6, 7 14:15, 20, 22 15:1, 4, 14 17:1, 5 20:11 22:15 23:22 24:8, 23, 24 25:11 27:5, 6, 9, 13, 14 28:4, 5 29:2 30:6 31:8 32:18 36:17 37:8, 11, 19 43:24 45:15 47:10 48:1, 8, 13, 21 50:16, 17, 21, 25 51:5 54:13, 19 66:4 68:6, 10, 14,</p>
---	--	--	---



19, 20 69:8, 10  
72:20 73:1, 20  
74:9 75:22 76:17  
83:5, 13, 19 85:13,  
14 87:19 94:22, 24  
95:11 96:19, 25  
97:9 100:25  
104:21, 24 106:2,  
11, 22 107:16, 24  
108:6 110:13, 19,  
21 112:1 114:24  
116:24 117:2  
119:9, 10 125:2  
130:3, 4, 6 131:3, 4,  
24 132:3, 7, 22, 23  
133:23, 24 134:8, 9  
136:1 141:14  
145:16 146:14, 15  
147:1, 9, 15 148:17  
149:11, 12 150:17  
155:16, 18 160:19,  
21, 25 161:7, 10  
172:2, 4 176:14  
178:25 179:22, 24  
180:4, 24 183:10,  
12 184:6 187:14,  
23 190:4 192:14  
194:18 195:4, 6, 7  
196:5, 7, 10, 12, 21  
197:4, 11, 12 198:1,  
2, 12, 24, 25 199:7,  
13 200:9 201:2  
202:21  
**questionable** 99:6  
**questions** 7:14, 15,  
20 8:13 15:13  
26:25 27:2 30:9,  
10, 16 32:25 38:25  
63:4 74:1 88:13  
90:11, 13, 14 91:3  
96:18, 25 97:6  
104:9 109:10, 11  
136:4 141:3  
145:10, 12, 15  
151:19 159:16  
160:3, 24 161:3, 6  
163:18 172:6  
183:18 187:4, 20  
189:5, 6, 7 190:3  
203:25

**quick** 204:10  
**quickly** 95:21  
**quit** 170:9  
**quite** 7:2 12:10  
26:10  
**quote** 82:6 146:10  
**quotes** 78:17 80:10  
**quoting** 80:9  
  
< R >  
**Rae** 73:13  
**rage** 149:25  
**raise** 5:14 32:11  
39:8  
**raised** 73:2  
**ramble** 99:17  
**ramblings** 98:16  
**ran** 139:17 158:25  
**random** 116:6, 8  
**ranks** 99:22  
**rate** 10:4, 7 156:18  
**reach** 53:15, 16  
**read** 15:2, 18  
16:14 19:16 21:2  
50:7 53:7 54:4  
56:17 58:21 60:6  
64:8, 9 65:11  
71:16 74:17 77:22,  
24 78:20 81:20, 22  
92:21 94:6, 7, 10  
98:9 100:21  
106:15 107:2, 3  
123:12, 16 136:17  
154:6 166:10  
171:3 205:2, 4  
206:2  
**reading** 65:1 71:15  
72:23 79:13  
109:22 110:4  
126:7, 15  
**real** 95:20 204:10  
**realize** 142:17  
**really** 61:4 191:5  
**re-asked** 15:4  
**reason** 44:19, 21  
85:9 95:15 131:25  
188:23 189:2  
195:10 196:13, 24  
197:25 206:5  
**reasonable** 120:3  
**rebuttal** 152:15, 18

**recalculated** 154:14  
155:6  
**recall** 9:16, 19  
10:3, 5, 6, 25 13:23  
14:6, 9, 16 15:15  
17:2, 24 18:2, 4  
21:4 26:11, 12  
29:4, 19 30:1, 23  
31:2, 10, 13 33:1,  
15, 18, 20 34:14  
40:18 41:7, 17, 23  
49:11 51:8 53:12  
54:11 55:1 73:25  
80:4 81:1 92:5  
97:21 100:5 103:9  
108:13 120:8, 11  
121:15, 19, 21, 23,  
25 154:15, 17  
155:11 162:19, 20  
182:4, 6 184:2  
185:5 191:1  
**receive** 44:1, 4  
134:25  
**received** 14:23  
15:3, 6, 8, 11 39:19  
**receiving** 14:9, 16  
15:15  
**Recess** 62:17 96:11  
152:10  
**reckless** 99:9  
**recollection** 31:21  
32:19  
**recommendations**  
128:22 130:16  
132:4 133:4, 20  
135:20 136:10, 14  
137:6  
**recommended** 13:18  
**record** 4:2, 10, 17,  
24 5:11 6:4 13:19  
16:18 20:25 22:18  
48:3 62:16, 19  
63:2, 6, 10, 12  
67:12 93:1 95:24  
96:2, 10, 13, 16, 23  
102:15 117:24  
120:18 121:10  
122:22 126:1  
127:3 138:11, 22  
143:2 148:2, 13  
149:7, 16 152:9, 12

159:3 163:20  
171:1 172:10  
204:10, 12, 13 207:4  
**recording** 6:3 48:3  
113:9 144:10  
**records** 26:21  
39:19 42:3 149:14  
159:9, 18, 19, 21  
161:17 162:10, 14  
**reduced** 110:23  
207:7  
**Reed** 51:13 85:6  
97:22 98:3 100:6  
101:3, 8 116:13  
122:10 172:19, 24  
**refer** 122:2 125:19  
**reference** 67:16  
77:12 92:15  
**referenced** 15:2  
166:13  
**referencing** 78:9  
91:23 122:15, 20, 25  
**referring** 12:10  
14:14 16:9, 12  
20:25 21:25 23:23  
26:8 34:2 65:24  
78:1 122:4 123:14  
144:25 153:10  
157:12  
**reflect** 96:16  
117:24  
**refresh** 31:20  
100:11  
**refuse** 106:9  
136:24 140:21  
**refused** 137:1  
162:14, 16  
**refuses** 13:18  
16:16 92:24  
107:20 125:24  
127:2 128:12  
**regarding** 66:14  
73:11, 12 191:25  
**regularly** 195:1  
**rehab** 23:20  
**rehabilitate** 91:18  
97:3 141:11 172:6  
**rehabilitation** 23:24,  
25 24:3 152:15  
**reinstated** 33:7, 10,  
17, 24





<b>reinstatement</b> 29:20 33:4, 22 176:24 <b>reiterate</b> 63:3 <b>related</b> 207:9 <b>relationship</b> 28:18 29:12 30:1 <b>Relevance</b> 23:21 24:7, 12 25:19, 24 26:5 29:13, 22 30:2, 6, 16, 20 63:4, 24 <b>relevant</b> 99:10 162:16 <b>rely</b> 189:19 <b>remaining</b> 61:9 <b>remark</b> 183:14 <b>remember</b> 9:22 24:16 28:25 31:16, 24 32:20 34:7 64:16 73:25 74:18 79:3 87:13 136:19, 20 138:9 163:4, 5 181:16 182:23 183:6, 13, 16, 22, 23, 24, 25 184:4, 17 187:20 <b>remembering</b> 183:1 <b>remembers</b> 32:17 74:10 <b>reminding</b> 97:3 <b>remove</b> 24:13 28:17 112:16 <b>removed</b> 15:4 112:14, 15 <b>removing</b> 14:20 <b>rent</b> 175:11, 12 <b>rental</b> 17:15 <b>rented</b> 29:1, 5 <b>renting</b> 129:15 <b>repeat</b> 27:15 33:19 39:5 55:16 104:24 192:16 197:10 <b>repeated</b> 38:25 39:8 <b>repeatedly</b> 46:6 68:5 172:7 <b>repeating</b> 167:8 <b>rephrase</b> 58:25 <b>reply</b> 98:22 <b>report</b> 35:22, 25 36:2, 3, 5, 20	143:14, 19 147:11, 17, 21, 23 148:23 149:13, 17 <b>REPORTED</b> 1:1 <b>Reporter</b> 2:5 5:1, 5 8:2 9:5 15:2 22:17 39:3 60:5, 14 62:11 81:2 134:4 184:10 204:14, 19 205:1, 5 207:21 <b>reports</b> 147:24 <b>represent</b> 4:11 <b>representing</b> 129:8 <b>reprimand</b> 53:7, 9, 13 54:1 <b>reprimanded</b> 52:24 55:18 <b>request</b> 19:20 <b>requested</b> 10:13 19:19 36:13 207:15, 17 <b>requests</b> 39:9 <b>require</b> 96:19 97:7 <b>required</b> 146:9, 22, 25 147:2, 8 177:13, 14, 16 <b>requires</b> 23:25 <b>respectfully</b> 179:21 <b>respond</b> 73:16 96:22 <b>responded</b> 16:25 <b>response</b> 12:24 16:23 17:7 66:15 68:3 69:7, 14 85:3, 12 94:20 112:6 <b>responsibility</b> 109:2 <b>rest</b> 168:3 <b>result</b> 33:7, 11, 12 44:16 106:9 <b>resulted</b> 21:15 <b>results</b> 20:15, 16, 18 <b>retainer</b> 171:8 <b>retardation</b> 183:1 <b>retired</b> 6:25 <b>retirement</b> 99:21 <b>retract</b> 25:15 <b>returns</b> 40:6, 13 41:3	<b>review</b> 39:22 42:2 100:11 207:15, 16, 17 <b>reviewed</b> 40:12 56:14 <b>Review-Journal</b> 101:23 <b>revisit</b> 141:11 <b>rich</b> 187:17 <b>Richard</b> 163:10 165:7 <b>Richie</b> 108:8, 13 119:25 <b>ridden</b> 185:19, 25 <b>ridiculously</b> 99:8 <b>right</b> 5:8 7:5, 11, 22 8:8, 25 9:3 10:10, 14, 20 11:1, 8 13:25 14:1, 3, 24 15:24 26:17 27:4, 7 30:11, 15 34:4, 10 37:25 40:10, 16 41:11 42:5, 12, 15, 21 45:25 46:2, 3, 19 47:5 53:1 54:3 56:14 62:20 63:11 64:3 69:3 73:17 75:9 77:15 78:19 81:18, 19 83:2 84:15 86:11 88:22 91:8 95:18 96:8 97:5, 18 98:9 101:20 104:11 109:25 112:11 114:21 115:11 116:20 118:24 121:10 123:1 126:18 128:6 130:24 131:12 137:7 138:4, 5 139:1, 21 141:2 143:23 144:4, 15, 18 148:8, 21, 22 149:9 150:17 152:13, 21 153:24 162:21 163:4, 8, 18 167:1 168:11 170:20 171:2, 17, 22 172:11 173:15 175:18 176:7 177:1, 2 179:8	180:16 183:11, 23 184:4, 20, 25 186:3 195:22 196:10 201:12 203:22 <b>rile</b> 141:8 <b>Ritchie</b> 8:22 <b>Road</b> 2:11 <b>room</b> 6:10, 11, 21 203:13 <b>Rosenblum</b> 157:13 <b>roughly</b> 40:1 <b>RPR</b> 1:1 2:5 207:21 <b>rule</b> 89:15 <b>ruler</b> 153:21 <b>run</b> 95:21 171:16 181:8 <b>run-of-the-mill</b> 64:13 78:24 <b>runs</b> 51:21  < S > <b>sake</b> 100:21 <b>Sanson</b> 51:18, 20 52:22 53:1, 2, 4, 10, 16 54:5 55:11, 15, 20, 22 57:4 59:5, 11 112:18, 20, 23 113:2, 4, 19, 20 121:12 193:22 194:20 196:16 197:1, 18 198:22 199:15 200:15 <b>Sanson's</b> 54:6 56:13, 19 111:8 <b>satisfied</b> 199:2 <b>save</b> 152:17 <b>saved</b> 135:13 <b>saw</b> 22:9 23:13 35:2 41:3 94:3 95:6, 15 133:22 <b>saying</b> 14:25 17:6 18:20 19:7, 9 20:23 21:23 23:5 24:18 25:13, 17 28:12, 16 33:16, 23 41:5, 7 44:19 49:11 52:6 53:5 58:18 59:19 60:7 65:17 69:4 70:8 71:6, 8, 10 72:12
--	---	--	---



73:15, 17, 21 74:25 77:6 78:4, 12 79:21, 24 80:4 81:7, 10 82:2, 4, 9 83:22 93:23 106:15 107:19 108:13 110:11 111:17, 20, 23, 25 112:4, 23 113:8, 13 116:10 118:9 120:12 124:16, 20 129:3, 6 130:21 132:4 133:6 135:1 139:25 144:3, 17 145:6 147:24 148:3 149:6 150:16, 18 151:1 155:1 156:9, 16, 18, 20 157:20, 22, 24 158:11, 12, 23 159:8, 9 165:25 173:24 176:15, 17 178:16, 17, 20, 21 180:10, 17 184:13, 16 190:24 195:13 <b>says</b> 8:22 9:15 33:1 49:17 58:17 59:5 66:1 76:4, 7 86:25 99:25 100:17 101:8 116:20 123:4, 14 125:16, 20 146:10 153:3 155:4 157:5, 23 164:1 165:24, 25 166:4 167:3, 8, 12, 24 180:21 181:21 <b>scenes</b> 119:13 <b>school</b> 42:16 43:16 168:9, 23, 25 170:2, 8, 9 174:18 176:2, 19, 22, 23 178:15, 19 179:3, 14 <b>schooling</b> 188:17 <b>schools</b> 43:20 <b>science</b> 43:13 <b>scream</b> 151:16 160:2 <b>screenshot</b> 142:22	<b>sealed</b> 49:9, 12 50:5 59:19 151:7, 11 <b>sealing</b> 151:9 <b>seated</b> 5:12 6:6, 15 <b>second</b> 51:23 123:2 170:11 202:18 <b>Security</b> 7:7, 8 63:8, 16, 19 <b>see</b> 5:14, 19 6:8 26:21 32:14 48:5 49:20 56:23 62:7 64:21 65:19, 20, 21 66:2 77:3 78:18 79:8 80:1 81:18, 24 82:7, 11, 12 89:6 94:6, 8, 16 100:16 101:7, 25 115:10, 19 122:9 143:13 146:4 153:2, 6 167:20 171:10 181:14, 17 191:9, 12 193:1 200:1 <b>seeing</b> 78:6 130:17 131:11, 17 132:6 133:2, 14, 18 134:11, 15, 19, 23 135:18, 20 136:7, 9, 13 137:5, 11 <b>seek</b> 51:16 52:20 <b>seeking</b> 132:20 189:23 <b>seen</b> 22:6, 20 57:21, 23 58:4, 15 93:16, 17, 19 95:13 115:13 144:8, 11 <b>sees</b> 93:23 94:2 <b>self-absorbed</b> 153:19 <b>selfish</b> 153:19 <b>semester</b> 61:13 170:11 <b>semesters</b> 61:15 <b>send</b> 98:5 103:10 116:17 123:24 196:16, 25 197:18 203:20 <b>sending</b> 97:21 100:5 113:10	193:22 194:19 198:22 202:1 <b>sense</b> 64:19 76:9 79:6 108:7 110:8 119:18 139:23 159:10 175:24 177:3, 6 188:8 <b>sent</b> 43:19 98:2, 3 101:1, 8 103:12, 13, 17 119:2 120:11 202:9 <b>sentence</b> 71:23 75:7 79:16 91:21 92:1 <b>separate</b> 28:25 136:4 <b>separated</b> 17:16 18:23 <b>separation</b> 22:23 <b>September</b> 8:25 9:17 39:14 <b>serve</b> 11:25 <b>served</b> 121:4, 10, 14, 17, 19 <b>Services</b> 4:9 20:3, 6 21:13 <b>session</b> 146:8 148:1, 25 149:18 <b>set</b> 6:4 13:19 16:17 92:25 126:1 127:3 <b>settlement</b> 21:16 23:8 152:23 154:5, 15, 21 162:3, 4 <b>seven</b> 61:8, 9, 15 111:2 168:14, 17 169:24 170:9, 13 173:18, 23 174:22 175:24 176:1 177:5 178:15 <b>severe</b> 182:2 <b>severely</b> 182:14 <b>sex</b> 116:5, 8 129:13 <b>share</b> 54:9, 20 57:15 114:6, 9, 18 199:15 200:14, 24 <b>shared</b> 17:18 53:9, 11 54:11, 17, 25 113:13, 14, 18 115:19 191:24	<b>shares</b> 113:20 115:8 <b>sharing</b> 52:24 53:14 <b>sheer</b> 98:18 <b>shell</b> 177:4, 10 <b>She'll</b> 89:4 187:20 <b>Shipp</b> 21:1 <b>shit</b> 123:20 <b>short</b> 60:22 <b>shorthand</b> 207:7 <b>short-lived</b> 84:14 <b>shot</b> 56:6 <b>shout</b> 151:17 160:2 <b>show</b> 59:21 60:13 63:18 114:6 120:16 <b>showed</b> 23:14 59:4, 16 60:8, 11, 16 63:15 112:19 113:1, 6 <b>showing</b> 63:15 113:8 <b>shown</b> 77:13 <b>shows</b> 69:5, 21 <b>shut</b> 195:12, 18, 19 <b>sic</b> 4:4 14:21 15:6 29:5 35:8 73:1 96:19 138:2 <b>Signal</b> 160:15 171:12, 14, 21 172:16 <b>sign</b> 155:9, 11 201:21 204:14 205:2, 4 <b>signature</b> 81:24 207:15, 16, 17 <b>signed</b> 120:1, 2 155:7 166:10 <b>signs</b> 23:15 <b>silent</b> 130:12, 13 <b>similar</b> 80:8 <b>similarly</b> 89:22 <b>simple</b> 50:25 83:16 107:24 198:2, 24 <b>simply</b> 43:23 <b>single</b> 58:23 183:6, 16 <b>sir</b> 97:16 <b>sit</b> 6:21 158:10 167:6 186:11
--	--	---	---



<p><b>sitting</b> 5:17 33:16, 21 124:23</p> <p><b>situation</b> 24:14</p> <p>31:7 90:17 151:18</p> <p><b>six</b> 18:20 128:13, 16 143:3 169:10 173:22 179:9</p> <p><b>skill</b> 207:5</p> <p><b>skills</b> 42:6, 9 43:6</p> <p><b>skirting</b> 68:20</p> <p><b>slow</b> 136:19</p> <p><b>small</b> 114:16 147:18</p> <p><b>smart</b> 184:22</p> <p><b>smoothly</b> 97:15</p> <p><b>snippet</b> 146:5, 7</p> <p><b>sober</b> 28:16</p> <p><b>so-called</b> 84:6 98:21 99:6</p> <p><b>social</b> 99:10</p> <p><b>sociopath</b> 13:17 16:16 92:24 106:16 125:24 127:1, 14, 19, 21 128:8</p> <p><b>sole</b> 44:21 108:21</p> <p><b>solitary</b> 183:16</p> <p><b>somebody</b> 51:1 69:20 109:22 110:6 124:24 139:17 153:1 198:21</p> <p><b>soon</b> 86:20, 25</p> <p><b>sooner</b> 39:11</p> <p><b>soon-to-be-disbarred</b> 84:12 86:2</p> <p><b>sorry</b> 4:3 5:9 9:5 22:15 24:24 25:15 33:19 39:3 42:13, 18 55:16 57:25 59:7 60:14 81:2 111:25 121:3 134:4, 5 136:20 145:24 171:13 176:3 183:4 202:19</p> <p><b>sort</b> 182:25</p> <p><b>sought</b> 120:24 121:6</p> <p><b>soul</b> 70:20</p> <p><b>sound</b> 5:20</p>	<p><b>sounds</b> 80:8 100:7 103:7</p> <p><b>South</b> 2:11 143:4</p> <p><b>speak</b> 5:5, 22 7:25 9:5 19:16 55:11, 15 95:24 104:12, 13 145:20</p> <p><b>speaking</b> 60:15</p> <p><b>Specialist</b> 2:17 4:8</p> <p><b>specific</b> 15:7 57:16 94:1 195:3 196:10</p> <p><b>specifically</b> 17:8, 10 31:11 79:22 121:13 192:5, 6</p> <p><b>speculation</b> 36:16 37:7 38:14, 20, 23 39:7 41:1, 2 47:25 60:3 66:12 111:1</p> <p><b>speculative</b> 39:11</p> <p><b>speculatory</b> 38:25</p> <p><b>speech</b> 14:1</p> <p><b>spelling</b> 7:3</p> <p><b>spend</b> 89:24 90:1 92:12 174:1 178:11, 13</p> <p><b>spent</b> 43:18 103:4 169:10, 11 178:9</p> <p><b>spoke</b> 55:20, 22 96:17 102:5 120:14 132:20 156:15</p> <p><b>spoken</b> 88:11 129:23 130:9, 18, 22 131:3, 7, 8 132:5, 18 133:14 137:18 164:25 165:2 203:19</p> <p><b>spousal</b> 111:5</p> <p><b>stable</b> 18:14</p> <p><b>Stalker</b> 153:3 154:1</p> <p><b>Stalking</b> 153:4</p> <p><b>Stamp</b> 100:19 122:16, 23 145:25 150:4</p> <p><b>stand</b> 95:15</p> <p><b>standing</b> 30:6, 15 38:22 39:7 63:3, 24</p> <p><b>start</b> 7:11 75:10 100:16 101:20</p>	<p>106:14 155:19 160:11</p> <p><b>started</b> 39:16</p> <p><b>starts</b> 59:2 101:7 126:20</p> <p><b>state</b> 36:5, 11, 20 63:6 89:10 99:4 118:8, 10, 11 119:11 120:18 140:6 143:19 144:1, 6, 19 145:5 146:9, 18 160:5 165:21 167:14, 17, 19</p> <p><b>stated</b> 12:5 14:20 16:6 32:25 53:9 78:2, 3 79:2 106:16 118:22 119:19 141:10 142:6 152:25 160:14</p> <p><b>statement</b> 24:15, 20 34:11 36:14 40:2 69:5, 12, 18 70:25 71:5, 11, 23 72:2 73:7 75:12 76:12, 23, 24 77:2, 6 82:13, 17, 23 83:1, 7, 9 85:2 90:22 95:4 106:17 116:21, 24 117:1, 3, 10, 13, 17 118:7, 14 127:13, 16, 18 130:8 139:5, 7 141:12, 23 153:14, 23 154:3 158:2 159:17 160:6, 7 167:25 168:5</p> <p><b>statements</b> 15:24 16:4 27:20 108:1 119:15 128:7, 9 132:8</p> <p><b>states</b> 79:23 84:20 164:14</p> <p><b>stating</b> 10:3 27:16 70:6 82:18, 21 115:21 144:5 166:3</p> <p><b>status</b> 144:6, 19 162:25</p> <p><b>statute</b> 50:7, 8, 13,</p>	<p>18 51:1 52:15</p> <p><b>stay</b> 24:4</p> <p><b>steal</b> 139:13</p> <p><b>stealing</b> 140:9</p> <p><b>stenographic</b> 207:7</p> <p><b>Steve</b> 51:18, 20 52:22 53:1, 2, 4, 10, 15 54:5, 6, 18 55:11, 15, 20, 22 57:4 193:22 194:20 196:16 197:1, 18 198:22</p> <p><b>stint</b> 99:19</p> <p><b>stipulate</b> 72:15 100:22 201:8</p> <p><b>stipulating</b> 30:15</p> <p><b>stipulation</b> 202:7</p> <p><b>stole</b> 140:2, 7</p> <p><b>stolen</b> 139:22, 24</p> <p><b>stop</b> 104:23 111:21 122:1 130:2 134:5 145:11 147:10, 15 159:7, 15 183:11 191:21 193:21, 23 194:19, 20 200:7 201:23 202:1</p> <p><b>stopped</b> 62:3 112:17 170:11 176:8</p> <p><b>store</b> 88:3, 4 117:15</p> <p><b>story</b> 133:9</p> <p><b>straight</b> 6:5 13:19 16:18 93:1 95:11 126:1 127:3 180:2</p> <p><b>straightforward</b> 180:4</p> <p><b>straight-up</b> 95:11</p> <p><b>strangled</b> 34:15</p> <p><b>streamline</b> 30:5</p> <p><b>street</b> 13:21 16:19 93:2 99:22, 23 126:3 127:5 143:4, 6</p> <p><b>stress</b> 146:12</p> <p><b>stressors</b> 164:15</p> <p><b>stripper</b> 46:8</p> <p><b>stuck</b> 201:17</p> <p><b>student</b> 140:16, 20</p> <p><b>stuff</b> 56:23 103:5, 6 124:24 201:24</p>
---	--	--	--





<p><b>stumbled</b> 19:10 22:4</p> <p><b>stumbles</b> 20:13</p> <p><b>stupidity</b> 98:18</p> <p><b>sub-human</b> 84:11 85:2, 23</p> <p><b>subject</b> 98:22</p> <p><b>subjected</b> 98:15</p> <p><b>submitted</b> 19:17</p> <p><b>subpoena</b> 26:20</p> <p><b>subsequent</b> 43:14</p> <p><b>substance</b> 142:8</p> <p><b>substantial</b> 40:17 41:9, 11 61:18, 23 167:16</p> <p><b>substantiating</b> 161:18</p> <p><b>successful</b> 141:16</p> <p><b>suddenly</b> 164:12</p> <p><b>sufficient</b> 80:6 91:14</p> <p><b>suggestion</b> 133:12</p> <p><b>suggests</b> 136:13</p> <p><b>Suite</b> 2:4, 11, 15</p> <p><b>sum</b> 9:25 10:2 109:6 154:11</p> <p><b>summary</b> 80:13, 19 200:3</p> <p><b>support</b> 8:20 11:2, 5, 15 21:13, 14 47:1, 9, 19 62:3 86:4, 8 87:2, 22 88:6, 7 89:8, 12, 22, 25 102:25 107:20 111:5 117:19 118:17 119:8, 22 120:15 137:19 158:4, 8 175:1, 6 176:9, 17 177:17 179:13 187:9 189:25 198:14 200:13</p> <p><b>supported</b> 125:11</p> <p><b>suppose</b> 31:22</p> <p><b>supposed</b> 20:1 94:5 114:3 137:2 187:6</p> <p><b>supreme</b> 88:4</p> <p><b>sure</b> 6:16 7:3 12:10 51:9 63:5</p>	<p>111:3 126:6, 15 190:6 199:9</p> <p><b>surprise</b> 102:4, 7 103:15</p> <p><b>surroundings</b> 28:18</p> <p><b>suspect</b> 139:16</p> <p><b>suspended</b> 31:7 36:14 37:3, 12, 14 52:8 86:5, 7, 9, 10, 11, 13, 14, 15, 20, 24 87:4, 21 88:1 117:19, 21 118:18, 24 119:3, 22 140:1, 8 144:16 190:21</p> <p><b>suspension</b> 31:4 102:14</p> <p><b>sustain</b> 189:20</p> <p><b>swear</b> 5:1</p> <p><b>sworn</b> 5:4 207:3</p> <p><b>system</b> 192:1, 21, 23</p> <p>&lt; T &gt;</p> <p><b>table</b> 191:14</p> <p><b>tactics</b> 27:1 68:4</p> <p><b>take</b> 5:23 8:2 17:25 18:3 62:11 91:9 96:5 100:2 106:10 109:2 151:23, 25 152:3, 6 164:20, 23 168:14 182:3, 15 186:20 195:21 202:9 204:17</p> <p><b>taken</b> 2:1 99:1 135:9 202:3 207:2, 6</p> <p><b>takes</b> 136:20</p> <p><b>talk</b> 8:1 19:15 22:16, 18 44:23 104:11 107:13 109:23 110:5 145:15 159:15 168:11 176:14</p> <p><b>talked</b> 50:25</p> <p><b>talking</b> 81:3 89:15 92:2 107:18 121:16 129:4 134:5 137:10 154:25 162:11 171:19 183:11 200:7</p>	<p><b>TARA</b> 1:1 2:1 3:2 4:2, 6, 15 5:3 73:13 101:8 123:4 206:1, 25</p> <p><b>tarakellogg1@gmail.com</b> 97:20 123:5</p> <p><b>tax</b> 40:6, 12 41:3</p> <p><b>Technically</b> 89:3</p> <p><b>telephone</b> 53:21</p> <p><b>tell</b> 98:7, 10 102:22, 24 123:17 143:22 156:7, 10 164:9</p> <p><b>telling</b> 27:18 52:13 111:10 113:12 132:24 141:7 143:11 164:17 165:24 178:8</p> <p><b>tempers</b> 91:4</p> <p><b>ten</b> 62:12 92:2 147:19 149:2 151:25 152:3, 6 204:19 205:3</p> <p><b>tend</b> 75:2 77:9</p> <p><b>tendency</b> 76:20</p> <p><b>ten-minute</b> 151:23</p> <p><b>tensions</b> 97:14</p> <p><b>ten-year-old</b> 147:25</p> <p><b>terminate</b> 32:15</p> <p><b>terminology</b> 7:3 10:12 51:7</p> <p><b>terms</b> 77:6</p> <p><b>test</b> 17:25 18:3</p> <p><b>testified</b> 5:6 10:16 40:9 56:24 58:15 60:5 77:8, 11 87:25 137:6 143:5</p> <p><b>testify</b> 33:4 40:10 60:21 139:4 151:10</p> <p><b>testifying</b> 9:16 10:14 29:19 33:12 41:3 174:23 207:3</p> <p><b>testimony</b> 10:18 33:6, 24 34:11 43:3 44:16 61:2 168:13 184:9, 13</p> <p><b>text</b> 19:16 21:24, 25 22:2</p> <p><b>Thank</b> 76:25 90:18 91:11, 13 96:7 97:5, 17 115:25 137:9 138:24, 25</p>	<p>152:7 160:10 161:13 163:22 180:16</p> <p><b>Thanks</b> 84:11 96:8 99:24</p> <p><b>therapist</b> 130:17, 18 131:17 133:3, 14, 19 134:11, 15, 20, 23 135:2, 19, 20 158:20, 22</p> <p><b>therapy</b> 13:18 16:17 92:25 125:25 127:2 128:12, 14, 21 129:1, 17, 20 130:23 131:11, 16, 22 132:6, 15, 19, 20 133:1 136:25 146:8 148:24 149:18 167:15, 16</p> <p><b>thereof</b> 207:11</p> <p><b>thief</b> 13:22 16:21 38:17 93:4 127:6 139:2, 11, 23</p> <p><b>thing</b> 60:12, 17 110:10 151:11 183:6, 16</p> <p><b>things</b> 12:17 19:25 57:17 63:2 75:2 77:10 97:8 102:23 103:8 139:24 151:5 183:13 201:5 202:15</p> <p><b>think</b> 11:8, 17 25:8 32:6 34:1, 2 38:7, 8, 16 39:8 40:23 41:17 42:25 43:1, 4 44:14 45:18 47:3 49:15, 16, 17 55:7, 19 61:4 66:9 67:20 69:4, 7, 11, 14, 23 71:18, 22, 24 72:21 76:18, 20 82:25 83:3 85:20, 23 86:1 91:4 97:11 106:13 108:2, 20 109:15, 22 110:3, 8 111:6 114:1, 19 122:14 125:3 126:25 128:1 152:14, 17</p>
--	---	--	---



155:14 158:18 166:2 167:24 177:15, 21 178:12 179:16, 21 184:9 187:2, 5, 8, 10 193:6, 7 195:12, 16 201:17, 18 203:24 204:6, 24 <b>thinking</b> 82:5 119:12 144:15 166:3 <b>thinks</b> 110:6 <b>third</b> 13:3 45:13 66:16 93:8 95:7, 12 <b>Thirty</b> 119:2 <b>thought</b> 4:17, 22 25:6 64:22 77:5 79:9 102:20 <b>thousands</b> 43:19 <b>threat</b> 85:18 <b>threaten</b> 27:1 85:17 <b>threatened</b> 121:7, 21 124:1, 8 <b>threatening</b> 27:17 124:2, 4 <b>threats</b> 98:19 99:5 <b>three</b> 46:21 55:8 61:17 68:1, 2 89:24 111:12 166:24 182:7 188:7, 14 191:2 <b>threw</b> 63:21 <b>throwing</b> 192:24 193:1, 6 <b>thumb</b> 113:10 <b>till</b> 22:15 <b>time</b> 4:4 9:6 10:18 22:22, 23, 24 23:17 25:4, 6, 9, 12, 17 26:10 28:6, 7, 20 31:15, 24 32:22 36:21, 22, 24 37:13 38:24 39:20, 25 40:3, 17, 24 42:22 46:4, 12 54:10, 11 55:10, 18 56:5 58:23 60:15, 21 62:16, 19 64:24 74:1, 3 79:11 81:3 84:5 90:9 92:19 94:1 96:10, 13	124:23 125:17 129:11, 12 134:6 138:21 147:19 149:2 152:9, 12, 14 154:13 155:5 164:9, 23 167:13, 14, 15 169:25 180:6, 8 181:9 186:15 204:12 <b>times</b> 32:5 33:1 36:19 55:8, 22 103:1, 2, 4 137:1 155:12, 19, 20, 22, 25 164:25 180:3 181:14 <b>time's</b> 100:21 <b>title</b> 58:12, 21 59:2 <b>today</b> 24:20 25:13, 20 36:9 98:24 99:2, 24 142:2 163:7 174:23 188:18 189:1 199:12, 22 <b>Today's</b> 4:3 <b>told</b> 50:6 64:17 74:18 79:3 102:23 103:16 114:10 119:16 129:18 130:10, 14 134:2 156:12 165:15 172:7 181:4 184:19 <b>tons</b> 106:4, 13 <b>Tony</b> 52:1, 3, 4 <b>top</b> 81:18, 19 <b>Totally</b> 96:4 <b>toxic</b> 24:13 28:17 29:11, 14 <b>TPO</b> 99:4 120:21, 23 <b>TPOs</b> 120:22 <b>track</b> 65:2 79:14 <b>transcript</b> 61:3 204:15, 24 <b>transcripts</b> 31:19, 20 <b>transpire</b> 5:21 <b>treating</b> 166:5 <b>treatment</b> 28:13 <b>trial</b> 9:17 10:14, 16 12:4 21:19 27:11 35:20 39:13, 25	40:10 41:6 60:22 61:8 72:14 111:4 167:25 <b>tried</b> 141:13 <b>tries</b> 64:13 78:24 <b>triggered</b> 98:14 <b>true</b> 34:6 40:8 44:3 59:12 64:18 65:25 73:7 75:8 76:8 79:5 82:3 84:20, 21 101:18 108:1 109:19 118:13 120:17 125:4 127:9, 11, 12, 14 129:16 130:20 133:4, 5 138:20 140:3 142:5 143:6, 8, 10 144:23 146:21, 23 147:22 158:2 161:19, 20, 23 168:4 170:3 171:8, 9 172:13 174:11 179:11 189:19 191:4 206:3 207:4 <b>truly</b> 91:5 96:22 <b>trusted</b> 69:20 <b>truth</b> 5:5, 6 71:3 207:3 <b>Try</b> 8:1, 16 91:7 97:1 134:8 158:1 195:2 <b>trying</b> 8:9, 10 36:24 37:1 46:22 57:8 74:16 104:19, 22 108:11 111:9 124:12 130:4 159:13, 22 160:4 179:12, 19, 23 183:5, 7, 13 190:14 192:12, 17, 20 195:7, 16 196:20 199:10 <b>tuition</b> 174:20 176:16 <b>turn</b> 62:24 64:4 65:5 77:18, 19 79:18 81:15 84:16 100:15 101:14 122:2 125:13	127:24 145:18, 21, 24 150:3 193:8 <b>turning</b> 126:7 154:5 <b>twice</b> 55:8 181:15 <b>two</b> 19:4 20:22 55:21 62:21 63:2 99:16 117:4 138:18 152:22 172:25 181:18 182:5 184:12 185:8, 9 188:7, 13 <b>two-page</b> 157:12 <b>typically</b> 64:12 78:23  < U > <b>Uh-huh</b> 171:18, 20 <b>ultimate</b> 153:21 <b>ultimately</b> 64:22 77:4 79:9 <b>Um-hum</b> 81:17 <b>unable</b> 5:19 6:8 157:6 165:21 167:12 181:23 188:24 <b>unclean</b> 67:8 <b>undermine</b> 108:10 192:12, 18 197:24 <b>undermining</b> 48:16 108:8, 16, 18 109:12, 16 <b>understand</b> 8:6 14:3, 25 26:15, 17, 19 39:4 51:8, 15, 16 52:19 54:19 61:2 91:18 95:25 104:10 108:9 110:18, 20, 21, 24 117:6 132:7 134:8 141:2, 5 160:23 161:2, 4 167:24 171:2 193:12 199:8 <b>understanding</b> 50:13 51:17 63:14 89:10, 13 175:23 <b>understands</b> 73:2 74:10 96:21 <b>unemployable</b> 164:2 <b>unfortunately</b> 33:2 188:19
--	--	--	--



<p><b>unhinged</b> 98:13 100:2 <b>universe</b> 153:22 <b>University</b> 43:22 <b>UNLV</b> 43:17 61:6, 25 169:1, 2 173:23 185:7 <b>unpaid</b> 89:25 <b>unprovoked</b> 98:23 <b>untrue</b> 112:10 <b>untrustworthy</b> 107:4 <b>unwilling</b> 19:25 <b>upwards</b> 174:21 <b>use</b> 22:12 23:17 35:22 173:17 180:9, 11 <b>usual</b> 187:16 <b>usually</b> 94:15 <b>utter</b> 71:13</p> <p>&lt; V &gt; <b>vacation</b> 92:12 <b>vaccine</b> 56:6 <b>valid</b> 144:22 160:24 <b>value</b> 65:2 <b>values</b> 79:14 <b>varies</b> 55:5, 10 <b>variety</b> 64:20 76:10 79:7 <b>Vegas</b> 1:1 2:4, 11, 16 4:7 101:22 <b>vengeance</b> 72:10 75:6 <b>venue</b> 67:17 <b>verify</b> 146:2 <b>Veterans</b> 51:22 57:12 59:17 114:11 129:1, 21 131:22 132:21 135:1 <b>vexatious</b> 98:19 <b>victim</b> 151:17 <b>victims</b> 28:14 <b>Video</b> 2:17 4:8 48:3, 22 59:1, 4, 16 62:10 112:19, 20 113:1, 2 114:9 121:11 204:13, 24</p>	<p><b>VIDEOGRAPHER</b> 4:1, 21, 24 5:7 6:2 62:15, 18 96:9, 12 152:8, 11 204:11 <b>video-recorded</b> 4:5 <b>videos</b> 45:6, 10, 13 47:18 48:10, 25 49:1, 2, 5, 7, 10, 14 50:4 57:1, 3, 19, 21, 24 58:5, 6, 7, 12, 16, 22 59:9, 11, 20 60:6 103:12 112:17, 24 113:5, 14, 16, 24 114:19, 25 115:9, 18, 21 151:11 193:22 194:19 195:2 196:16, 25 197:18 198:22 199:15 200:14 202:1, 2, 4, 22 <b>VIDEOTAPED</b> 1:1 2:1 <b>view</b> 5:13 <b>vile</b> 84:10 85:1, 2, 23 <b>violence</b> 20:21 28:14 29:15, 25 30:24 31:5, 12 103:2, 3, 4, 5 146:10 <b>visits</b> 128:15 <b>voicemails</b> 134:25 135:6 203:2 <b>voluntary</b> 99:18 <b>Vosburg</b> 2:17 4:7, 18 <b>vs</b> 1:1 4:2</p> <p>&lt; W &gt; <b>wait</b> 8:3, 5 19:7 22:15 45:23 57:20 77:21 80:12 122:1 145:8 159:6 163:24 192:22 <b>waiting</b> 131:19 <b>waived</b> 207:16 <b>want</b> 5:10, 24 6:16 10:2 11:1 14:4, 21 31:23 37:5 38:4, 25 55:21 60:5 63:1, 5, 6 69:22, 25</p>	<p>77:23 80:14 81:20 90:24 95:21, 22 96:1 103:25 105:20 106:10 107:9 110:17 114:6, 9 120:12, 18 124:25 126:6, 14 130:5 138:21 141:16 150:23 156:4 162:6 163:19 168:4 176:6 178:19, 24 179:4, 5, 6, 7 183:9, 21 186:5 187:4, 19 190:12 193:18 199:9 200:5 202:10 204:2, 9, 16, 17, 22, 23 <b>wanted</b> 10:4, 20 19:21 24:13 29:18 35:10 63:10 88:13 96:15 102:15 107:13 120:8 143:15 171:3 <b>wanting</b> 15:5 <b>wants</b> 113:7 180:5 187:15 <b>war</b> 99:17 <b>warn</b> 135:11 <b>warning</b> 27:21 <b>wash</b> 34:3 <b>washing</b> 34:9 <b>waste</b> 99:13 <b>wasting</b> 32:22 74:3 124:22 180:6 <b>watch</b> 186:11 <b>Watchers</b> 159:3, 20, 25 160:13, 15 <b>way</b> 30:11 37:10 62:6 71:13 94:8 98:17 112:12 117:12 119:21 152:25 158:24 168:12 198:18 207:9, 10 <b>website</b> 118:3, 10, 12 <b>week</b> 55:6, 8, 11, 12 155:5 156:6 <b>weekend</b> 90:1</p>	<p><b>weekends</b> 89:24 <b>weekly</b> 95:2 <b>weeks</b> 181:10, 12, 13 <b>Well</b> 6:2 7:11 10:3, 11 16:3 19:5 20:11, 18 32:16, 22 38:23 40:6 41:11 44:23 50:9 51:11 53:4 56:24 65:21 66:1 72:16 76:1 78:5 80:10, 24 81:15 82:14 87:16 97:25 101:3 105:16 107:1, 21 116:3 126:16 130:1 131:1 133:16 136:19 137:18 138:24 140:1 141:25 142:4 150:8, 12, 22 157:8, 9, 22 160:22 161:15 164:17 167:20, 22 168:21 171:12, 14 178:8 179:8 181:8 187:12 188:25 192:6 199:22 <b>well-aware</b> 163:13, 19 <b>went</b> 21:19 54:23 62:2 111:4 119:25 146:19 155:14 <b>We're</b> 4:6 30:14, 19 62:15 63:5 74:6 85:15 91:17 96:9, 12 152:8 160:1 164:16 171:19 180:5 184:18 204:11 <b>we've</b> 35:18 74:4 92:1 130:21 <b>whatsoever</b> 85:10 125:12 201:9 <b>when's</b> 46:4 <b>white</b> 142:8 <b>Whoa</b> 145:8, 9 <b>whoever's</b> 156:15 <b>wife</b> 138:8 <b>WiFi</b> 5:17</p>
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<p><b>Willick</b> 17:25 170:23 171:6, 11, 17, 22 <b>wind</b> 75:1 <b>window</b> 129:12 <b>wine</b> 138:18 <b>wise</b> 64:16 74:18 79:3 <b>wish</b> 106:12 190:10 <b>withdrew</b> 172:9 <b>WITNESS</b> 3:2 5:2, 4 35:6 207:2 <b>woman</b> 178:5 186:19, 20 <b>word</b> 49:17, 21 52:19 71:12 78:17 95:4 99:14 127:8 160:12 201:22 <b>words</b> 20:5 35:2 42:14 50:13 51:7 53:1 54:21 74:13, 14, 16 80:3 98:19 104:5, 18 105:7 123:8 124:15 135:17 197:19 202:23 <b>work</b> 6:5 42:19 45:25 46:2, 3 50:23 57:17 111:7, 18 140:21, 24 155:3, 5, 13, 20, 22, 25 156:4, 9, 17, 22, 24 157:2 162:15 165:21, 23 167:12, 15 168:7 180:23 181:5, 18, 21, 23 182:2, 15 184:14, 20 197:24 204:5 <b>worked</b> 42:14, 16, 17 43:8 46:4, 6, 13 140:15 <b>working</b> 46:19 157:21 168:3 <b>works</b> 101:22 145:17 <b>world</b> 127:25 <b>Worldwide</b> 4:9 <b>worsened</b> 188:4, 5 <b>write</b> 65:3 73:10 76:1 104:1, 2, 16 105:1, 8</p>	<p><b>writing</b> 69:25 102:13 103:21 <b>written</b> 16:4 61:3 71:14, 15 82:5 98:10 99:14 <b>wrong</b> 48:5 <b>wrote</b> 67:24 68:16 72:24 78:2, 11, 17, 18 101:17, 18 102:17 151:3 153:1  &lt; X &gt; <b>Xanax</b> 138:19  &lt; Y &gt; <b>yeah</b> 7:17 8:11 9:8, 12 29:3 33:13, 15 34:4 41:15 43:16 61:5 62:13 64:11 91:16 93:21 94:20 100:15, 19, 24 101:13 122:6, 16 126:5, 19 138:5 171:13 173:14 175:21 177:1, 2 184:1, 2 186:22 192:15 195:24 204:16, 17, 23 205:4 <b>year</b> 16:8 21:5 29:7 40:20 41:17 46:5, 15 55:17 119:1, 2 120:25 121:3 142:13 143:11 <b>years</b> 18:15, 21 22:23 31:3 46:21 55:21 61:25 88:10, 16, 19 111:12 128:13, 16, 20 130:8 133:21, 22 137:19 149:2 157:10 164:8, 13 166:18, 20, 24 169:10 173:22 179:9 185:2, 8, 10 188:7, 14 <b>Yep</b> 42:13 <b>yes/no</b> 141:7, 9 <b>yes-or-no</b> 68:14 69:10 76:17 83:5 85:14 96:19 97:8</p>	<p>104:21 110:13 125:1 150:17 198:24 <b>yesterday</b> 5:12 6:5 63:12 98:11 120:15 <b>YouTube</b> 57:19, 22, 25 58:2 113:5 115:1, 14, 22  &lt; Z &gt; <b>zero</b> 55:9 111:13, 14 155:21, 24</p>
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1 **NEOJ**

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9 *Defendant in Proper Person*

10 **EIGHTH JUDICIAL DISTRICT COURT**  
11 **CLARK COUNTY, NEVADA**

12 TARA KELLOGG GHIBAUDO,

13 Plaintiff,

14 vs.

15 ALEX GHIBAUDO,

16 Defendant.

Case Number: D-15-522043-D

Department: H

17 **NOTICE OF ENTRY OF STIPULATED CONFIDENTIALITY AGREEMENT**

18 **AND PROTECTIVE ORDER**

19 PLEASE TAKE NOTICE that on the 36<sup>th</sup> day of March 2020, a *Stipulated*  
20 *Confidentiality Agreement and Protective Order* was entered in the above-entitled matter,  
21 a copy of which is attached hereto.

22 DATED this 22<sup>nd</sup> day of March 2022.

23 By: /s/ Alex B. Ghibauda

24 Alex B. Ghibauda, Esq.

25 Nevada Bar No.: 10592

26 197 E California Ave, Ste 250

27 Las Vegas, Nevada 89104

28 *Defendant in Proper Person*



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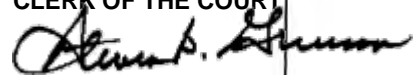
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22nd day of March 2022, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF STIPULATED CONFIDENTIALITY AGREEMENT AND PROTECTIVE ORDER**, via the Court designated electronic service program and/or U.S. Mail, first class postage prepaid, addressed to the following:

Yasmin Khayyami, Esq.  
[Yasmin.khayyami@jknelsonlaw.com](mailto:Yasmin.khayyami@jknelsonlaw.com)

Jonathan K. Nelson, Esq.  
[Jonathan@jknelsonlaw.com](mailto:Jonathan@jknelsonlaw.com)

By: /s/ Crystal Reed  
An Employee of ALEX B. GHIBAUDO, P.C.



1 **SAO**

2 **RADFORD J. SMITH, CHARTERED**

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*Attorneys for Defendant*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

12 **TARA KELLOGG-GHIBAUDO,**

13 **Plaintiff,**

14 **vs.**

15 **ALEX GHIBAUDO,**

16 **Defendant.**

**CASE NO.: D-15-522043-D**

**DEPT NO.: H**

**FAMILY DIVISION**

18 **STIPULATED CONFIDENTIALITY AGREEMENT AND PROTECTIVE ORDER**

19  
20 COME NOW the Parties, Plaintiff, TARA KELLOGG- GHIBAUDO ("Tara"),  
21 being represented by R. Christopher Reade, Esq., Law Offices of Cory Reade Dows &  
22 Shafer, and Defendant, ALEX GHIBAUDO ("Alex"), being represented by Radford  
23 Smith, Esq., and Helen Towlernton, Esq., of Radford J. Smith, Chartered, and hereby  
24 stipulate and agree as follows:  
25  
26  
27  
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1 WHEREAS, this action involves or may involve the disclosure of documents,  
2 material, and information potentially entitled to protection under N.R.C.P. Rule 16.2, and  
3 Rule 26(c), and;  
4

5 WHEREAS, to facilitate the disclosure of information and to protect the confidential  
6 nature of such information is in the interests of both parties;  
7

8 NOW THEREFORE, it is agreed as follows:  
9

10 1. Definitions:

11 (a) "Confidential Material" shall mean all nonpublic or proprietary documents,  
12 material, and information potentially entitled to protection under N.R.C.P. Rule 16.2, and/or  
13 Rule 26(c) and shall apply to all documents and information received by a party in response  
14 to formal interrogatories, requests for production of documents, subpoena and/or as part of  
15 Mandatory Disclosures, including all such documents and information received and/or  
16 issued in this matter prior to the entry of this agreement.  
17  
18

19 By way of example, but not limitation, Confidential Material includes the  
20 information, records and data concerning a party's financial information, health care and  
21 records; business or affairs of Alex B. Ghibaudo, Esq., and/or Alex B. Ghibaudo, P.C.,  
22 including information concerning acquisition or business development opportunities, the  
23 identities of the current, former or prospective clients, suppliers and customers of that entity,  
24 development, transition and transformation plans, methodologies and methods of doing  
25 business, strategic, marketing and expansion plans, financial and business plans or analysis,  
26  
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1 financial data or statements, records from financial institutions, tax returns, bank statements,  
2 credit card statements, accounting records, communications by or to an Affiliate,  
3 agreements, contracts, corporate records, minutes of meetings, pricing information,  
4 employee lists and telephone numbers, locations of suppliers, customers or sales  
5 representatives, new and existing customer or supplier programs and services, customer or  
6 supplier terms, customer service and integration processes, requirements and costs of  
7 providing products, service, support or equipment.

11 (b) "Requesting Party" shall mean any party to this Agreement conducting a  
12 deposition pursuant to N.R.C.P. 30-31, propounding interrogatories pursuant to N.R.C.P.  
13 33, requesting the production of documents pursuant to N.R.C.P. 34, N.R.C.P. 69, or  
14 issuing a subpoena *duces tecum* served upon any person or entity in this proceeding, and/or  
15 otherwise seeking discovery herein and/or pursuant to post-judgment collection  
16 proceedings occurring contemporaneously hereto.

19 (c) "Producing Party" shall mean any person or entity on whom a discovery request  
20 has been propounded in this action.

22 2. Designation of Information Produced as "Confidential Material". In  
23 responding to a request for information herein, any party may designate any document,  
24 material, or information produced by it as "Confidential Material". In the case of  
25 documents, such designation shall be made by stamping the phrase "Confidential" or  
26 "Confidential Material" on all pages of any document so designated, in a conspicuous place.  
27  
28

1 In the case of deposition testimony, such designation shall be made by identifying on the  
2 record those portions of the transcript designated as Confidential Material. Portions of a  
3 deposition designated as Confidential Material shall be separately transcribed and  
4 designated as Confidential Material. Machine readable media and other non-documentary  
5 material shall be designated as Confidential Material by some suitable and conspicuous  
6 means, given the form of the particular embodiment. Lastly, information may be designated  
7 as "Confidential" with written notice to the Receiving Party by the Producing Party.  
8  
9

11 A party may review Confidential Material in the office of his or her respective  
12 counsel. All documentation produced subsequent to the date of this agreement may be  
13 reviewed by a party in the office of his or her respective counsel, however he and she shall  
14 not receive copies thereof in any format, hard copy or electronic. To the extent a party has  
15 received copies of Confidential Material produced previous to the date of this agreement,  
16 each party expressly understands, warrants and agrees that such information, documents  
17 and material must be kept confidential in accordance with the terms of this agreement and  
18 may not be disclosed in any manner or to any person or entity other than expressly  
19 authorized in Paragraph 4, below.  
20  
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24 A party producing documents may make the designation permitted hereby either at  
25 the time the document is produced or at the time it is copied for delivery to the requesting  
26 party. Failure to make the designation at the time a document is made available for  
27 inspection does not constitute a waiver of the right to designate a document as Confidential  
28

1 material. The designation of material as Confidential Material, in the manner described  
2 hereunder, shall constitute a certification by the attorney making such designation that he  
3 or she in good faith believes the material to be potential entitled to protection under N.R.C.P.  
4 16.2.  
5

6  
7 3. Treatment of Confidential Material. All documents, material, and information  
8 designated as Confidential Material under paragraph 2 shall be treated in accordance with  
9 the provisions of this Order unless such designation has been released by the party making  
10 it or by order of the court.  
11

12 4. Disclosure of Confidential Material in General. Except as provided in this  
13 Stipulated Protective Order, Confidential Material and the contents of Confidential Material  
14 shall not be shown to, given to, discussed with or otherwise disclosed to any person other  
15 than the following:  
16

17 (a) the parties to this case (except as specifically provided in Paragraph 2,  
18 above);  
19

20 (b) counsel or record for the parties and persons employed by them in  
21 connection with this lawsuit;

22 (c) the authors, addressees or originators of confidential material;  
23

24 (d) any bona fide expert witness engaged by counsel of record in the action  
25 to testify as an expert or engaged as a bona fide consulting expert in this action; and

26 (e) the Court, provided that any confidential material submitted to or filed  
27 with the Court, including but not necessarily limited to deposition transcripts,  
28 pleadings, briefs and exhibits (except trial exhibits), shall be filed as a suppressed  
document, available only to parties and counsel of record subject to release or

1 inspection only by the Court or consent of the party claiming confidentiality as to the  
2 particular material pursuant to paragraph 9.

3 5. Statement Regarding Confidentiality. Prior to disclosure of any Confidential  
4 Material to a party to this case or any bona fide expert witness or consultant, such individual  
5 shall sign a Statement Regarding Confidentiality in the form attached hereto as Exhibit A,  
6 stating the signatory's full name, address, and present employer, and acknowledging his or  
7 her understanding of the terms of this Stipulated Protective Order and his or her agreement  
8 to be bound by its terms. Each such signed statement shall be retained by the attorney  
9 disclosing any Confidential Material pursuant to this paragraph 5 and shall be made  
10 available for inspection and copying upon request by counsel for the Producing Party or by  
11 Order of the Court.  
12  
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16 6. Any party shall have the right to apply to the Court, upon reasonable notice to  
17 the Producing Party, for an Order permitting further disclosure or declassification of  
18 Confidential Material upon a showing that such an Order is necessary to an adequate  
19 preparation of said party's case or that the designation of "Confidential Material" was  
20 unjustified  
21  
22

23 7. Any person who receives or is afforded access to any Confidential Material  
24 pursuant to the provisions of this Stipulated Protective Order shall neither use nor disclose  
25 said Confidential Material for any purpose other than the purposes of preparation for and  
26 conduct of this proceeding, and then solely as contemplated herein. Furthermore, such  
27  
28

1 persons shall take all reasonable precautions to maintain the confidentiality of such  
2 Material.

3  
4 8. Counsel are charged with the responsibility of advising the parties hereto, their  
5 associates, legal support personnel, and experts or consultants who are participating in the  
6 prosecution or defense of this proceeding to whom disclosure of Confidential Material may  
7 be made pursuant to this Order, of the terms of this Order and their obligations thereunder.  
8

9  
10 9. Confidential Material may be used by any party at trial or on any appeal of this  
11 matter without regard to the terms of this Order; provided, however, that all parties reserve  
12 their respective rights to request the Court to take appropriate measures to preserve the  
13 confidentiality of such material, and provided further that the parties hereto reserve their  
14 right to question, challenge, and/or object to the admissibility of such Confidential Material  
15 in accordance with the Nevada Rules of Evidence and/or the Nevada Rules of Civil  
16 Procedure.  
17

18  
19 10. The restrictions and obligations set forth herein shall not apply to any  
20 information that the Parties agree should not be designated Confidential Material, or that  
21 the parties agree, or the Court rules, has become public knowledge other than as a result of  
22 disclosure by the receiving party, its employees, or its agents in violation of this Order; or  
23 has come or shall come into the receiving party's legitimate knowledge independently of  
24 and/or prior to the production by the producing party.  
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1           11. Nothing herein shall in any respect constitute a waiver of any attorney-client  
2 or work product privilege of any party, nor does any provision herein affect the right of any  
3 party to contest any assertion or finding of confidentiality or privilege, and/or to appeal any  
4 adverse determination of the court regarding said confidentiality or privilege.  
5

6           12. Nothing herein shall impose any different or greater duties or obligations upon  
7 any party respecting documents, materials, or information obtained from other sources or  
8 by means other than discovery solely because those documents, materials, or information  
9 may have been designated as Confidential Material when produced in discovery herein;  
10 provided however that the embodiment of the material that has been designated hereunder  
11 shall itself be treated as Confidential Material.  
12

13           13. Nothing contained herein is intended to broaden the scope of information that  
14 would be entitled to protection under N.R.C.P. 26(c).  
15

16           14. Nothing herein shall be construed to prevent disclosure of Confidential  
17 Material if such disclosure is required by subpoena, court order or any other legal obligation.  
18 Should a party be required by law, including 37 CFR 1.56, or by order of the Court to  
19 disclose Confidential Material, written notice shall be provided to the Producing Party prior  
20 to any such disclosure. The producing party shall have seven (7) days from the date of the  
21 notice to object to any disclosure of the Confidential Material and apply for a protective  
22 order. If the Producing Party makes a timely objection, the receiving party shall not produce  
23 the Confidential Material absent a court order. However, the burden shall be on the  
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1 objecting, Producing Party to seek protection relating to the commanded disclosure in a  
2 timely manner. If the Producing Party fails to take such action within seven (7) days, it shall  
3 be deemed to have waived its objection to the commanded disclosure.  
4

5 15. All objections to the admissibility of any documents produced, whether or not  
6 such documents are ultimately determined to be confidential for purposes of this Order, are  
7 preserved and may be made when any such document is tendered at a hearing or trial.  
8

9 16. This Stipulated Protective Order shall be deemed severable, and if any  
10 provision of this Stipulated Protective Order is rendered or deemed void, unenforceable, or  
11 otherwise ineffective by operation of law, the other provisions of this Stipulated Protective  
12 Order shall not be affected and shall remain in full force and effect, and the Parties shall  
13 negotiate in good faith to replace such illegal, void or unenforceable provision with a  
14 provision that corresponds as closely as possible to the intentions of the parties as expressed  
15 by such illegal, void or unenforceable provision.  
16  
17

18 17. The parties acknowledge that any violation or threatened violation of this  
19 Stipulated Protective Order would cause irreparable injury to the other party, and to any  
20 other person or entity to which the particular Confidential Information belongs or relates,  
21 to which such violation or threatened violation relates, and that money alone would not be  
22 sufficient to redress such injury. The parties agree that any actual or threatened violation  
23 of this Stipulated Protective Order may be enjoined by any court of competent jurisdiction  
24 in an action seeking equitable relief or in an action to seek injunctive relief by either party  
25  
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1 as well as by any person or entity to which the particular Confidential Information belongs  
2 or relates.  
3

4 18. This Stipulated Protective Order contains the final and complete contract of  
5 the Parties to the Stipulated Protective Order, and supersedes all prior oral or written  
6 promises, undertakings, understandings, or negotiations concerning the subject matter of  
7 this Stipulated Protective Order. This Stipulated Protective Order shall inure to the benefit  
8 of and be binding upon the Parties and their successors and assigns.  
9  
10

11 19. This Stipulated Protective Order may be executed simultaneously in two or  
12 more parts, each of which shall be deemed an original, but all of which together will  
13 constitute one and the same instrument.  
14

15 20. Neither the failure of any Party at any time to enforce any of the provisions of  
16 this Stipulated Protective Order nor the granting at any time of any other indulgence shall  
17 be construed as a waiver of that provision or of the right of either Party afterwards to enforce  
18 that or any other provision.  
19  
20

21 21. Should any Party to this Stipulated Protective Order or any person or entity  
22 bring an action to enforce or interpret this Stipulated Protective Order, the prevailing party  
23 in such action shall awarded reasonable attorney's fees and costs incurred in the action from  
24 the non-prevailing party. Nothing in this Confidentiality Stipulated Protective Order shall  
25 prevent the court from entering additional sanctions, fines or orders of contempt in addition  
26 to the attorney's fees and costs permitted under this paragraph.  
27  
28



1           22. This Stipulated Protective Order may not be amended, nor any obligation  
2 waived, except by a writing signed by both the parties or an order of the Court.  
3

4           23. The confidentiality of material produced in this action and designated as  
5 confidential hereunder is to be preserved both during and after the final disposition of this  
6 action. Confidential Material produced in this action shall be located and maintained only  
7 in offices of counsel of record for the parties or offices of experts as defined in paragraph  
8 4(d) above. Seven (7) years after termination or settlement of this action, including all  
9 appeals, all persons in possession of Confidential Material shall return or destroy to the  
10 Producing Party all such Confidential Material produced in this action by the Producing  
11 Party, including any copies, upon thirty (30) days after written notice. Counsel in  
12 possession of this Material shall certify to the Producing Party in writing that it has fulfilled  
13 the obligations imposed by this Paragraph.  
14  
15  
16  
17

18  
19 Dated this 25 day of March, 2020.  
20

21  
22 Tara Kellogg-Ghibaud  
23 TARA KELLOGG-GHIBAUDO  
24 Plaintiff

/s/ Alex Ghibaud \*

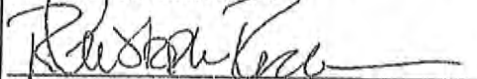
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ALEX GHIBAUDO  
Defendant

25 / / /  
26 / / /  
27 / / /  
28 / / /  
/ / /

\* Per Admin Order 20-10  
Authorization email attached

1 LAW OFFICES OF CORY READE  
2 DOWS & SHAFER

3 

4 R. CHRISTOPHER READE, ESQ.  
5 Nevada State Bar No. 006791  
6 1333 North Buffalo Drive, Ste 210  
7 Las Vegas, Nevada 89128  
8 *Attorney for Plaintiff*

RADFORD J. SMITH, CHARTERED

  
/s/ Helen Towlerton

RADFORD J. SMITH, ESQ.  
Nevada State Bar No. 002791  
HELEN P. TOWLERTON, ESQ.  
Nevada Bar No. 006085  
2470 St. Rose Parkway, Suite 206  
Henderson, Nevada 89074  
*Attorneys for Defendant*

10 ORDER

11  
12 BASED UPON THE FOREGOING STIPULATION OF THE PARTIES,

13 IT IS HEREBY ORDERED that the parties' Stipulated Confidentiality Agreement  
14 and Protective Order is hereby adopted as an Order of the Court.  
15

16 IT IS SO ORDERED this 26 day of March, 2020.

17   
18  
19 DISTRICT COURT JUDGE

20 *Respectfully Submitted:*

21 RADFORD J. SMITH, CHARTERED

22 

23  
24 RADFORD J. SMITH, ESQ.  
25 Nevada Bar No. 002791  
26 HELEN TOWLERTON, ESQ.  
27 Nevada St. Bar No. 006081  
28 2470 St. Rose Parkway, Suite 206  
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(702) 990-6448  
*Attorneys for Defendant*

**From:** Alex Ghibaudo <alex@glawvegas.com>

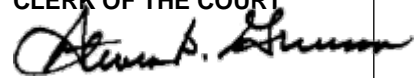
**Sent:** Tuesday, March 24, 2020 11:50 PM

**To:** Helen Towlerton <htowlerton@radfordsmith.com>

**Subject:** RE: Ghibaudo - Response needed - Please confirm receipt of this email

Responses are highlighted below. Also, you have my authority to affix my electronic signature to the confidentiality agreement. If you have questions, give me a call.

Alex G.



1 **OPPC**  
2 JONATHAN K. NELSON, ESQ.  
3 Nevada Bar No. 12836  
4 **J.K. NELSON LAW, LLC**  
5 7220 S. Cimarron Rd., Suite 205  
6 Las Vegas, Nevada 89113  
7 T: (775) 727-9900  
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9 courts@jknelsonlaw.com  
10 *Attorneys for Plaintiff*

11 **EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION**  
12 **CLARK COUNTY, NEVADA**

13 \*\*\*\*\*

14 TARA KELLOGG,

15 Plaintiff,

16 vs.

17 ALEX GHIBAUDO,

18 Defendant.

Case No. D-15-522043-D

Dept. No.: H

HEARING DATE: March 21, 2022

HEARING TIME: 10:00am

19 **OPPOSITION TO DEFENDANT'S MOTION TO FOR AN ORDER TO SHOW**  
20 **CAUSE WHY PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT OF**  
21 **COURT FOR VIOLATING THIS COURT'S ORDER SEALING FILE AND**  
22 **MOTION; FOR SANCTIONS PURSUANT TO EDCR 7.60(B)(4) FOR**  
23 **PLAINTIFF'S WILLFUL AND DELIBERATE VIOLATION OF EDCR 2.10;**  
24 **AND FOR CLARIFICATION OF THIS COURT'S SEALING FILE**

25 **AND**

26 **PLAINTIFF'S COUNTERMOTION FOR MOTION FOR AN ORDER TO**  
27 **SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN CONTEMPT**  
28 **OF COURT FOR VIOLATING THIS COURT'S DECISION AND ORDER**  
**ISSUED AFTER THE FEBRUARY 15, 2022 EVIDENTIARY HEARING**

NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH  
THE CLERK OF THE COURT AND PROVIDE THE UNDERSIGNED WITH A  
COPY OF YOUR RESPONSE WITHIN 10 DAYS OF YOUR RECEIPT OF THIS

1 MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF  
2 THE COURT WITHIN 10 DAYS OF YOUR RECEIPT OF THIS MOTION MAY  
3 RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT  
WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

4 COMES NOW, Plaintiff, Tara Kellogg, by and through her attorney of record,  
5 Jonathan Nelson of J.K. NELSON LAW, LLC, and hereby files this OPPOSITION TO  
6 DEFENDANT'S MOTION TO FOR AN ORDER TO SHOW CAUSE WHY  
7 PLAINTIFF SHOULD NOT BE HELD IN CONTEMPT OF COURT FOR  
8 VIOLATING THIS COURT'S ORDER SEALING FILE AND MOTION; FOR  
9 SANCTIONS PURSUANT TO EDCR 7.60(B)(4) FOR PLAINTIFF'S WILLFUL  
10 AND DELIBERATE VIOLATION OF EDCR 2.10; AND FOR CLARIFICATION OF  
11 THIS COURT'S SEALING FILE and PLAINTIFF'S COUNTERMOTION FOR  
12 MOTION FOR AN ORDER TO SHOW CAUSE WHY DEFENDANT SHOULD  
13 NOT BE HELD IN CONTEMPT OF COURT FOR VIOLATING THIS COURT'S  
14 DECISION AND ORDER ISSUED AFTER THE FEBRUARY 15, 2022  
15 EVIDENTIARY HEARING.

16 This Motion is based upon the pleadings and papers on file herein, the attached  
17 Points and Authorities, and any argument adduced at time of Hearing.

18 DATED this 4<sup>th</sup> day of March 2022.

19 Respectfully Submitted by:  
20 **J.K. NELSON LAW, LLC**

21 /s/ Jonathan Nelson, Esq.  
22 JONATHAN NELSON, ESQ.  
23 Nevada Bar No. 12836  
24 *Attorneys for Plaintiff*

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2                   **I.     STATEMENT OF FACTS**

3           The Parties hereto are Plaintiff, Tara Kellog (“Tara”), and Defendant Alex Ghibaudo  
4 (“Alex”). The Court is well versed on the facts of this case. The relevant facts are as  
5 follows:  
6

7           The parties were divorced by Decree on February 1, 2017. Defendant was  
8 ordered to pay spousal support equal to one-half of his gross income and child support.  
9 Defendant did not comply with such orders. Years later, Defendant filed an Ex Parte  
10 Request for and Order Sealing File and as such, the Court ordered that the file be sealed  
11 pursuant to NRS 125.110. *See* Court Records, Order Sealing File dated October 31,  
12 2019. Specifically, the Order states that “the file is *only* sealed to the extent allowable  
13 by NRS 125.110.” (emphasis added). *Id.*  
14

15           On November 10, 2020, this Court entered Findings of Fact, Conclusions of Law  
16 and Judgment in which this Court reduced the arrears through September 2020 to  
17 Judgment and ordered going forward starting October 1, 2020, that Defendant was  
18 required to pay \$2,500.00 per month in spousal support with payments due on the first  
19 of each month starting on October 1, 2020. Plaintiff filed a Renewed Motion to Enforce  
20 and for and Order to Show Cause Why Defendant Should Not be Held in Contempt for  
21 His Failure to Comply with the Terms of the Decree of Divorce and November 10, 2021  
22 Judgment. The evidentiary hearing was scheduled for February 15, 2022. Prior to the  
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1 evidentiary hearing to determine whether Defendant was in contempt of court for not  
2 paying his court-ordered support, Defendant filed a Motion For An Order To Show  
3 Cause Why Plaintiff Should Not Be Held In Contempt Of Court For Violating This  
4 Court's Order Sealing File And Motion; For Sanctions Pursuant To EDCR 7.60(B)(4)  
5 For Plaintiff's Willful And Deliberate Violation Of EDCR 2.10; And For Clarification  
6 Of This Court's Sealing File.  
7  
8

9 At the evidentiary hearing, the Honorable Judge Ritchie held that Defendant was  
10 in contempt of court. *See* Court Records, Decision and Order from the February 15,  
11 2022, Hearing. Since that Order, Defendant has already failed to pay his court-ordered  
12 support obligation for February 2022. This Opposition and Countermotion follows.  
13

## 14 **II. LEGAL ARGUMENT**

### 15 **A. PLAINTIFF IS NOT IN CONTEMPT OF A COURT ORDER AND DID** 16 **NOT BRAZENLY, DELIBERATELY, AND/OR MALICIOUSLY** 17 **VIOLATE A COURT ORDER.**

#### 18 **a. NRS 125.110 DOES NOT APPLY TO VIDEOS OF HEARINGS.**

19 NRS 125.110 states as follows:  
20

#### 21 **NRS 125.110 What pleadings and papers open to public inspection;** 22 **written request of party for sealing.**

23 1. In any action for divorce, the following papers and pleadings in the action  
24 shall be open to public inspection in the clerk's office:

25 (a) In case the complaint is not answered by the defendant, the summons,  
26 with the affidavit or proof of service; the complaint with memorandum endorsed  
27 thereon that the default of the defendant in not answering was entered, and the  
28 judgment; and in case where service is made by publication, the affidavit for  
publication of summons and the order directing the publication of summons.

1 (b) In all other cases, the pleadings, the finding of the court, any order made  
2 on motion as provided in Nevada Rules of Civil Procedure, and the judgment.

3 2. All other papers, records, proceedings and evidence, including exhibits  
4 and transcript of the testimony, shall, upon the written request of either party to  
5 the action, filed with the clerk, be sealed and shall not be open to inspection  
6 except to the parties or their attorneys, or when required as evidence in another  
7 action or proceeding.

8 In *Abrams v. Schneider*<sup>1</sup>, there was a sealing order pursuant to NRS 125.110(2).

9 A video of a hearing was circulated subsequent to that order. The Judge in that matter,  
10 Judge Elliot, noted that she would not enforce the sealing of the video even though it  
11 was circulated after the date of the sealing order because NRS 125.110(2) "reads as if  
12 it is limited to documents only and does not give proper notice to anyone as to the  
13 prohibitory use of a hearing video as a hearing transcript." *Id.* Judge also noted that "it  
14 is "unquestionably vague as to how the parties were ... harmed by the posting of the  
15 information online." *Id.* Although Judge Elliot did note that she personally believed it  
16 was not "appropriate to ... post the video on the internet" where the parties' children  
17 might have access to it, she acknowledge "there is nothing this Court can do in this case  
18 to enforce this viewpoint." Further, the opinion states that "a hearing is "closed" or  
19 sealed does not change the fact that it is conducted in a publicly-funded courtroom and  
20 presided over by a taxpayer-paid and citizen-elected judge, nor does it alter the fact that  
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27 <sup>1</sup> 2017 Nev. Dist. 867.  
28



1 members of the public have a vested interest in access to information about court  
2 proceedings and access to justice.”

3  
4 The Nevada Supreme Court has recognized that court proceedings are  
5 presumptively public, and can sealed from public review "only where the public's right  
6 to access is outweighed by competing interests." *Howard v. State*, 128 Nev. Adv. Op.  
7 67, 291 P.3d 137, 141 (2012). Moreover, the Nevada Supreme Court has also made  
8 clear that "the desire to avoid unnecessary embarrassment ...alone is insufficient to  
9 warrant sealing court records from public inspection." *Id.* at 144.

10  
11 As Judge Elliot noted in *Abrams*, NRS 125.110 is constitutionally vague. It does  
12 not expressly include language about whether videos from hearings are sealed. The  
13 statute is entitled, “pleadings and papers open to public inspection” implying that it only  
14 applies to pleadings and papers, or documents. When EDCR 5.210 was enacted later in  
15 2020, it clearly includes language prohibiting distribution of videos. Specifically,  
16 EDCR 5.210(e) states in relevant portion, “no party or agent shall *distribute*, copy, or  
17 facilitate the distribution or copying of the record of a private hearing or hearing in a  
18 sealed case (*including electronic and video records of such a hearing*). Clearly, if the  
19 legislature had intended NRS 125.110 to include sealing videos of hearings, they could  
20 have expressly included that language in the statute. They did not. Further, if the  
21 legislative intent was to prevent distribution of such videos, that language could have  
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1 also been included in the statute, but it was not. Videos of hearings are not pleadings  
2 and papers and therefore are not sealed pursuant to NRS 125.110.

3  
4 As NRS 125.110 is vague and seems to only seal specific documents and access  
5 of third parties to such documents and there is a longstanding notion that the public  
6 have a vested interest in access to information about court proceedings and access to  
7 justice, Plaintiff was well within her rights to access videos from hearings and distribute  
8 them accordingly. What occurs in a court room is a matter of public concern and  
9 interest.  
10

11  
12 Further, it is important to note that the Order Sealing File is not the equivalent of  
13 a gag order. A gag order preventing participants from making extra-judicial statements  
14 about their own case amounts to a prior restraint on speech and undermines First  
15 Amendment rights. *Johanson v. Eighth Judicial Dist. Court of Nev.*, 124 Nev. 245, 251,  
16 182 P.3d 94, 98 (2008).  
17

18 Here, the order does not prohibit parties from discussing their case and there was  
19 no separate gag order issued preventing the parties from discussing the case. The parties  
20 are allowed to discuss the case as much as they please. An Order Sealing the File simply  
21 stops third parties from seeing certain filings. The Order specifically stated that the file  
22 was sealed only to the extent allowable under NRS 125.110. NRS 125.110 does not  
23 prohibit parties from discussing their case.  
24  
25

26 **b. THIS CASE IS NOT SEALED PURSUANT TO EDCR 5.210.**  
27  
28

1 EDCR 5.210 states:

2 **Rule 5.210. Trial and hearings may be private pursuant to NRS 125.080.**

3 (a) Except as otherwise provided by another rule or statute, the court shall,  
4 upon demand of either party, direct that the hearing or trial in an action for  
5 divorce be private.

6 (b) Except as otherwise provided in subsections (c) or (d), upon such demand  
7 of either party, all persons must be excluded from the court or chambers wherein  
8 the action is tried, except:

- 9 (1) The officers of the court;
- 10 (2) The parties;
- 11 (3) The counsel for the parties and their staff;
- 12 (4) The witnesses (including experts);
- 13 (5) The parents or guardians of the parties; and
- 14 (6) The siblings of the parties.

15 (c) The court may, upon oral or written motion of either party or on its own  
16 motion, exclude the parents, guardians, or siblings of either party, or witnesses  
17 for either party, from the court or chambers wherein the hearing or trial is  
18 conducted. If good cause is shown for the exclusion of any such person, the court  
19 shall exclude any such person.

20 (d) If the court determines that the interests of justice or the best interest of  
21 a child would be served, the court may permit a person to remain, observe, and  
22 hear relevant portions of proceedings notwithstanding the demand of a party that  
23 the proceeding be private.

24 (e) The court shall retain supervisory power over its own records and files,  
25 including the electronic and video records of proceedings. Unless otherwise  
26 ordered, the record of a private hearing, or record of a hearing in a sealed case,  
27 shall be treated as confidential and not open to public inspection. Parties, their  
28 attorneys, and such staff and experts as those attorneys deem necessary are  
permitted to retain, view, and copy the record of a private hearing for their own  
use in the representation. Except as otherwise provided by rule, statute, or court  
order, no party or agent shall distribute, copy, or facilitate the distribution or  
copying of the record of a private hearing or hearing in a sealed case (including  
electronic and video records of such a hearing). Any person or entity that  
distributes or copies the record of a private hearing shall cease doing so and  
remove it from public access upon being put on notice that it is the record of a  
private hearing.

1 EDCR 5.210 did not go into effect until January 1, 2020. On October 10, 2019,  
2 the Court issued an order sealing the divorce case *only* to the extent allowable under  
3 NRS 125.110. (Emphasis added). *See* Court Records. Order Sealing File from October  
4 21, 2019. The order to seal the file was entered months before EDCR 5.210 even went  
5 into effect. EDCR 5.210(a) states, “the court shall, upon demand of either party, direct  
6 that the hearing or trial in an action for divorce be private.” Here, there was no written  
7 demand, pursuant to EDCR 5.210 to seal a hearing or a trial. The only demand to seal  
8 was pursuant to NRS 125.110 and was communicated to the court prior to EDCR 5.210  
9 being enacted. Further, EDCR 5.210 seals the case according to NRS 125.080, not NRS  
10 125.110. Sealing the case pursuant to EDCR 5.210 to prohibit dissemination of hearing  
11 videos without prior demand and notice to both parties would be unjust and parties were  
12 not given proper notice as to the extent of what was sealed.

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16  
17 **c. Plaintiff should not be sanctioned pursuant to EDCR 7.60(B)(4) as she**  
18 **did not willfully or deliberately violate EDCR 2.10.**

19 EDCR 7.60(b)(4) states that the “court may, after notice and an opportunity to be  
20 heard, impose upon an attorney or a party any and all sanctions which may, under the  
21 facts of the case, be reasonable, including the imposition of fines, costs or attorney’s  
22 fees when an attorney or a party without just cause . . . fails or refuses to comply with  
23 these rules. Defendant argues that Plaintiff’s conduct is knowing, malicious, and  
24 deliberate based on her responses to discovery.  
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1 Plaintiff maintains that she is not in violation of the Order Sealing the File, as the  
2 order sealed the case only to the extent allowable pursuant to NRS 125.110, which does  
3 not include videos of hearings.  
4

5 Defendant argues that Plaintiff has “enormously damaged” his business and  
6 therefore should be held in contempt. In regard to the excessive and unsubstantiated  
7 damages Defendant claims, in the amount of \$510,780.00, the only evidence provided  
8 is a statement from a paralegal that works for Defendant that some people decided not  
9 to do business with Defendant based on things posted about him on the internet. This  
10 testimony is subject to bias as she would have incentive to testify favorably as her  
11 continued employment as a 1099 contractor may be impacted. Further, this does not  
12 provide proof that the videos from proceedings were the reason that potential clients  
13 did not want to do business with Defendant. He has a disciplinary record which is  
14 apparent from a simple “lawyer lookup” search on the Nevada State Bar’s website.  
15 There is no way to prove damages linked to Plaintiff’s dissemination of true and  
16 accurate court proceedings. It is unclear how Plaintiff sharing true and accurate videos  
17 of court hearings, is hurting Defendant’s business. Defendant argues that Plaintiff is  
18 posting hearing videos to harm Defendant despite Plaintiff stating repeatedly that she  
19 does so as she believes videos of hearings are public interest and of public concern.  
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25 Defendant describes that Karen Connolly, Esq. posted a grievance to the State  
26 Bar relating to Defendant on her own social media. Then, Plaintiff shared it on hers.  
27  
28

1 This has nothing to do with the divorce or post-divorce proceedings and would not be  
2 covered under any sealing order. Further, Defendant states that he has a separate  
3 defamation cause of action against Plaintiff. He states that it is irrelevant to this Motion  
4 for and Order to Show Cause, yet he feels the need to describe, in detail, all of the  
5 allegations. If Defendant is arguing that Plaintiff is allegedly defaming him and that is  
6 the cause of damage to his business, he has an appropriate venue to make those  
7 arguments in the pending defamation matter. As the court stated in *Abrams*, courtroom  
8 proceedings cannot be considered defamatory as they are a real video of actual  
9 proceedings.

10 Defendant argues that Plaintiff is in violation of EDCR 2.10, but it is unclear how  
11 that section of the EDCR applies to this matter. EDCR 2.10 states:

12  
13 **Rule 2.10. Temporary restraining orders and preliminary injunctions.**

14 (a) A motion for a preliminary injunction must be made upon the notice  
15 required by Rule 2.20, unless an order fixes a shorter notice.

16 (b) No temporary restraining order may be granted unless coupled with an  
17 order fixing the time for hearing a motion for preliminary injunction.

18 (c) Orders under subsections (a) and (b) must fix the time within which the  
19 restraining order, if any, and all pleadings, affidavits and briefs in support of the  
20 restraining order and the motion for preliminary injunction must be served upon  
21 the adverse party, and the time for filing of opposition, counter-affidavits and  
22 briefs.

23 Again, it is unclear how Plaintiff is in violation of this rule.

24 / /

25  
26 / /

1 **III. PLAINTIFF'S COUNTERMOTION FOR MOTION FOR AN ORDER**  
2 **TO SHOW CAUSE WHY DEFENDANT SHOULD NOT BE HELD IN**  
3 **CONTEMPT OF COURT FOR VIOLATING THIS COURT'S**  
4 **DECISION AND ORDER ISSUED AFTER THE FEBRAURY 15, 2022**  
5 **EVIDENTIARY HEARING**

6 **A. NOTHING SHORT OF CONTEMPT WILL BRING COMPLIANCE**  
7 **WITH THE COURT'S ORDERS.**

8 Nothing short of an enforcement by this Court can get Defendant to comply with  
9 this Court's Orders. NRS 22.010 provides in pertinent part:

10 **NRS 22.010 Acts or omissions constituting contempts.** The  
11 following acts or omissions shall be deemed contempts:

12 1. Disorderly, contemptuous or insolent behavior toward the judge  
13 while the judge is holding court, or engaged in judicial duties at chambers,  
14 or toward masters or arbitrators while sitting on a reference or arbitration,  
15 or other judicial proceeding.

16 2. A breach of the peace, boisterous conduct or violent disturbance  
17 in the presence of the court, or in its immediate vicinity, tending to  
18 interrupt the due course of the trial or other judicial proceeding.

19 3. Disobedience or resistance to any lawful writ, order, rule or  
20 process issued by the court or judge at chambers.

21 4. Disobedience of a subpoena duly served, or refusing to be sworn  
22 or answer as a witness.

23 5. Rescuing any person or property in the custody of an officer by  
24 virtue of an order or process of such court or judge at chambers.

25 6. Disobedience of the order or direction of the court made pending  
26 the trial of an action, in speaking to or in the presence of a juror concerning  
27 an action in which the juror has been impaneled to determine, or in any  
28 manner approaching or interfering with such juror with the intent to  
influence the verdict.

7. Abusing the process or proceedings of the court or falsely  
pretending to act under the authority of an order or process of the court.

[1911 CPA § 452; RL § 5394; NCL § 8941] — (NRS A [1983, 843](#))

NRS 22.100 dictates the penalties for contempt, as follows:

1           **NRS 22.010 Acts or omissions constituting contempts.** The  
2 following acts or omissions shall be deemed contempts:

3           1. Disorderly, contemptuous or insolent behavior toward the judge  
4 while the judge is holding court, or engaged in judicial duties at chambers,  
5 or toward masters or arbitrators while sitting on a reference or arbitration,  
6 or other judicial proceeding.

7           2. A breach of the peace, boisterous conduct or violent disturbance  
8 in the presence of the court, or in its immediate vicinity, tending to  
9 interrupt the due course of the trial or other judicial proceeding.

10          3. Disobedience or resistance to any lawful writ, order, rule or  
11 process issued by the court or judge at chambers.

12          4. Disobedience of a subpoena duly served, or refusing to be sworn  
13 or answer as a witness.

14          5. Rescuing any person or property in the custody of an officer by  
15 virtue of an order or process of such court or judge at chambers.

16          6. Disobedience of the order or direction of the court made pending  
17 the trial of an action, in speaking to or in the presence of a juror concerning  
18 an action in which the juror has been impaneled to determine, or in any  
19 manner approaching or interfering with such juror with the intent to  
20 influence the verdict.

21          7. Abusing the process or proceedings of the court or falsely  
22 pretending to act under the authority of an order or process of the court.

23           [1911 CPA § 452; RL § 5394; NCL § 8941] — (NRS A [1983, 843](#))

24           The Decree provided continuous support; that Order was ignored. In October  
25 2017, this Court set periodic status checks for the payment of only \$2500 of support  
26 during a period of time in 2017 and 2018 when Defendant's actual support obligation  
27 was double that amount; only the Court holding Defendant's feet to the fire got any  
28 results. Further, when this Court recently had an evidentiary hearing on calendar to  
address whether Defendant was in contempt by not paying his court-ordered  
obligations, Defendant made a payment to Plaintiff in January. After the hearing and  
after Judge Ritchie held Defendant in contempt, Defendant failed to pay his February



1 support obligation. This Court has seen that Defendant will contemptuously ignore any  
2 Order entered by this Court. Clearly, further action needs to be taken to ensure that  
3 Defendant will comply with orders issued by the Court.  
4

#### 5 **IV. CONCLUSION**

6  
7 WHEREFORE, Plaintiff prays this court grant the following relief:

- 8 1. That the Court denies Defendant's Motion in its entirety;
- 9 2. That the Court grant Plaintiff's Opposition in it's entirety;
- 10 3. That the Court Plaintiff's Countermotion in it's entirety;
- 11 4. For any other relief that this court deems just and equitable.

12  
13 DATED this 4<sup>th</sup> day of March 2022.

14 Respectfully Submitted by:  
15 **J.K. NELSON LAW, LLC**

16 /s/ Jonathan Nelson, Esq.  
17 JONATHAN NELSON, ESQ.  
18 Nevada Bar No. 12836  
19 *Attorneys for Plaintiff*  
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**AFFIDAVIT IN SUPPORT OF MOTION**

I, TARA KELLOGG, under penalties of perjury, being first duly sworn, deposes and says:

1. That I am the Plaintiff in the above-entitled action;
2. That I have read the Motion and know the contents thereof; that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.
3. That I am familiar with all facts stated in this Motion and I am competent to testify to these facts of my own knowledge, except as to those matters stated herein on information and belief, and, as to such matters, I believe them to be true;
4. That I make this affidavit in support of the foregoing Motion;

WHEREFORE, I pray this court grant this Opposition To Defendant's Motion To For An Order To Show Cause Why Plaintiff Should Not Be Held In Contempt Of Court For Violating This Court's Order Sealing File And Motion; For Sanctions Pursuant To EDCR 7.60(B)(4) For Plaintiff's Willful And Deliberate Violation Of EDCR 2.10; And For Clarification Of This Court's Sealing File And Plaintiff's Countermotion For Motion For An Order To Show Cause Why Defendant Should Not Be Held In Contempt Of Court For Violating This Court's Decision And Order Issued After The February 15, 2022 Evidentiary Hearing.

DATED this 03 / 04 / 2022 .



TARA KELLOGG

1  
2 **CERTIFICATE OF SERVICE**

3 Pursuant to NRCP 5(b). I certify that I am an employee of JK NELSON LAW Office and that  
4 on the 4<sup>th</sup> day of March 2022, I caused the foregoing document, Opposition To Defendant's Motion  
5 To For An Order To Show Cause Why Plaintiff Should Not Be Held In Contempt Of Court For  
6 Violating This Court's Order Sealing File And Motion; For Sanctions Pursuant To EDCR 7.60(B)(4)  
7 For Plaintiff's Willful And Deliberate Violation Of EDCR 2.10; And For Clarification Of This Court's  
8 Sealing File And Plaintiff's Countermotion For Motion For An Order To Show Cause Why Defendant  
9 Should Not Be Held In Contempt Of Court For Violating This Court's Decision And Order Issued  
10 After The February 15, 2022 Evidentiary Hearing.to be served as follows:

11 [ X ] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order  
12 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the  
13 Eighth Judicial District," by mandatory electronic service through the Eighth Judicial  
14 District Court's electronic filing system;

15 [ ] By placing the same to be deposited for mailing in the United States Mail, in a sealed  
16 envelope with appropriate first class postage attached.

17 [ ] Pursuant to EDCR 7.26, to be sent via fax, by duly executed consent for service by  
18 electronic means; and/or

19 [ ] By hand delivery with signed Receipt of Copy;

20 to the attorney or party listed below at the address, email address and/or fax number  
21 indicated below:

22 alex@glawvegas.com

23 DATED this 4<sup>th</sup> day of March 2022.

24 /s/ Ronald Harper  
25 An Employee of JK NELSON LAW

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*Defendant in Proper Person*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

TARA KELLOGG,

Plaintiff,

vs.

ALEX GHIBAUDO,

Defendants.

Case No.: D-15-522043-D

Dept. No.: H

**DEFENDANT'S REPLY TO  
PLAINTIFF'S OPPOSITION AND  
OPPOSITION TO PLAINTIFF'S  
COUNTERMOTION**

Defendant Alex Ghibauda ("Alex"), in Proper Person, files his reply to Plaintiff's opposition and opposition to Plaintiff's counter motion. This motion is based on the following Memorandum of Points and Authorities, the papers and pleadings already on file herein, the attached affidavits, and any oral argument the Court may permit at the hearing of this Opposition.

Dated this the 7<sup>th</sup> day of March, 2020.

*/s/ Alex Ghibauda*

Alex B. Ghibauda

*Defendant in Proper Person*



## TABLE OF CONTENTS

TABLE OF CONTACTS .....	ii
TABLE OF AUTHORITIES .....	iii
MEMORANDUM OF POINTS AND AUTHORITIES.....	1
I. INTRODUCTION.....	Error! Bookmark not defined.
II. LEGAL ANALYSIS .....	1
a. <i>Johanson v. Eighth Judicial District Court</i> is inapplicable to this matter because that case concerned the district court sealing a case file entirely and issuing a gag order sua sponte – facts not applicable to this case.....	1
b. <i>Howard v. State</i> is inapplicable because it concerns sealing a criminal case file at the appellate level – because, unlike civil matters, criminal matters are presumptively public.....	4
c. There is no gag order in this matter thus the <i>Johanson</i> case, in that regard, is inapplicable her.....	6
d. In <i>Abrams</i> , cited by Plaintiff in support of her opposition, the Court did not address NRS 125.110 but did distinguish an attorney’s behavior in Court toward a judge, while representing a client, from a private controversy between two litigants where information about those litigants is private, as is the case here.....	8
e. Plaintiff’s principal arguments.....	11
f. NRS 125.110 is constitutionally valid and Plaintiff fails to overcome the presumption concerning its validity.....	11
g. This private controversy between Alex and the Plaintiff is not a matter of public concern.....	15
III. REGARDING PLAINTIFF’S COUNTERMOTION.....	17
a. Plaintiff’s countermotion is fatally defective because she does not allege essential material facts that would provide this court jurisdiction to issue a show cause order. Moreover, Alex is current on his support obligation.....	17
IV. CONCLUSION.....	19
CERTIFICATE OF SERVICE.....	19



## **TABLE OF AUTHORITIES**

### **Cases**

<i>Johanson v. Eighth Judicial district Court</i> , 124 Nev. 245 (Nev. 2008) .....	1, 2, 3, 6
<i>Smith v. District Court</i> , 113 Nev. 1343, 1346, (1997).....	3
<i>Katz v. Katz</i> , 514 A.2d 1374 (Pa. Super. Ct. 1986) .....	3, 11
<i>Howard v. State</i> , 128 Nev. Adv. Op. 67, 291 P.3d 137, 141 (2012) .....	4, 5
<i>Levine v. U.S. Dist. Court for C. Dist. of Cal.</i> , 764 F.2d 590 (9th Cir. 1985) .....	7
<i>Abrams v. Sanson</i> , 458 P.3d 1062 (Nev. 2020) .....	8, 10
<i>United States v. Articles of Drug Consisting of 203 Paper Bags</i> , 818 F.2d 569 (7th Cir. 1987) .....	8
<i>New York Times v. Sullivan</i> , 376 U.S. 254 (1964) .....	10
<i>Shapiro v. Welt</i> , 133 Nev. 35 (2017) .....	10, 15, 16
<i>State v. Grimes</i> , 29 Nev. 50, 81, 84 P. 1061, 1071 (1906) .....	11
<i>Silvar v. Eighth Judicial Dist. Court</i> , 122 Nev. 289 (2006) .....	11
<i>State v. Castaneda</i> , 126 Nev. 478, 481, 245 P.3d 550, 552 (2010) .....	11, 12
<i>Flamingo Paradise Gaming, LLC v. Chanos</i> , 125 Nev. 502 (2009) .....	12
<i>Awad v. Wright</i> , 106 Nev. 407, 409 (Nev. 1990) .....	18
<i>Lutz v. District Court</i> , 29 Nev. 152, 86 P. 445 (1906) .....	18
<i>Jones v. Jones</i> , <a href="#">428 P.2d 497</a> (Idaho 1967) .....	18

### **Statutes**

Nev. Rev. Stat. § 125.110 .....	2, 3, 4, 9, 10, 11, 12, 13, 14, 15
LR IA 7-3(f) .....	8
Nev. Rev. Stat. § 41.660 .....	8, 10

### **Other Authorities**

<i>Black's Law Dictionary</i> (8 <sup>th</sup> ed. 2004).....	3, 13
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## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **II. INTRODUCTION**

Though it is unclear on its face what Plaintiff claims as a defense for willfully, deliberately, and maliciously disseminating videos of proceedings in this matter, it appears that Plaintiff's principal arguments are that: 1) NRS 125.110 et seq. is unconstitutional; and 2) it is in the public interest that those videos be disseminated, justifying Plaintiff's willful disobedience of this court's order sealing the case file. Those arguments will be addressed below. Alex will address the cases cited in support of Plaintiff's contentions, specifically *Johanson v. Eighth Judicial District Court*, *Howard v. State*, and *Abrams v. Sanson* (misattributed as *Abrams v. Schneider* by Plaintiff) to demonstrate that those cases are inapplicable to this matter and are not a defense to Alex's request for an order to show cause why Plaintiff should not be held in contempt of court for her willful, deliberate, and malicious disobedience of the order at issue.

Alex will also address Plaintiff's renewed countermotion for contempt for non-payment of support and allege that he paid \$2,500.00 toward his March obligation and that, even if he did not, he cannot be held in contempt of this court's order because Plaintiff's affidavit, which contains boilerplate language, does not allege essential, material facts made under oath, depriving this court of jurisdiction to issue an order to show cause pursuant to *Awad v. Wright*. Alex's reply to Plaintiff's opposition and opposition to Plaintiff's countermotion follows:

### **III. LEGAL ANALYSIS**

- a. *Johanson v. Eighth Judicial District Court* is inapplicable to this matter because that case concerned the district court sealing a case file entirely and issuing a gag order sua sponte – facts not applicable to this case.

At the last hearing in this matter, this court referenced the case of *Johanson v. Eighth Judicial district Court*, 124 Nev. 245 (Nev. 2008) as applicable and relevant to this matter. It is not, as the following discussion illustrates. In *Johanson v. Eighth Judicial District Court*, a former district court Judge, Rober W. Lueck, filed a motion





1 post-judgment motion reduce child support payments after entry of a divorce decree.<sup>1</sup> At  
2 the hearing, the district court raised the issue of whether the proceedings should be  
3 sealed. Following the hearing, the district court entered an order reducing the child  
4 support arrears to judgment and reducing the amount of future child support payments.  
5 The order failed to mention anything about sealing the record.

6 Subsequently, Lueck filed a motion to correct clerical errors. Lueck argued that  
7 the order reducing child support arrears to judgment was inaccurate. During the hearing  
8 on his motion, Lueck stated that he was again running for a district court judgeship and  
9 he did not want the arrears order used against him during his campaign.

10 Following the hearing, the district court entered an order sealing the entire case  
11 file and sua sponte issued a gag order preventing all parties and attorneys from disclosing  
12 any documents or discussing any portion of the case.

13 In her appeal, Johanson argued that the district court's order, which seals the  
14 entire case file, failed to address the requirements of NRS 125.110. The Nevada Supreme  
15 Court noted that NRS 125.110 requires that certain pleadings and papers "shall" remain  
16 open for public inspection. Specifically: the summons, complaint, judgment, and the  
17 affidavit and order for publication. In all other divorce cases, that is those that are  
18 contested, and where an answer to a complaint is made, the pleadings, findings of the  
19 court, orders made on motion, and judgment "shall" remain open. The Court further  
20 noted that all remaining papers must be sealed upon the written request of either party to  
21 the action, citing NRS 125.110(2).

22 The Court held that NRS 125.110 must be strictly construed and, "[w]hen a  
23 statute is clear on its face, [the Nevada Supreme Court] will not look beyond the statute's  
24 plain language." The Court made a point to note that NRS 125.110 "plainly states that

---

25 <sup>11</sup> It's important to note that this case involved post-judgment matters. At the outset of the  
26 Court's discussion regarding the facts and procedural history state as much: "Petitioner  
27 Jane Elizabeth Johanson and real party in interest Robert W. Lueck **obtained a divorce**  
28 **in December 1999**" *Johanson v. Eighth District Court*, 124 Nev. 245, 248 (Nev. 2008).  
Thus, it can be inferred that NRS 125.110 et seq. encompass post-judgment divorce  
matters.



1 certain documents in divorce proceedings “shall” remain open to the public” and that the  
2 word “shall” is mandatory and does not denote judicial discretion in divorce cases to  
3 seal pleadings, court findings, [and] orders that resolve motions or judgment”.

4 In a footnote, the Court defined “pleadings” as “formal document[s] in which a  
5 party to a legal proceeding sets forth or responds to allegations, claims, denials, or  
6 defenses” citing *Black’s Law Dictionary* 1191 (8<sup>th</sup> ed. 2004). The Court went on to state  
7 that, in civil actions, pleadings allowed are “complaints, answers and replies” citing  
8 *Smith v. District Court*, 113 Nev. 1343, 1346, (1997).

9 The Court held that:

10 “Because NRS 125.110 (2) allows the court to seal only certain documents  
11 in a divorce proceeding, and only upon a party's written request, here, the  
12 court's order sealing the entire case file, including all orders, judgments and  
13 decrees, when no written request was made, was a manifest abuse of  
discretion” *Johanson v. Eighth District Court*, 124 Nev. 245, 250 (Nev.  
2008).

14 Lueck, for his part, argued that “the district court's inherent power to completely  
15 seal divorce cases extends beyond [NRS 125.110](#)” *Johanson v. Eighth District Court*, 124  
16 Nev. 245, 250 (Nev. 2008). The Court was not persuaded by that argument. The Court  
17 reasoned that:

18 Even if the district court retains inherent authority to seal the record in  
19 divorce cases, here, Lueck has failed to demonstrate that the district court's  
20 order sealing the entire case file was a necessary exercise of that power to  
protect his or any other person's rights or to otherwise administer justice

21 *Johanson v. Eighth District Court*, 124 Nev. 245, 250 (Nev. 2008). Interestingly, in a  
22 footnote, the Court cited *State v. Grimes*, 29 Nev. 50, 81, 84 P. 1061, 1071 (1906). In that  
23 case, the Court held that there are stronger reasons to deny public access to judicial  
24 records concerning private matters when public access “could only serve to satiate a thirst  
25 for scandal.” The Court also cited *Katz v. Katz*, [514 A.2d 1374, 1379](#) (Pa. Super. Ct.  
26 1986) which stood for the proposition that no legitimate purpose can be served by  
27 broadcasting the intimate details of a soured marital relationship.  
28



1 Here, contrary to the facts of the *Johanson* case, an order sealing the case file was  
2 entered on October 31, 2019 and stated that the case file was sealed “to the extent  
3 allowable by NRS 125.110.” Entry of that order was filed the same day. Plaintiff’s  
4 attorney at the time, Sigal Chattah, was served with notice of that order. The request to  
5 seal the case file was made in writing on October 23, 2019 through the filing of  
6 “Defendant’s ex parte request to seal file.” The order entered pursuant to that request was  
7 never challenged. Presumably, Plaintiff was more than happy to have the case file sealed.  
8 The reason is that it suited her at the time: Plaintiff’s mental health was at issue since she  
9 claimed she could not work due to a disability stemming from a mental health disorder.

10 Therefore, *Johanson* supports the contention that the order sealing the case file  
11 issued here was appropriate: it was requested in writing and this Court allowed the  
12 dissemination of the “pleadings, the findings of the court, any order made on motion as  
13 provided in Nevada Rules of Civil Procedure and the Judgment.” In *Johanson*, contrary  
14 to this Court’s orders, the entire case file was sealed in contravention of NRS 125.110,  
15 which the Nevada Supreme Court found was a bridge too far, in part because the district  
16 court has no discretion to take such action. Therefore, this case does not support  
17 Plaintiff’s contention that the order sealing the case file does not apply to videos of  
18 proceedings – the case involved an order improperly issued which was too broad to  
19 satisfy strict scrutiny and a gag order that was issued sua sponte.

20 b. Howard v. State is inapplicable because it concerns sealing a  
21 criminal case file at the appellate level – because, unlike civil  
22 matters, criminal matters are presumptively public.

23 In another bid to convince this court that NRS 125.110 should be ignored,  
24 Plaintiff makes the following allegation: [t]he Nevada Supreme Court has recognized that  
25 court proceedings are presumptively public, and can sealed from public review “only  
26 where the public’s right to access is outweighed by competing interests.” *Howard v. State*,  
27 128 Nev. Adv. Op. 67, 291 P.3d 137, 141 (2012). Further, Plaintiff claims that “the  
28 Nevada Supreme Court has also made clear that “the desire to avoid unnecessary  
embarrassment ...alone is insufficient to warrant sealing court records from public



1 inspection." *Id.* at 144. What Plaintiff fails to inform this court is that *Howard* applies to  
2 criminal proceedings. In fact, the word “criminal” appears no less than 10 times in the  
3 Nevada Supreme Court’s decision.

4 In *Howard*, the Nevada Supreme Court declares in the first paragraph of its  
5 decision the following: “Several pending motions in this case provide us with **the**  
6 **opportunity to address the procedures and requirements for sealing documents and**  
7 **records in criminal cases pending in this court.**” *Howard v. State*, 291 P.3d 137, 138

8 (Nev. 2012). (Emphasis added). The Court held that:

9 documents filed in this Court [i.e., the appellate courts] are presumptively  
10 open to the public unless we exercise our inherent authority and grant a  
11 motion to file specific documents under seal based on a showing that such  
12 action is required by law or an identified significant competing interest.  
13 Thus, a party who seeks to have documents or records filed with this court  
under seal must file a motion that identifies the information that the party  
seeks to have sealed, sets forth the reasons that such action is necessary, and  
specifies the duration of the sealing order.

14 (Emphasis added). *Howard v. State*, 291 P.3d 137, 138-39 (Nev. 2012).

15 The plain language of the Court’s holding applies to sealing records pertaining to  
16 criminal proceedings in the appellate courts. Plaintiff attempts to use this case,  
17 improperly, to support her contention that there is a high burden, indeed a presumption,  
18 that, according to Plaintiff, court proceedings are presumptively public. The actual  
19 statement concerning the presumption Plaintiff alleges applies to this matter is that:

20 “Based on an “unbroken, uncontradicted history, supported by reasons as  
21 valid today as in centuries past, we are bound to conclude that **a**  
22 **presumption of openness inheres in the very nature of a criminal trial**  
**under our system of justice.”**” *Howard v. State*, 291 P.3d 137, 139 (Nev.  
23 2012).

24 Thus, this case is inapplicable in this context because, 1) it applies to criminal matters;  
25 and 2) it pertains to sealing criminal records in the appellate courts. To put it kindly,  
26 Plaintiff attempts to mislead this court into applying a more stringent standard for the  
27 purpose of justifying the dissemination of videos of proceedings in this matter, and so  
28



1 that she can continue to do the same. This court should take note of Plaintiff's dishonesty  
2 as it relates to, and reveals, her motives.

3 c. There is no gag order in this matter thus the *Johanson* case, in that regard,  
4 is inapplicable here.

5 Plaintiff notes in her opposition that this court never issued a gag order, therefore:  
6 the order does not prohibit parties from discussing their case and there was no separate  
7 gag order issued preventing the parties from discussing the case. This is true. In  
8 *Johanson*, the Court defined a gag order as follows:

9 The term "gag order," as used in this opinion, is defined as an order that  
10 prohibits all parties, their attorneys and any employees or persons  
11 associated with the parties or their counsel from disclosing any documents  
12 from a case or discussing any portion of a case with any other private party  
13 or disclosing any information about a case to any other party or individual.  
14 (Emphasis added).

15 *Johanson v. Eighth District Court*, 124 Nev. 245, 247 n.3 (Nev. 2008). The instant case,  
16 however, does not involve a gag order. In *Johanson*, the Nevada Supreme Court was  
17 faced with the a blanket prohibition of any "discussion" of the case in an extra-judicial  
18 context. Here, the issue is whether Plaintiff disseminated videos of "proceedings" in  
19 violation of NRS 125.110(2).

20 Therefore, *Johanson*, in this regard, is inapplicable as it is silent as to that issue  
21 and, thus, cannot be used as support for the proposition presumably advanced by  
22 Plaintiff: i.e., that prohibiting the dissemination of videos of proceedings in this matter  
23 amount to a prior restraint on speech. If it does, it would render the rule meaningless. If  
24 this were so, the rule would have been challenged at some point and struck down as  
25 unconstitutional: it has not and Plaintiff provides no authority supporting that proposition.  
26 Thus, this court is bound to abide by the rule – it is for the appellate courts to determine  
27 the constitutionality of this rule, not this courts.

28 Even if the Court were persuaded that prohibiting the dissemination of videos is a  
prior restraint on speech, the analysis adopted by the Nevada Supreme Court suggests



1 that a gag order would be appropriate in this matter. The United States Court of Appeals  
2 for the Ninth Circuit has held that a district court may enter a gag order only when: "(1)  
3 the activity restrained poses either a clear and present danger or a serious and imminent  
4 threat to a protected competing interest, (2) the order is narrowly drawn, and (3) less  
5 restrictive alternatives are not available." *Levine v. U.S. Dist. Court for C. Dist. of Cal.*,  
6 764 F.2d 590, 595 (9th Cir. 1985).

7 Here, the activity restrained (i.e., Plaintiff's dissemination of videos of these  
8 proceedings) poses an imminent threat to a protected interest: Alex's property interests in  
9 his ongoing business venture which is protected by the 14<sup>th</sup> Amendment to the United  
10 States Constitution's guarantee that a persons property will not be disturbed without both  
11 substantive and procedural due process afforded that person. The competing interests,  
12 according to Plaintiff, is an amorphous interests she asserts the public has to peer into  
13 these private divorce proceedings.

14 Though Plaintiff frames the issue as her belief that the public has a right to know  
15 about Alex's conduct as an attorney in court as was the case in the *Abrams* case cited by  
16 Plaintiff (discussed in more detail below), it is crucial to note that Alex is a litigant in this  
17 matter – he is not acting as an attorney. Indeed, for the period of time at issue, September  
18 2020 to the present day, Alex was represented by counsel and barely spoke a word to this  
19 court throughout the proceedings, let alone interject in the proceedings and make  
20 arguments in his capacity as attorney for anyone. Now, Alex represents himself in proper  
21 person, not as an attorney working on behalf of a client.

22 Thus, even if this court were persuaded that the prohibition against disseminating  
23 videos of proceedings amounts to a "gag" order, the competing interests weigh in Alex's  
24 favor as Plaintiff asserts a broad and amorphous public interest in a private divorce  
25 proceeding rather than a targeted interest in the operation of the Court's and Alex's  
26 involvement in the judicial system in his capacity as an officer of the court representing  
27 clients.

28



- 1 d. In *Abrams*, cited by Plaintiff in support of her opposition, the Court did  
2 not address NRS 125.110 but did distinguish an attorney's behavior in  
3 Court toward a judge, while representing a client, from a private  
4 controversy between two litigants where information about those litigants  
5 is private, as is the case here.

6 As discussed above, Plaintiff cites *Abrams v. Sanson*, 458 P.3d 1062 (Nev. 2020)  
7 (misattributed as *Abrams v. Schneider*), in addition to *Howard v. State*, 128 Nev. Adv.  
8 Op. 67 (2012) (discussed above) to suggest that NRS 125.110 is vague and thus  
9 unconstitutional. In support, Plaintiff recites statements made by Judge Michelle Levitt  
10 (who was the Judge associated with those statements, not Judge Jennifer Elliot, who is a  
11 Family Court Judge). Before discussing the *Abrams* case, it must be noted that, generally,  
12 district court opinions, let alone statements made by one district court judge, are not  
13 binding on other district court Judge, at all. See LR IA 7-3(f) (local rules for the Federal  
14 District Court of Nevada); see also, *United States v. Articles of Drug Consisting of 203*  
15 *Paper Bags*, 818 F.2d 569, 572 (7th Cir. 1987).

16 That being said, the *Abrams* case had nothing whatsoever to do with NRS  
17 125.110 et seq. The *Abrams* matter concerned Nevada's Anti-SLAPP statute, NRS  
18 41.660. In that case, attorney Louis Schneider and attorney Jennifer Abrams represented  
19 opposing parties in an improperly sealed divorce matter (there was no order sealing that  
20 case – rather, as in *Johanson*, the district court simply sealed the case during a hearing at  
21 the request of Ms. Abrams, as was common practice in Family Court before the *Abrams*  
22 matter was decided). At one point in the proceedings, Abrams engaged in a heated  
23 discussion with Judge Jennifer Elliot. The case was highly contentious, including  
24 between the attorneys representing the parties.

25 After the hearing in which Abrams and Judge Elliot became embroiled in a  
26 contentious dialogue, in which both Judge Elliot and Abrams said things that perhaps  
27 should not have been said (at one point Abrams suggested that Judge Elliot and Schneider  
28 may have been engaged in an inappropriate “personal relationship” with Judge Elliot that  
biases the Judge against her client). Louis Schneider obtained video of that hearing and





1 disseminated it to Steve Sanson, a local “activist” (and crusader against what he  
2 perceives as corruption in family court) who is also President of “Veterans In Politics  
3 International (VIPI”).<sup>2</sup> Mr. Sanson subsequently posted the video on his website, on  
4 Facebook, and disseminated it to a rather large listserv of his followers. Mr. Sanson  
5 commented on that video, making what Abrams alleged were defamatory statements  
6 about her contained in five (5) separate articles written by Sanson with the video of the  
7 hearing accompanying each article.

8 Abrams then sued Sanson, Schnieder, and six (6) other members of VIPI for a  
9 myriad of torts, primarily for defamation but also for related privacy torts (along with a  
10 claim under Nevada’s civil RICO statute, incredibly). Mr. Sanson was represented by  
11 Maggie McLetchie, Mr. Schneider by Cal Potter, and the remaining six (6) Defendants  
12 were represented by Alex in that matter. McLetchie and Alex filed two (2) separate  
13 motions to dismiss based upon NRS 41.660 et seq. Before the hearing on the matter, Alex  
14 negotiated a dismissal of the claims against his clients with prejudice.

15 Judge Michelle Levitt ultimately granted Defendant Sanson’s motion to dismiss.  
16 During that hearing, the video of the proceedings before Judge Elliot were referenced,  
17 and the comments Plaintiff cites in her opposition were made by Judge Levitt (those  
18 statements were incorrectly attributed to Judge Elliot by Plaintiff’s counsel). But, the  
19 issue was whether the statements made by Sanson, and tied to Schneider in a claim for  
20 “civil conspiracy”, were good faith communication made in furtherance of Defendants’  
21 right to petition or the right to free speech made in direct connection with an issue of  
22 public concern. If they were, the burden shifted to Abrams to prove by a preponderance  
23 of the evidence that her claims, particularly her defamation claim, had merit. The case  
24 had nothing to do with NRS 125.110.

25 Judge Levitt found that the first prong was satisfied by Defendants and that  
26 Abrams failed to demonstrate her claims, including the defamation claim, had any merit.

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27  
28 <sup>2</sup> Mr. Sanson and VIPI are the same organization Plaintiff is now disseminating videos of  
the proceedings in this case to.





1 Therefore, her case was dismissed. Abrams appealed the district court’s decision. The  
2 Nevada Supreme Court affirmed the decision in part (with the exception of a claim made  
3 that involved a telephone call between Sanson and a third party – a paralegal in the  
4 employ of Abrams). On remand on the latter issue, Abrams dismissed her last surviving  
5 claim and the parties’ settled, with Sanson being awarded \$150,000.00 in accordance  
6 with the Anti-SLAPP statute’s mandatory requirement to award fees to a prevailing party  
7 on a motion to dismiss made pursuant to NRS 41.660.

8 In its decision, the Nevada Supreme Court reasoned that the statements were  
9 opinion and that an attorney’s courtroom conduct, especially toward a Judge, were  
10 matters of public concern, raising the standard for prevailing on a defamation claim to a  
11 showing of malice, in conformity with *New York Times v. Sullivan*, 376 U.S. 254 (1964).  
12 Specifically, the Nevada Supreme Court held that “[s]tatements about an attorney’s  
13 courtroom conduct and practice of sealing cases directly connect to an issue of public  
14 interest” *Abrams v. Sanson*, 458 P.3d 1062, 1066 (Nev. 2020) (statements depicting and  
15 criticizing an attorney’s behavior in court and toward a judge directly connect to the  
16 public’s interest in an attorney’s courtroom conduct).<sup>3</sup> Nary a word was uttered in that  
17 decision concerning NRS 125.110.

18 Notably, however, in its decision, the Nevada Supreme Court opined that the  
19 statements focused on Abram’s courtroom behavior rather than on a private controversy  
20 which relies on publicly available information rather than on private information. *Abrams*  
21 *v. Sanson*, 458 P.3d 1062, 1067 (Nev. 2020). Thus, in dicta, the Court distinguished an  
22 attorney’s behavior in Court toward a judge, while representing a client, from a private  
23 controversy between two litigants where information about those litigants is private, as is  
24 the case here: this strongly suggests that private controversies relying on private  
25 information are not matters of public concern. Even now, though Alex is an attorney  
26

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27 <sup>3</sup> In reaching that conclusion, the Nevada Supreme Court cited *Shapiro v. Welt*, 133 Nev.  
28 35 (2017), a case Alex argued on behalf of Howard Shapiro, the prevailing party on  
appeal, in the Nevada Supreme Court.



1 representing himself, he is not acting in the capacity of an attorney representing a client;  
2 rather, he is a mere litigant acting in proper person.

3 Here, again, though Alex is an attorney, his behavior in court is not in  
4 controversy; rather, he is a litigant in a private dispute between he and his ex-wife in  
5 proceedings not open to the public because those proceedings were properly sealed.  
6 Therefore, this case is inapplicable to the current controversy. Indeed, if anything, the  
7 *Abrams* case supports Alex's contention that the videos admittedly disseminated by  
8 Plaintiff should not have been disseminated because they are an attempt to scandalize the  
9 matter rather than inform the public about anything that is a matter of public interest. See  
10 *State v. Grimes*, 29 Nev. 50, 81, 84 P. 1061, 1071 (1906); see also *Katz v. Katz*, 514 A.2d  
11 1374, 1379 (Pa. Super. Ct. 1986). This is the only conclusion that can be reached in light  
12 of the fact that Plaintiff undermines her own interests by disseminating videos of these  
13 proceedings – she does it to embroil Alex in scandal rather than pursue legitimate ends.

14 e. Plaintiff's principal arguments.

15 To advance Plaintiff's defense, and in an effort to continue to disseminate videos  
16 of these proceedings publicly, and though inarticulately pled, it appears that the gist of  
17 Plaintiff's opposition contains two (2) principal arguments: 1) that NRS 125.110 is  
18 unconstitutionally vague; and 2) that videos of these proceedings should be made public  
19 because it is in the public interest that Alex be humiliated and his ability to pay Plaintiff  
20 be undermined. Each argument will be addressed in turn:

21 f. NRS 125.110 is constitutionally valid and Plaintiff fails to overcome the  
22 presumption concerning its validity.

23 "Statutes are presumed to be valid, and the challenger bears the burden of  
24 showing that a statute is unconstitutional." *Silvar v. Eighth Judicial Dist. Court*, 122 Nev.  
25 289, 292, 129 P.3d 682, 684 (2006). In reviewing the statute, "every reasonable  
26 construction must be resorted to, in order to save a statute from unconstitutionality." *State*  
27 *v. Castaneda*, 126 Nev. 478, 481, 245 P.3d 550, 552 (2010).  
28



1 A statute is unconstitutionally vague if it "(1) fails to provide a person of ordinary  
2 intelligence fair notice of what [conduct] is prohibited; or (2) if it is so standardless that it  
3 authorizes or encourages seriously discriminatory enforcement." *Id.*, at 481-82, 245 P.3d  
4 at 553 (internal citations and quotation marks omitted). A facial vagueness challenge to a  
5 civil statute requires a showing "that the statute is impermissibly vague in all of its  
6 applications." *Flamingo Paradise Gaming, LLC v. Chanos*, 125 Nev. 502, 512, 217 P.3d  
7 546, 553 (2009).

8 However, "[e]nough clarity to defeat a vagueness challenge may be supplied by  
9 judicial gloss on an otherwise uncertain statute, by giving a statute's words their well-  
10 settled and ordinarily understood meaning, and by looking to the common law definitions  
11 of the related term or offense." *Castaneda*, 126 Nev. at 483, 245 P.3d at 553-54 (citations  
12 and internal quotation marks omitted).

13 The full text of NRS 125.110 is as follows:

14  
15 NRS 125.110 What pleadings and papers open to public inspection;  
16 written request of party for sealing.

17 1. In any action for divorce, the following papers and pleadings in the  
18 action shall be open to public inspection in the clerk's office:

19 (a) In case the complaint is not answered by the defendant, the summons,  
20 with the affidavit or proof of service; the complaint with memorandum  
21 endorsed thereon that the default of the defendant in not answering was  
22 entered, and the judgment; and in case where service is made by publication,  
23 the affidavit for publication of summons and the order directing the  
24 publication of summons.

25 (b) In all other cases, the pleadings, the finding of the court, any order made  
26 on motion as provided in Nevada Rules of Civil Procedure, and the  
27 judgment.

28 2. All other papers, records, proceedings and evidence, including exhibits  
and transcript of the testimony, shall, upon the written request of either party  
to the action, filed with the clerk, be sealed and shall not be open to  
inspection except to the parties or their attorneys, or when required as  
evidence in another action or proceeding.



1 When a case is sealed pursuant to NRS 125.110(1)(b), the following are open to  
2 public inspection: 1) the pleadings; 2) the findings of the court; 3) any order made on  
3 motion as provided in Nevada Rules of Civil Procedure; and 4) the judgment. All of these  
4 terms and words can be found by looking at a dictionary, such as Blacks Law Dictionary,  
5 “Googling” the term or word, or seeking the advice of a lawyer, of which Plaintiff has  
6 employed at least seven (7) since 2016.

7 For example, *Black’s Law Dictionary* defines “pleadings” as follows: a “formal  
8 document[s] in which a party to a legal proceeding sets forth or responds to allegations,  
9 claims, denials, or defenses.” *Black’s Law Dictionary*, 1191 (8th ed. 2004). “Googling  
10 the word reveals the following definition and an example of its use:

11 Pleadings.

12 2. LAW

13 a formal statement of the cause of an action or defense.

14 "counsel for the plaintiffs wanted to amend the pleadings"

15 NRS 125.110(2) describes what is not open to public inspection: all other papers,  
16 records, proceedings and evidence, including exhibits and transcripts of testimony...**In**  
**other words, anything that is not contained in NRS 125.110(1)(b).** (Emphasis added).

17 All Plaintiff needed to know, therefore, is that everything except the pleadings,  
18 court findings, orders made on motion, and the judgment should not be open to public  
19 inspection. By operation of logic, therefore, the hearings and videos of those hearings are  
20 included in what is not to be open to public inspection.

21 If that is not clear enough, again, Plaintiff could have simply resorted to  
22 “Googling” those terms and words. Had she, she would have discovered the following,  
23 among the rest of the terms and words contained in NRS 125.110(2):

24 *Black’s Law Dictionary*, 3808 (8<sup>th</sup> Ed. 2004), defines *proceeding* as:

25 **proceeding.**

26 1. The regular and orderly progression of a lawsuit, including all acts and  
27 events between the time of commencement and the entry of judgment.

28 2. Any procedural means for seeking redress from a tribunal or agency.



3. An act or step that is part of a larger action.
4. The business conducted by a court or other official body; *a hearing*.
5. Bankruptcy. A particular dispute or matter arising within a pending case—as opposed to the case as a whole.

Quoting an 1899 source, *Black's* goes on to note that *proceeding* “is more comprehensive than the word ‘action,’ but it may include in its general sense all the steps taken or measures adopted in the prosecution or defense of an action, including the pleadings and judgment.”

(Emphasis added).

Plaintiff, however, went further than resorting to “Googling” these terms and words or looking them up in a legal or other dictionary. In her deposition, when asked who she relied on to come to the conclusion that videos of hearings are not contained in NRS 125.110, Plaintiff answered that she consulted with her prior attorney, R. Christopher Reade, Esq., Tony Atwal, a former Minnesota district court judge and current practicing attorney, her father, a board certified pharmacist who was once the head of the Board of Pharmacy in Clark County, Nevada, and her friends and family. It should be noted that Plaintiff consulted not one (1) but (2) practicing attorneys, one her former retained attorney in this matter. To now plead ignorance or claim that NRS 125.110 is “vague” is a farce.

Indeed, “vague” is also defined by taking a peek at a dictionary, whether legal or otherwise, or a simple Google search. The definition of vague is itself easily understood. The word “vague” means: “of uncertain, indefinite, or unclear character or meaning.” Nothing about any of the words contained in NRS 125.110 et seq. are uncertain. Nor does the organization of those words or the rule in its entirety render them vague; rather, it is clear as day. Again, anything not contained in NRS 125.110(1)(b) is not open to public inspection and the words contained in that rule and its subsection (pleadings, court findings, orders after motions, and the judgment) are not difficult to understand, especially after Plaintiff has litigated this matter through six (6) years and seven (7) attorneys.



1 Plainly speaking, if, as this Court already noted at the last hearing, held on  
2 February 15, 2022, a hearing is a proceeding, and proceedings are not open to public  
3 inspection, so to should videos of those hearings, by operation of logic, not be open to  
4 public inspection.

5 Furthermore, the burden is on Plaintiff to overcome the presumption that the  
6 statute is valid. Plaintiff, through her attorney, provides the following argument to  
7 overcome that presumption:

8 As Judge Elliot noted in *Abrams*, NRS 125.110 is constitutionally vague. It  
9 does not expressly include language about whether videos from hearings  
10 are sealed. The statute is entitled, “pleadings and papers open to public  
inspection” implying that it only applies to pleadings and papers, or  
documents.

11 So, Plaintiff, and her attorneys, whole argument to overcome the presumption is  
12 the heading to the rule, without considering the substance of the Rule as contained in the  
13 subsections therein. Having not met her burden, not even closely met it, the statute is  
14 valid and must be enforced.

15 g. This private controversy between Alex and the Plaintiff is not a matter of  
16 public concern.

17 Since Plaintiff relies on the idea that this court’s valid order may be willfully and  
18 deliberately disregarded because this private controversy is, according to her, a matter of  
19 public interest, it is worth it to define what that means. In *Shapiro v. Welt*, 389 P.3d 262,  
20 268 (Nev. 2017), the Nevada Supreme Court set forth five (5) factors to consider when  
21 determining what is an issue of public concern:

- 22 (1) "public interest" does not equate with mere curiosity;
- 23 (2) a matter of public interest should be something of concern to a  
24 substantial number of people; a matter of concern to a speaker and a  
relatively small specific audience is not a matter of public interest;
- 25 (3) there should be some degree of closeness between the challenged  
26 statements and the asserted public interest—the assertion of a broad and  
27 amorphous public interest is not sufficient;
- 28



1 (4) the focus of the speaker's conduct should be the public interest rather  
2 than a mere effort to gather ammunition for another round of private  
3 controversy; and

4 (5) a person cannot turn otherwise private information into a matter of  
5 public interest simply by communicating it to a large number of people.

6 *Shapiro v. Welt*, 389 P.3d 262, 268 (Nev. 2017).

7 Here, Plaintiff asserts that the parties' dispute over money in their post-divorce  
8 matter is a matter of public concern. It is not. Nothing that happens in this action will  
9 affect the public at large, at all. What happens in these proceedings will not change law in  
10 Nevada such that a large number of Nevadans or the public at large beyond Nevada will  
11 be affected. It is a mere curiosity to denizens of the internet who thrive on scandal and  
12 drama, and nothing more.

13 Nor is it something that is of concern to a substantial number of people. Here,  
14 those interested in this private divorce matter are Plaintiff's friends and family, and Mr.  
15 Sanson's audience, that is replete with litigants saturated with hatred and envy of lawyers  
16 and judges because their case turned out contrary to what they expected. It is not a  
17 national story, it has not made it into the local papers, it is not the subject of news stories  
18 that would be exposed to millions of people. It is of interest, again, to those that are  
19 attracted to drama that is of no concern to them and that will not affect their lives in the  
20 least.

21 Though, as stated previously, Plaintiff's efforts have garnered just over 38,000  
22 views, simply communicating the parties' private controversy to a large number of  
23 people cannot turn private information, information sealed away from public inspection,  
24 a controversy between previously married parties over the payment of money, into a  
25 public interest.

26 Indeed, Plaintiff has asserted no specific public interest. Rather, in her deposition,  
27 she claims that the parties' private controversy is of public interest. She has not claimed  
28 that the public should be made aware of Alex's stylings as a lawyer, because nothing  
contained in those videos demonstrate Alex's ability, or inability, to practice law. Alex



1 sits there, as a litigant in a private controversy and does nothing. Plaintiff's lack of  
2 specificity as to what public interest she is serving is the definition of a broad and  
3 amorphous public interest.

4 Lastly, though Plaintiff's efforts do not seem to be an effort to gather ammunition  
5 for another round of controversy, she is gathering ammunition to shoot down and destroy  
6 any chance Alex may have of building a career out of pure spite and hatred, because she  
7 is saturated, to the bone, with loathing, and freely admits it. Indeed, in her deposition  
8 Plaintiff asserted that it is a statement of fact that Alex is a fraud, a liar, a cheat, a thief, a  
9 drug addict, mentally unstable, evil, and a malicious person.

10 This is not about the public interest, it is about Plaintiff's interest in destroying  
11 Alex's career and any chance he may have to thrive and move past the devastation  
12 Plaintiff caused Alex's life, and her continued attempts to ruin and impede his efforts at  
13 repairing the mess she made of Alex's life.

#### 14 **IV. REGARDING PLAINTIFF'S COUNTERMOTION**

- 15 a. Plaintiff's countermotion is fatally defective because she does not allege  
16 essential material facts that would provide this court jurisdiction to issue a  
17 show cause order. Moreover, Alex is current on his support obligation.

18 Plaintiff's renewed, endless effort to have Alex held in contempt. Plaintiff alleges  
19 that Alex is in contempt of this court's order for non-payment of monthly spousal  
20 support. On February 15, 2022, this court found that Alex was in contempt but that the  
21 contempt finding was purged because he materially made substantial payments since the  
22 order to show cause issued. Specifically, Alex paid \$7,444.00 since December of 2021.  
23 That amounts to three (3) months of payments since December 1, 2021: \$2500.00 for  
24 December, \$2500.00 for January, and \$2444.00 for February. Since then, Alex has paid  
25 another \$2,500.00 for March of 2022: specifically, Alex paid \$850.00 toward his child  
26 support arrears and \$1,650.00 toward his alimony payment which totals \$2,500.00,  
27 satisfying this court's February 15, 2022 order.

28 Thus, this court should find that Alex remains in good standing with this court  
because, since December 1, 2022 he has paid just under \$10,000.00 toward the \$2,500.00





1 a month he is ordered to pay – a check for \$1,650.00 was deposited in the mail Saturday  
2 to Mr. Nelson’s office, per his instructions, and payment in the amount of \$850.00 was  
3 made to SCADU on March 7, 2022. These payments were not prompted by Plaintiff’s  
4 renewed order to show cause because Plaintiff’s order to show cause is fatally deficient  
5 and cannot result in an order to show cause being issued and because Plaintiff’s  
6 opposition and countermotion was not filed until after the check was put in the mail  
7 Saturday afternoon.

8 Furthermore, Plaintiff’s affidavit is fatally deficient, depriving this court of  
9 jurisdiction to issue an order to show cause. The law is clear in Nevada that before a court  
10 can assume jurisdiction to hold a person in contempt, an affidavit must be filed. See NRS  
11 22.030(2); see also, *Awad v. Wright*, 106 Nev. 407, 409 (Nev. 1990); citing *Steeves v.*  
12 *District Court*, [59 Nev. 405, 413, 94 P.2d 1093, 1095-96](#) (1939). Moreover, the court in  
13 *Lutz v. District Court*, 29 Nev. 152, 86 P. 445 (1906), stated that "the affidavit showed no  
14 more than did the finding, *and the affidavit itself is jurisdictional.*" *Awad v. Wright*, 106  
15 Nev. 407, 409 (Nev. 1990). “Additionally, in *Jones v. Jones*, [428 P.2d 497](#) (Idaho 1967),  
16 the court held that where the affidavit fails to allege all essential material facts, the  
17 deficiency cannot be cured by proof at a hearing. *Id.* at 500.” *Awad v. Wright*, 106 Nev.  
18 407, 409-10 (Nev. 1990).

19 Here, the affidavit provided by Plaintiff contains boiler plate language without  
20 stating, under penalty of perjury pursuant to NRS 53.045, any essential material facts that  
21 would form the basis of any contempt proceedings. This deficiency cannot be cured by  
22 any proof at a hearing. Therefore, this court is deprived of jurisdiction to issue an order to  
23 show cause. In addition, Alex has tendered \$2,500.00 in payments for the month of  
24 March and, contrary to Plaintiff’s allegations, the \$7,444.00 paid by February 15, 2022  
25 covered the month of February since the order to show cause issued on November 23,  
26 2021.



## V. CONCLUSION

For the foregoing reasons, Alex asks this court to dismiss Plaintiff's countermotion and grant his motion for an order to show cause.

Respectfully submitted this 7<sup>th</sup> day of March, 2022.

/s/ Alex Ghibaud

ALEX B. GHIBAUDO

### *Defendant in Proper Person*

# CERTIFICATE OF SERVICE

Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on this 7<sup>th</sup> day of March, 2022, I did cause a true copy of the foregoing *Reply to Plaintiff's Opposition and Opposition to Plaintiff's Countermotion* in *Kellogg v. Ghibaudo*, Clark County District Court, Family Division Case No. D-15-522043-D, to be served electronically using the Wiznet Electronic Service system, to all parties with an email address on record.

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*Attorney for Plaintiff*

*//s// Alex Ghibaudo*

### Defendant in Proper Person

**EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

**TARA KELLOGG**

Plaintiff/Petitioner

vs.

**ALEX GHIBAUDO**

Defendant/Respondent

Case Number: **D-15-522043-D**Department: **H**

**MOTION/OPPOSITION  
FEE INFORMATION SHEET**

Notice: Motions and Oppositions after entry of a final Order issued pursuant to NRS 125, 125B, or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by Joint Petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

**Step 1.** Select either the \$25 or \$0 filing fee in the box below:

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <b>\$25</b>              | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.  |
| -OR-                                |                          |  |
| <input type="checkbox"/>            | <b>\$0</b>               | The Motion/Opposition being filed is not subject to the \$25 reopen fee because:   |
|                                     | <input type="checkbox"/> | The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.   |
|                                     | <input type="checkbox"/> | The Motion/Opposition is being filed solely to adjust the amount of child support established in a final Order.  |
|                                     | <input type="checkbox"/> | The Motion/Opposition is for reconsideration or for a new trial and is being filed with 10 days after a final judgment or Decree was entered. The final Order was entered on: _____. |
|                                     | <input type="checkbox"/> | Other Excluded Motion  |

**Step 2.** Select the \$0, \$129, or \$57 filing fee in the box below:

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <b>\$0</b>                          | The Motion/Opposition being filed is not subject to the \$129 or \$57 fee because:   |
|                                     | <input checked="" type="checkbox"/> | The Motion/Opposition is being filed in a case not initiated by Joint Petition.  |
|                                     | <input type="checkbox"/>            | The party filing the Motion/Opposition previously paid a fee of \$129 or \$57  |
| -OR-                                |                                     |  |
| <input type="checkbox"/>            | <b>\$129</b>                        | The Motion/Opposition being filed with this form is subject to the \$129 fee because it is a Motion to modify, adjust, or enforce a final Order.   |
| -OR-                                |                                     |  |
| <input type="checkbox"/>            | <b>\$57</b>                         | The Motion/Opposition being filed is subject to the \$57 fee because it is an Opposition to a Motion to modify, adjust, or enforce a final Order or it is a Motion and the opposing party has already paid a fee of \$129. |

**Step 3.** Add the filing fees from Step 1 and Step 2:

The total filing fee for the Motion/Opposition I am filing with this form is

☐ \$0   ☒ \$25   ☐ \$57   ☐ \$82   ☐ \$129   ☐ \$154

Party filing Motion/Opposition: **Defendant**Date: **03-7-2022**Signature of Party or Preparer: //s//Alex Ghibaud



**OPPS**

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*Defendant in Proper Person*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

TARA KELLOGG,

Plaintiff,

vs.

ALEX GHIBAUDO,

Defendants.

Case No.: D-15-522043-D

Dept. No.: H

**SUPPLEMENT TO DEFENDANT'S  
REPLY TO PLAINTIFF'S  
OPPOSITION AND OPPOSITION  
TO PLAINTIFF'S  
COUNTERMOTION**

Defendant Alex Ghibauda ("Alex"), in Proper Person, files his supplement to his reply to Plaintiff's opposition and opposition to Plaintiff's counter motion. This motion is based on the following Memorandum of Points and Authorities, the papers and pleadings already on file herein, the attached affidavits, and any oral argument the Court may permit at the hearing of this Opposition.

Dated this the 11<sup>th</sup> day of March, 2022.

/s/ Alex Ghibauda

Alex B. Ghibauda

*Defendant in Proper Person*



## MEMORANDUM OF POINTS AND AUTHORITIES

In his reply to Plaintiff's opposition and his opposition to Plaintiff's motion, Alex addresses Plaintiff's contention that Plaintiff disseminates videos of these proceedings for an amorphous and unspecified "public concern". In section II(g), Alex argues that these videos are not a matter of public concern, rather it is a private matter that Plaintiff disseminates to Steve Sanson because she is saturated to the bone and drenched with loathing for Alex rather than any amorphous concern she has for the public. This supplement is submitted so that this Court may assess Plaintiff's credibility. It is also submitted so that this Court can see that this is not about her concern for the public or about money, but rather it is a personal vendetta that she is engaged in, through this legal process, to feed her hatred of Alex.

Plaintiff will go to any lengths to destroy Alex's career, including lie under oath and perjure herself, committing a category D felony in the process. Plaintiff continues to post videos of these proceedings, and comments on those videos. See Defendant's Supplemental Exhibits ("DE" 001-008). Plaintiff gleefully informs the public: "Finally...2/15/2022, Defendant Attorney Alex Ghibaud, Order to Show Cause." (DE002). Plaintiff posted this video prior to her deposition, as can be deduced by this Court wearing a mask, which indicates the posting occurred after the November 23, 2021 hearing.

In her deposition, however, Plaintiff denies that she knows that these videos are being disseminated by Steve Sanson on Youtube. The relevant colloquy can be seen at DE 020-021 and is as follows:

**Alex:** How does Mr. Sanson have the ability to post those videos publicly on Youtube and on Facebook

**Plaintiff:** If I showed it to him, he can do whatever he wants or however he wants.

**Alex:** So you shared the actual videos to the public about –

Plaintiff: No, not to the public. I shared it with Mr. Sanson.

\*\*\*

**Alex:** Okay. And Mr. Sanson, then, shares it with the public?

**Plaintiff:** I don't know what he does with it.



1       **Alex:** So you've never discussed with him what's going to happen with those videos?  
2       You just give it to him. And what do you think – what do you think he's going to do with  
3       it?

4       **Plaintiff:** I don't know. How am I supposed to be in his head?

5       **Alex:** Why do you give it to him?

6       **Plaintiff:** Because I want to show him. I want to share it with him.

7       **Alex:** Why?

8       **Plaintiff:** I want to share that this video was – he has – just like I told you, he is the  
9       president of Veterans in Politics and, therefore, he has –

10      **Alex:** large audience correct?

11      **Plaintiff:** He what?

12      **Alex:** He has a large audience, correct?

13      **Plaintiff:** I don't know how large. I don't know his audience. I don't know how large it  
14      is, how small it is. I don't know anything about it.

15      So, Plaintiff admits that she knows Mr. Sanson posts videos of these proceedings, that  
16      she gives him, on Youtube. Plaintiff, when asked, denies disseminating the videos of these  
17      proceedings to the public, under oath. She denies knowing what Mr. Sanson does with the  
18      videos, again under oath. She denies any knowledge of Mr. Sanson's audience on Youtube. And  
19      yet, lo and behold, there is Plaintiff, commenting on Mr. Sanson's Youtube page under a video  
20      of these proceedings. (DE001-006).

21      It should be noted that these comments, though the same, are shared under 6 different  
22      videos of these proceedings posted by Mr. Sanson. That Youtube page shows how many views  
23      those videos garnered – in one video posted, it shows that there were 477 views of that video.  
24      (DE008). They also show how many subscribers Mr. Sanson's page has: 14.2K subscribers.  
25      (DE007). Plaintiff, therefore, lied under oath, which is a Category D Felony and demonstrates  
26      what lengths Plaintiff will go to in order to satiate her hatred for Alex. She is willing to commit  
27      felony crimes and perjure herself under oath.



1 But, that's not the only time Plaintiff perjured herself before this Court. Indeed, during  
2 her testimony at trial, conducted on September 17, 2020, she perjured herself blatantly,  
3 shamelessly, and demonstrably. For example, under cross-examination by Alex's prior attorney,  
4 Radford Smith, the following colloquy occurred:

5 **Mr. Smith:** did you attend – did you go to rehabilitation for alcohol abuse?

6 **Plaintiff:** I did not.

7 \*\*\*

8 **Mr. Smith:** You did go to rehabilitation, correct? You did go to rehabilitation.

9 **Plaintiff:** No, I did not.

10 **Mr. Smith:** You've never been to rehabilitation through We Care?

11 **Plaintiff:** No.

12 **Mr. Smith:** That's your testimony?

13 DE018.

14 At her deposition, which took place on January 27<sup>th</sup>, 2022, Alex asked a similar question  
15 while Plaintiff was, again, under oath:

16 **Alex:** Did you or did you not attend We Care Foundation because you were addicted to  
17 alcohol?

18 **Plaintiff:** No. It was not because I was addicted to alcohol.

19 DE019; line 25; DE020, lines 1-3.

20 But, during Alex's reinstatement hearing, conducted on or about December 2013,  
21 Plaintiff, again under oath, had the completely opposite story. Indeed, she actually, for once in  
22 her life, while finally sober (briefly), told the truth. Concerning her addiction to alcohol, Plaintiff  
23 testified as follows:

24 **Mr. Warhola:** Let's talk about We Care. How long have you been at we care?

25 **Plaintiff:** I was at We Care from October 24<sup>th</sup>, 2011 to November 27<sup>th</sup>, 2011.

26 DE103, lines 18-21.

27 **Mr. Warhola:** Exactly what does We Care do, what is its purpose?



1       **Plaintiff:** It is a rehabilitation program, which is AA, it's a 12-step program. We study  
2       the big book. We study the steps. There are seven meetings from 10:00 to 11:00 a.m.  
3       every single day and Monday through Fridays they have them from 7:00 p.m. to 8:00  
4       p.m. and it's an inpatient where you come and live for a month.

5       DE014, lines 17-24.

6       Plaintiff later describes the marriage, at the time as "wonderful": "Ever since [Plaintiff]  
7       finished a 30-day stint in We Care Foundation, **which is a rehabilitation for alcoholism.**"  
8       (Emphasis added). DE010, lines 16-17. Later, in discussing her relationship with her family,  
9       Plaintiff states that: "I have a distant relationship with my parents right now. **I don't think that**  
10      **they are happy with me being an alcoholic**". (Emphasis added). (DE016, lines 18-20).

11      So, on direct examination in trial, under oath, before this court, Plaintiff denied even  
12      attending a rehabilitation center, and denied ever having a problem with alcohol. In her  
13      deposition, conducted on January 27<sup>th</sup>, 2022, Plaintiff again denied attending We Care  
14      Foundation for addiction to alcohol. On the other hand, again under oath, at Alex's reinstatement  
15      hearing before the State Bar of Nevada, Plaintiff made it crystal clear that: a) We Care  
16      Foundation is indeed a rehabilitation center for alcoholics; and b) she had a 30-day stint there  
17      because she is, indeed, an alcoholic.

18      In short, Plaintiff is a liar. Plaintiff has perjured herself under oath on at least three (3)  
19      occasions: 1) concerning her knowledge of Mr. Sanson and his Youtube page in which videos of  
20      these proceedings are posted; 2) in her testimony at trial in this matter where she denies her  
21      alcoholism and denies even attending rehabilitation; and 3) at her deposition when she again  
22      denies her alcoholism. Her testimony at Alex's reinstatement hearing is the truth and her later  
23      testimony are all lies. This Court cannot ignore Plaintiff's willfully and deliberately perjuring  
24      herself, multiple times, but particularly under oath before this Court. Plaintiff has in fact  
25      committed a category D felony due to her lies.

26      Plaintiff's credibility, therefore, is non-existent. More importantly, Plaintiff's willingness  
27      to commit a felony crime in this Courtroom, under oath, demonstrates that Plaintiff does not care  
28      about informing the public about anything. Rather, it is to slake her thirst for vengeance and





1 extract her pound of flesh from Alex. Put plainly, Plaintiff is a pathological liar and this Court  
2 must take note of that FACT when considering whether to hold Plaintiff in contempt and control  
3 her drug fueled (it is patently not a good idea to feed a person with a history of drug abuse with  
4 60mg of amphetamines and down it with a shot of benzodiazepines), out of control, irrational  
5 behavior.

6 Respectfully submitted this 11<sup>th</sup> day of March, 2022.

7 /s/ Alex Ghibaud  
8 ALEX B. GHIBAUDO  
9 *Defendant in Proper Person*

10  
11  
12 **CERTIFICATE OF SERVICE**

13 Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on this 11<sup>th</sup>  
14 day of March, 2022, I did cause a true copy of the foregoing *Supplement to Defendant's Reply*, Clark  
15 County District Court, Family Division Case No. D-15-522043-D, to be served electronically using  
16 the Wiznet Electronic Service system, to all parties with an email address on record.

17  
18 JONATHAN K. NELSON, ESQ.  
19 Nevada Bar No. 12836  
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22 Las Vegas, Nevada 89113  
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27 //s// Alex Ghibaud  
28 Defendant in Proper Person



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8 *Defendant in Proper Person*

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 TARA KELLOGG,

12 Plaintiff,

13 vs.

14 ALEX GHIBAUDO,

15 Defendants.

Case No.: D-15-522043-D

Dept. No.: H

**SUPPLEMENT EXHIBITS TO**  
**PLAINTIFF'S REPLY TO**  
**DEFENDANT'S OPPOSITION**

16 Defendant Alex Ghibauda ("Alex"), in Proper Person, and submits the following  
17 supplemental exhibits.

18 Dated this the 11<sup>th</sup> day of March, 2022.

19 /s/ Alex Ghibauda

Alex B. Ghibauda

*Defendant in Proper Person*



**CERTIFICATE OF SERVICE**

Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on this 11<sup>th</sup> day of March, 2022, I did cause a true copy of the foregoing *Supplement Exhibits*, Clark County District Court, Family Division Case No. D-15-522043-D, to be served electronically using the Wiznet Electronic Service system, to all parties with an email address on record.

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*Attorney for Plaintiff*

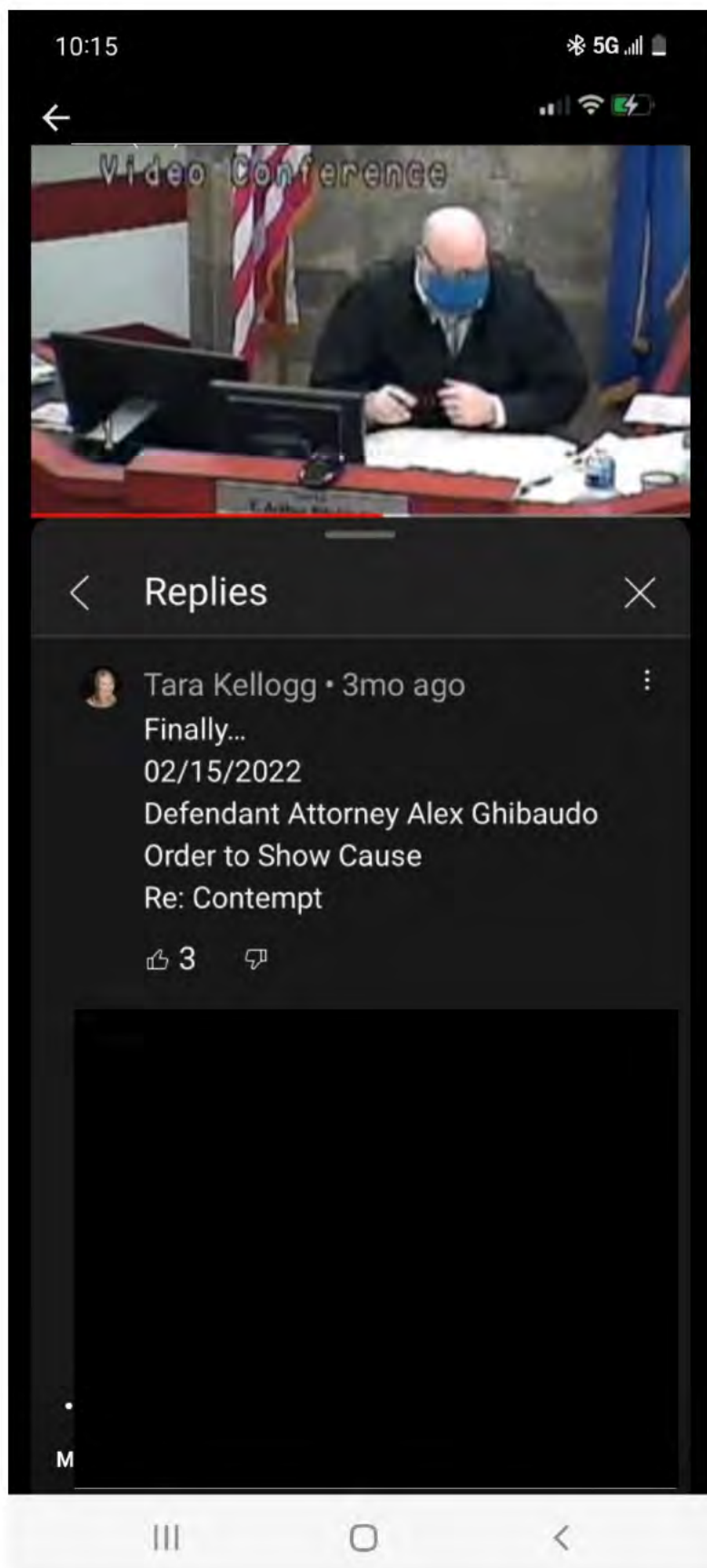
//s// Alex Ghibaud  
Defendant in Proper Person

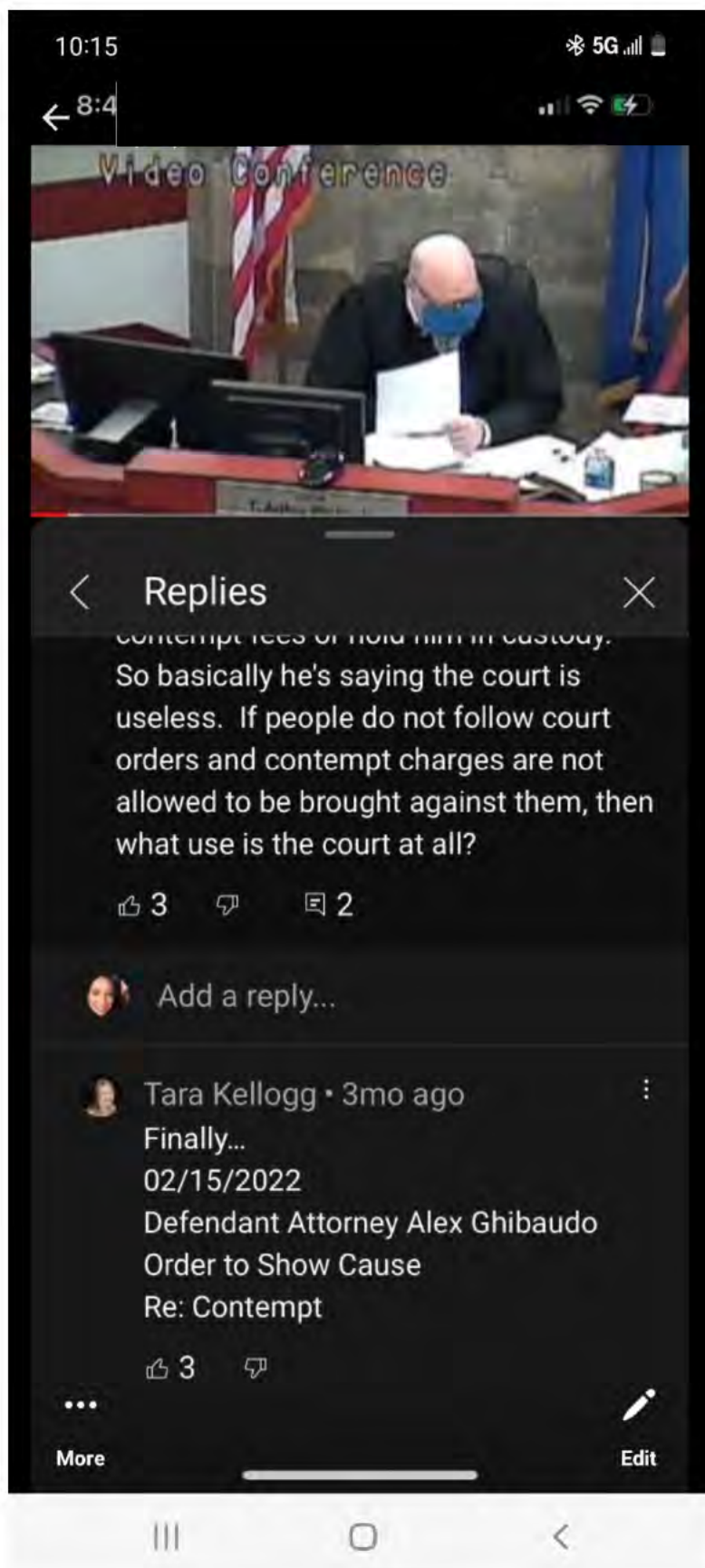
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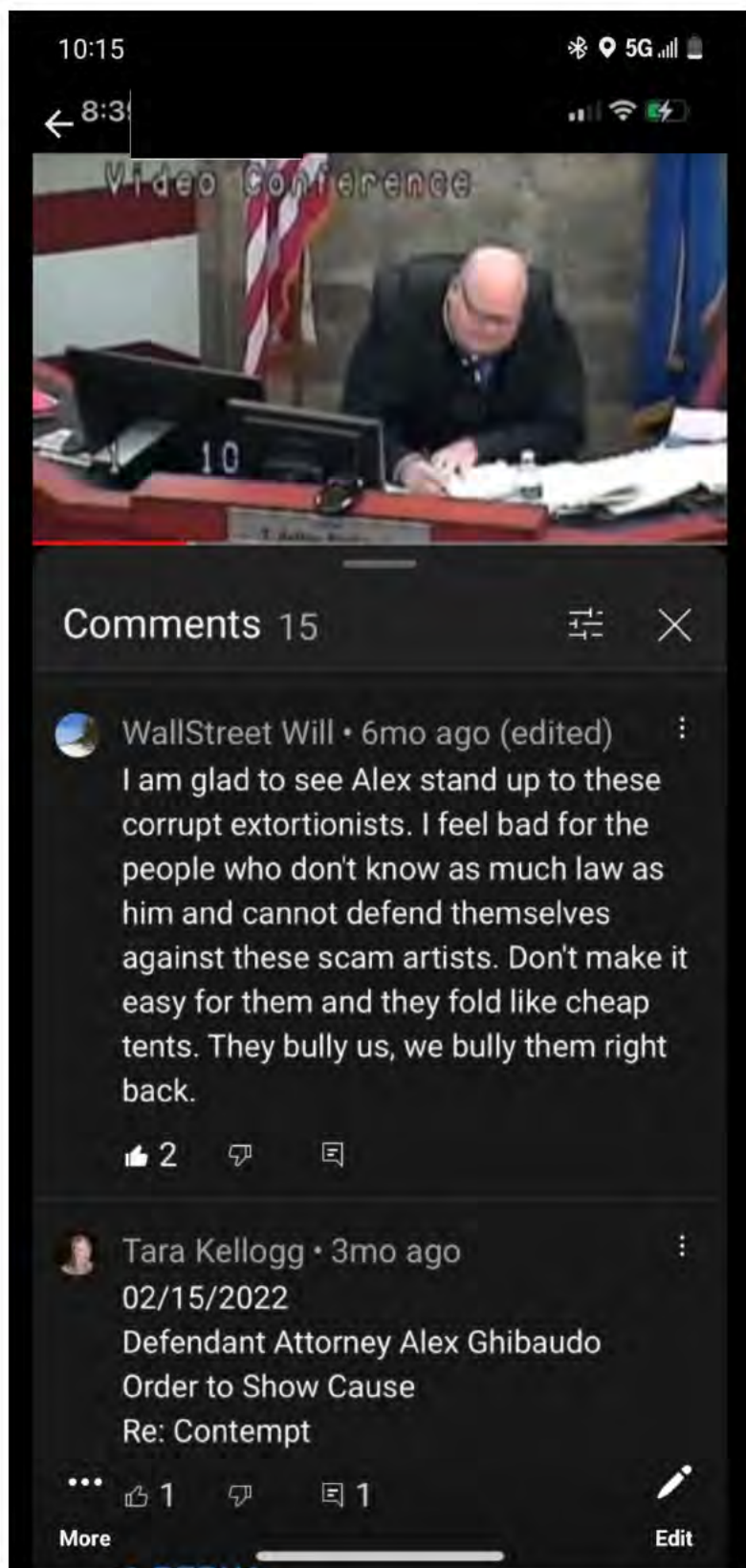
KELLOGG v. GHIBAUDO

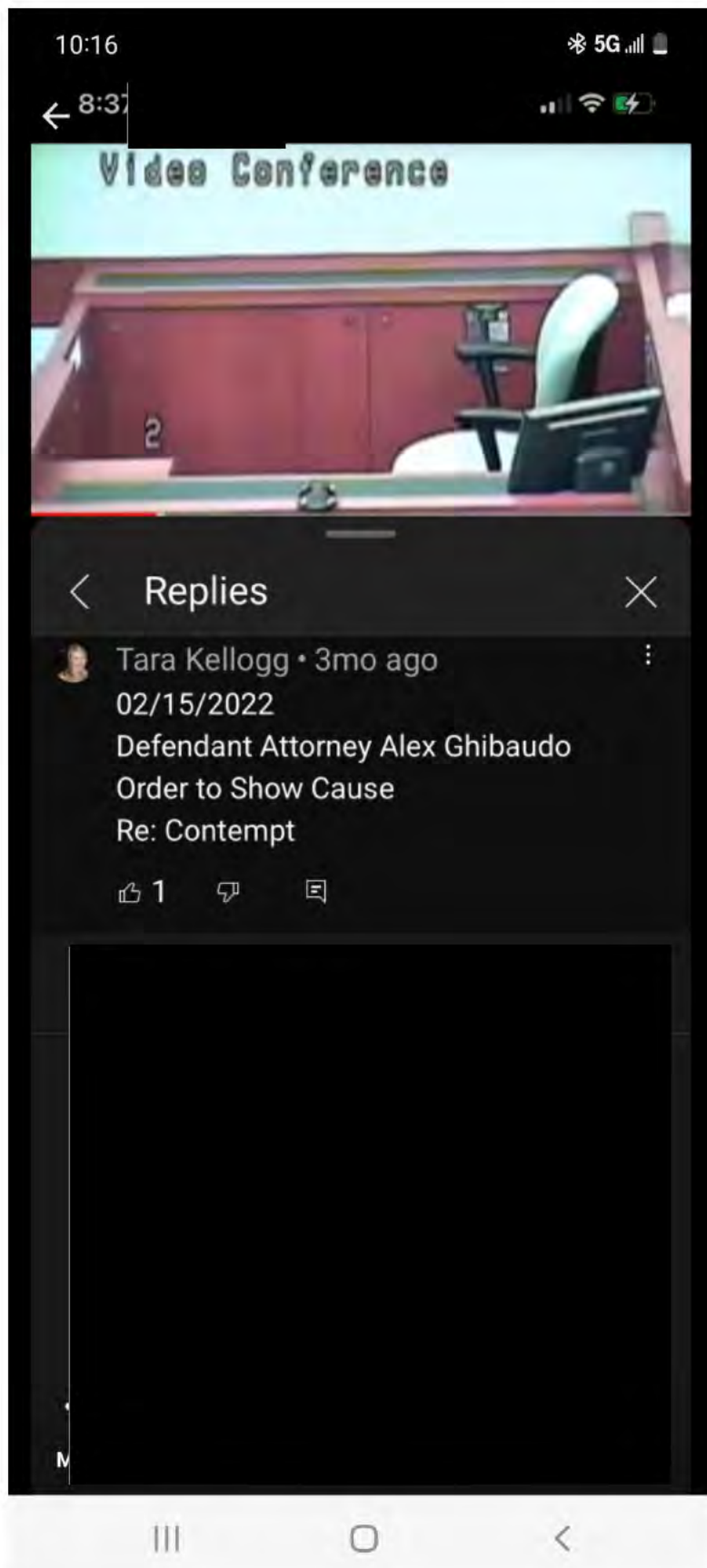
D-15-522043-D

<b>Description</b>	<b>Bates Stamp</b>
Youtube videos of these proceedings and Plaintiff's Comments	001-008
Portions of Plaintiff's testimony under oath at Alex's reinstatement hearing	009-017
Portion of Plaintiff's testimony under oath at trial conducted 9/17/2020	018
Plaintiff's testimony, under oath, at her deposition conducted on 1/27/2022	019-022

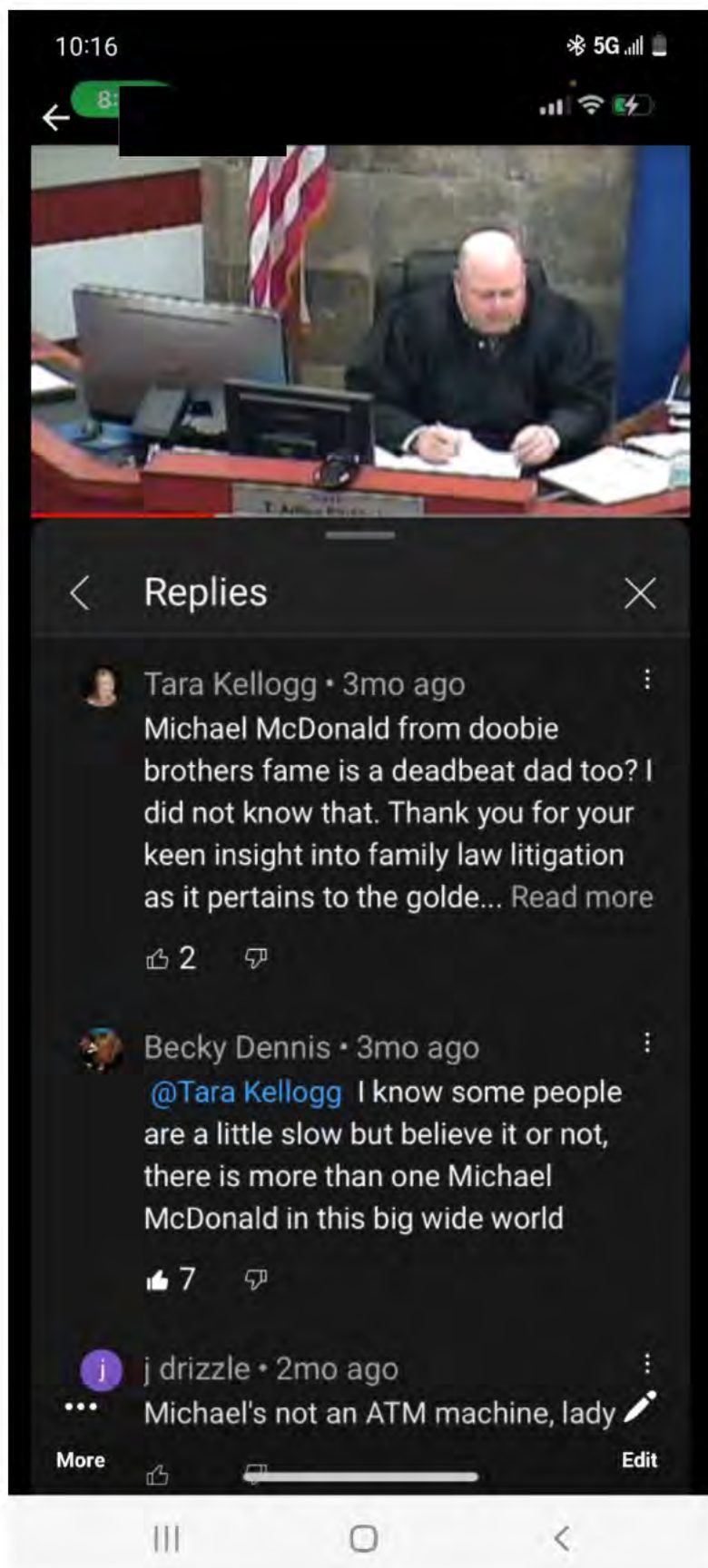


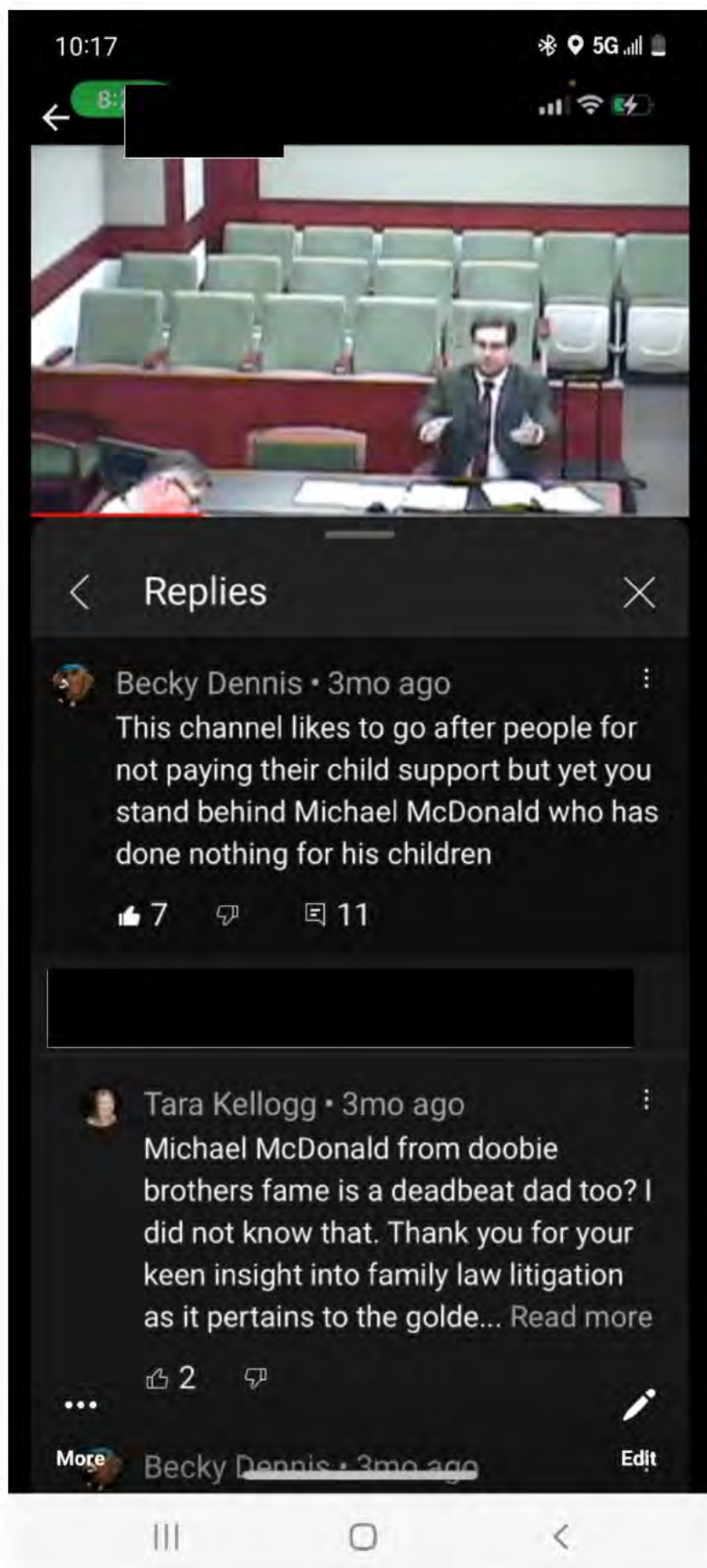


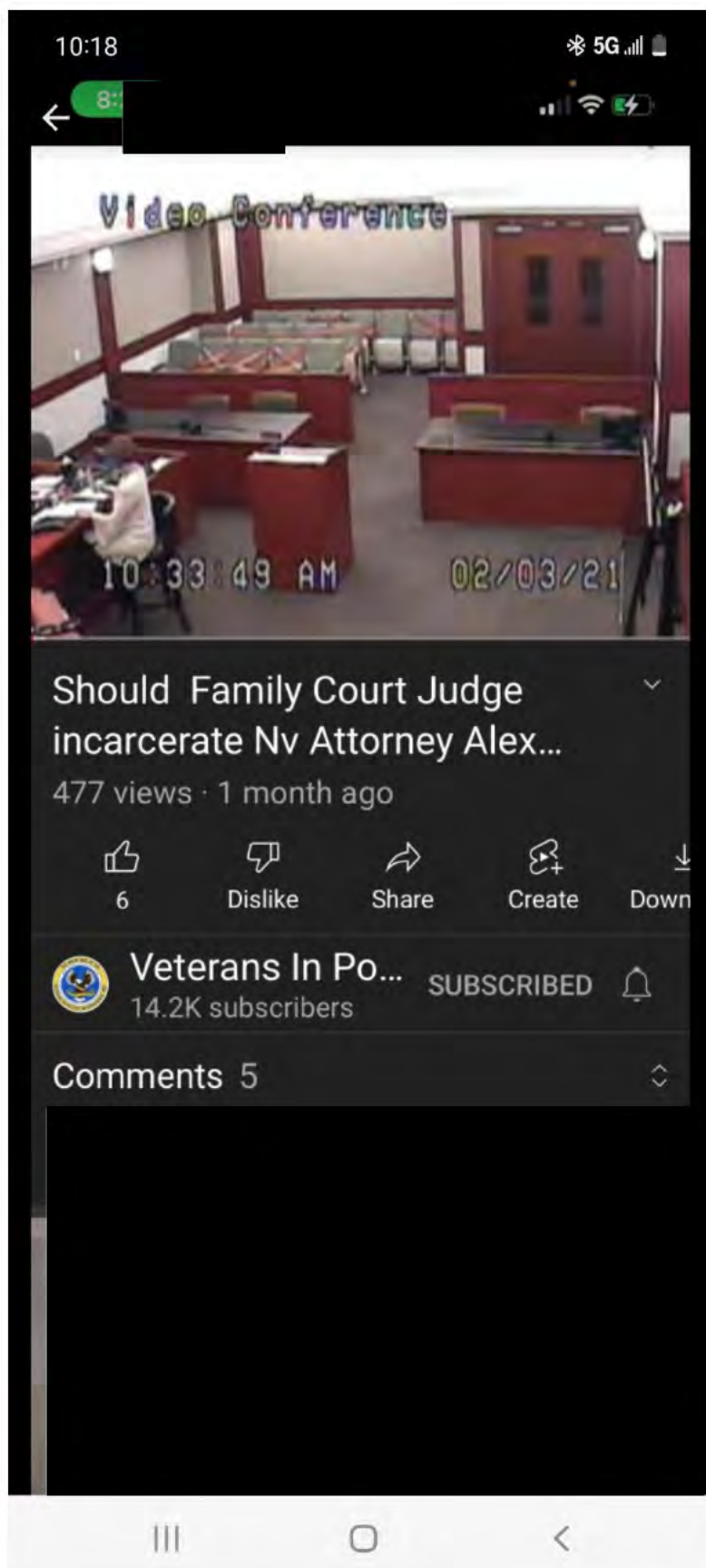


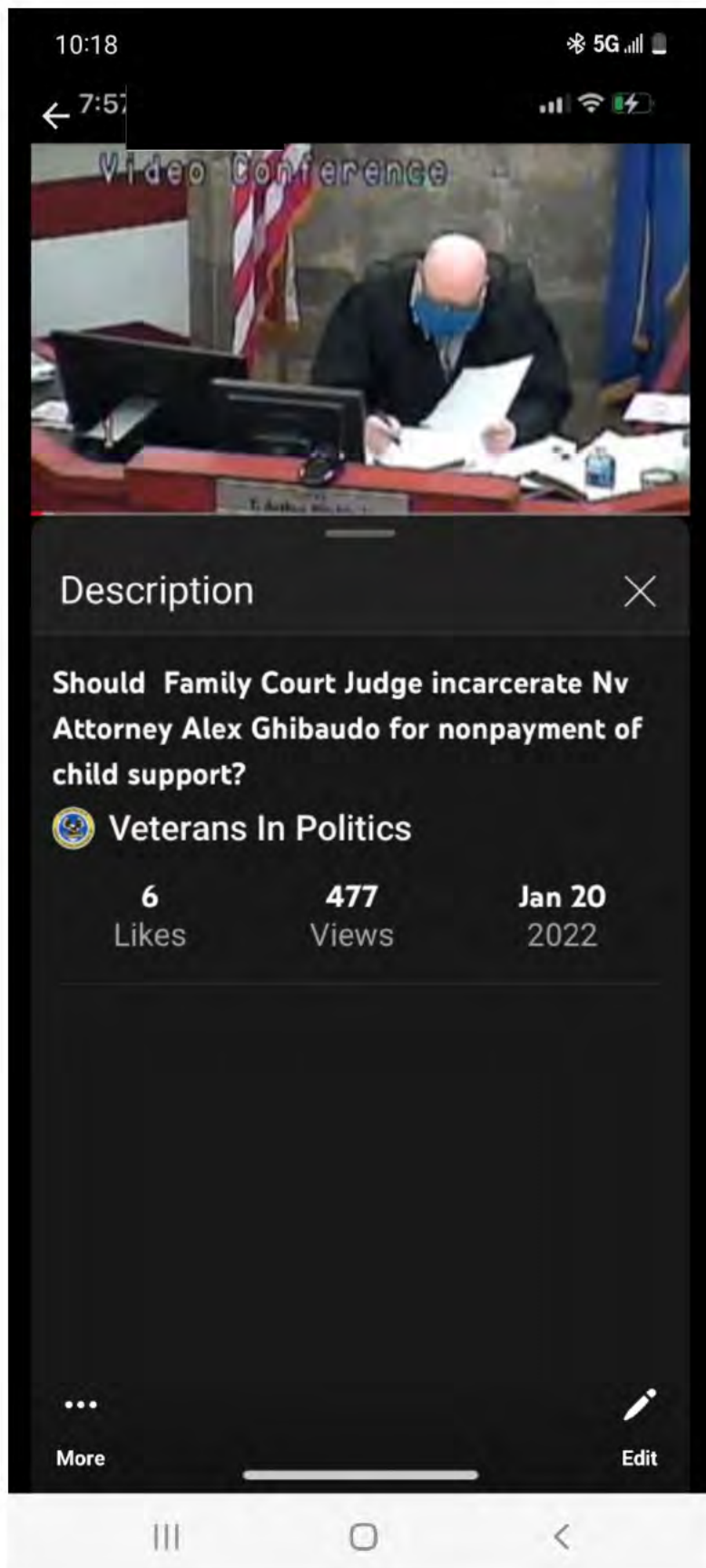












1 MR. LAURENT: Mr. Stafford, we appreciate  
2 you coming in. Thank you.

3 THE WITNESS: Thanks for having me.

4 MR. WARHOLA: Our next witness is my  
5 client's wife; however, she's not here, but she's just a  
6 few blocks down the street. He has to go pick her up.  
7 Can he go do that? We only anticipate putting her on  
8 for a short period of time.

9 MR. LAURENT: And then you have the phone  
10 one at 1:00?

11 MR. WARHOLA: Yes, that's correct.

12 MR. LAURENT: We'll take a 10-minute recess.

13 (Short recess taken.)

14 MR. LAURENT: Swear our next witness in.

15  
16 Thereupon --

17 TARA GHIBAUDO,  
18 being first duly sworn to tell the truth, the whole  
19 truth and nothing but the truth, was examined and  
20 testified as follows:

21  
22 DIRECT EXAMINATION

23 BY MR. WARHOLA:

24 Q. Please state your name for the record.

25 A. Tara Kellogg Ghlbaudo.

Q. And you're the wife of Respondent Alex Ghibauda?

A. I am.

Q. How long have you been married?

A. It'll be 11 years December 30th.

Q. And now the panel has heard a lot of testimony about past issues between you and your husband and we just wanted to kind of talk about not only his issues, but also your issues and how you guys dealt with each other during a certain period of time. So having said that, provided that context, can you describe your current relationship with your husband?

A. Currently right now?

Q. Yes.

A. It's absolutely wonderful.

Q. How long has it been that way?

A. Ever since I finished a 30-day stint in We Care Foundation, which is a rehabilitation for alcoholism.

Q. And when did you first recognize that you were an alcoholic?

A. About a month into my drinking, I could not control it.

Q. During the course of your marriage were there problems with alcohol?

A. Up until approximately it was 2008 that was when I found out that Alex had been unfaithful and the house

was getting into foreclosure, money was gone, the cars  
were repossessed and I chose to drink and I caused a lot  
of problems with my drinking.

Q. Now, at the same time neither you nor Alex  
mean Alex also had issues of his own, correct?

A. Yes.

Q. And it took the form of being bipolar; is that  
correct?

A. Correct.

Q. And first of all my understanding is, if the Bar  
will indulge me, you guys got into a number of  
arguments?

A. (Witness nods head.)

Q. Can you just describe --

MR. CLARK: Can I ask that the witness  
respond verbally.

MR. WARHOLA: Oh, yeah. Sure.

THE WITNESS: Oh, sorry. Yes.

BY MR. WARHOLA:

Q. Can you just describe generally those arguments,  
how they were and --

A. I would start a lot of fights and it was the  
alcohol, it was alcohol-fueled arguments.

Q. Now, would Alex drink sometimes?

A. Sometimes he did.

2 Q. Now, my understanding is there was a couple of  
domestic violence cases, correct?

3 A. Uh-huh.

4 Q. Can you just describe how those two incidences  
came about to the best of your recollection?

6 A. To the best of my recollection I don't really  
7 remember not only I was intoxicated, but I also had  
8 seizures. So a lot of those situations I just don't  
9 remember.

10 Q. And you and Alex have a child together, correct?

11 A. Correct.

12 Q. And you have another child, correct?

13 A. Correct.

14 Q. And who's the father figure to that other child?

15 A. Oh, Alex is.

16 Q. How does he treat that other child?

17 A. He's absolutely wonderful and he's been wonderful  
18 since day one when he came into our lives. My son  
19 Taylor has never known his father and has never been a  
20 part of our lives so Alex is the only one he knows.

21 Q. You understand, obviously, that Alex is on  
22 medication, correct?

23 A. Yes.

24 Q. And can you describe from your point of view, a  
25 layperson's point of law, you're not a psychologist, but



a layperson's point of view how that has changed Alex?

2 A. First off he has the VA, which is absolutely  
3 wonderful, not only he receives quality care, but his  
4 medication is actually delivered to the house, which I  
5 find wonderful.

6 I'll give you one example of the difference in  
7 Alex. When I got out of We Care they suggest that you  
8 do 90 meetings in 90 days. I didn't have a car because  
9 I surrendered my driver's license at the DMV because of  
10 my seizures. Every single day he would take me to We  
11 Care before work and he would pick me up at lunch, he  
12 would take his lunch hour to pick me up at We Care  
13 between 12:00 and eleven o'clock to take me back home,  
14 we lived in Green Valley, and then he would go back to  
15 work, that's amazing. That's him being on medication  
16 and that's him being a wonderful, caring husband and  
13 also to the kids being a wonderful, caring father.

18 Q. Let's talk about We Care. How long have you been  
19 at We Care?

20 A. I was at We Care from October 24th, 2011 to  
21 November 27th, 2011.

22 Q. And currently isn't he on the board of directors  
23 or on the board there at We Care?

24 A. He is. They asked for -- they wanted a man,  
25 all women, and sometimes they argue where clocks are

1 placed in We Care. So they asked if Alex who is a  
2 nonalcoholic who is married to an alcoholic to maybe  
3 bring in some ideas. Because We Care has been in  
4 business for over 50 years, but because of the economy  
5 they don't take insurance, they take cash.

6           So the biggest thing that they've had trouble  
7   with is getting people in because nobody has \$1,000,  
8   \$1,000 down and it's a \$1,000 once you get out, which  
9   you can make payments for. Nobody has \$1,000 to get in  
10   and when people get out they just don't make payments.

11           So the first board meeting Alex went to and he  
12       said, Here's my idea, maybe lower the initial payment to  
13       \$500 and then get on file a credit card or an account so  
14       that you have that secured money. Right now there's  
15       four people in We Care, which there was none before this  
16       happened and they're expecting three more today.

17 Q. Exactly what does We Care do, what is its  
18 purpose?

19           A. It is a rehabilitation program, which is AA, it's  
20    a 12-step program. We study the big book. We study the  
21    steps. There are seven meetings from 10:00 to 11:00  
22    a.m. every single day and Monday through Fridays they  
23    have them from 7:00 p.m. to 8:00 p.m. and it's an  
24    inpatient where you come and live for a month.

25 Q. Can you describe the strength of your marriage

now?

A. It's absolutely amazing. It's the most wonderful  
3 experience. And I hate to say it, but if I had to go  
4 through everything we went through to get to the point  
5 that we're at right now I would do it all over again.  
6 And not only that, but he's a wonderful father.

7 I don't know if this has anything to do with  
this, but on the weekends him and Nicole they -- our  
9 daughter -- they go one weekend -- or -- yeah, one  
10 weekend she gets to pick the movie and then he gets to  
11 pick the movie, last time it was Lincoln Alex picked,  
12 this time it was a horror movie, I can't remember the  
13 name of it, but Alex told me that she had her hands over  
14 her eyes the whole time, but it's wonderful, it's  
15 wonderful.

16 And I'm not allowed to go to movies because I  
17 fall asleep and so nobody wants to hear me snoring. So  
18 it's what they do, it's their bonding time, it's  
19 wonderful.

20 Q. Go ahead.

21 A. And also what Alex and I do, you know, we  
22 watch -- I like mysteries, we do that together, we go to  
23 the gym together. I mean, it's just a wonderful,  
24 wonderful marriage right now. It's just wonderful.

25 Q. Are these things that you didn't do in the past

1       **or didn't do so much in the past?**

2           A. Did not. Well, because he was in San Francisco  
3 when he was in school and our daughter Nicole was  
4 diagnosed with -autism and I don't know if it was a  
5 misdiagnosis and I was completely stressed out. We had  
6 a woman come into the house twice a week to help me with  
7 her speech and the times that she wasn't there every  
8 waking hour I read to her, I spoke to her, I did  
9 everything and right now she's normal, completely  
10 normal. She's at St. Anne's and she's doing great.

11       **Q. You have family here in town, correct?**

12           A. I do.

13       **Q. Who would that be?**

14           A. Donna and Joseph Kellogg, they live in Henderson.

15       **Q. And who are they?**

16           A. My parents.

17       **Q. How is their relationship with Alex?**

18           A. I don't know. I have a distant relationship with  
19 my parents right now. I don't think that they are happy  
20 with me being an alcoholic. My dad is -- my dad is a  
21 pharmacist and I don't think that he thinks that it's --  
22 he's not happy about it. And so I can work on my side  
23 of the street and then if they don't want to have that  
24 relationship with me, then that's on them.

25       **Q. Another question I have for you is you observe**

1       **how often he works, correct?**

2           A. Correct.

3           **Q. Can you just describe his work ethics in your**  
4       **perspective?**

5           A. Well, we have one car right now so first off he  
6       works six days a week. I get up at approximately 6:30,  
7       seven o'clock, I take him to work, he let's me have the  
8       car all day. I take him to work, then I come back I  
9       take Nicole to school and then I go to We Care and then  
10      -- do my meeting and then come back and sometimes what  
11      we also do together is we go out to lunch or I bring him  
12      lunch and then at approximately 6:30, seven o'clock I go  
13      and pick him up from work and that's six days a week.

14                   MR. WARHOLA: I have no further questions.  
15       I pass the witness.

16  
17                                   CROSS-EXAMINATION

18       BY MR. CLARK:

19           **Q. Hi, I'm David Clark, bar counsel with the State**  
20       **Bar.**

21           A. Hi.

22           **Q. You said earlier you surrendered your license**  
23       **because you had seizures. When did you get your license**  
24       **back?**

25           A. It was January.

1 A -- if it was an addiction. I don't -- I don't know.

2 Q Did you attend -- did you go to rehabilitation for  
3 alcohol abuse?

4 A I did not.

5 Q Why did you go to rehabilitation?

6 A We Care is not --

7 Q You did go to rehabilitation, correct? You did go  
8 to rehabilitation.

9 A No, I did not.

10 Q You've never been to rehabilitation through We Care?

11 A No.

12 Q That's your testimony?

13 A No.

14 Q Okay. So did you --

15 A No, no, no.

16 Q You said no.

17 A Okay. No.

18 Q Did you go to -- did you go to rehabilitation in any  
19 other place?

20 A No.

21 Q So during the time that you -- so in regard to your  
22 previous testimony, in regard to I asked you if you indicated  
23 you lied, what you actually indicated is when you were asked  
24 to describe the two incidences of domestic violence cases,

1 professionals. There are no medical professionals at  
2 We Care Foundation; therefore, it is not a drug and  
3 alcohol rehabilitation center.

4 Q. Okay. Did you stay at We Care Foundation  
5 for 30 days; yes or no?

6 A. Yes.

7 MR. NELSON: Objection. Relevance.

8 Q. (By Mr. Ghibaudo) Answer the question.

9 A. Yes.

10 Q. And why were you at We Care Foundation for  
11 30 days?

12 MR. NELSON: Objection. Relevance.

13 A. I wanted to remove myself from a toxic  
14 situation, being you.

15 Q. (By Mr. Ghibaudo) So your statement is that  
16 you did not -- and remember, you're under oath, and so  
17 any lies are punishable by perjury, which is a felony.  
18 So you're saying that you did not attend We Care  
19 Foundation for addiction to alcohol. Is that what  
20 your statement is today?

21 MR. NELSON: Objection. Asked and answered.

22 MR. GHIBAUDO: It was not.

23 Q. (By Mr. Ghibaudo) Answer the question.

24 A. I'm sorry. What was the question?

25 Q. Did you or did you not attend We Care



1 Foundation because you were addicted to alcohol?

2 **A. No. It was not because I was addicted to**  
3 **alcohol.**

4 Q. Did you have an alcohol problem in that time  
5 period?

6 **A. I thought I may at the time. I do not**  
7 **believe so now.**

8 Q. So you think you were -- you were -- you  
9 were mistaken in your belief at the time that you had  
10 an alcohol addiction?

11 **A. I believe -- please ask the question one**  
12 **more time.**

13 Q. So you're -- so what you're saying today is  
14 that you did not attend We Care Foundation because you  
15 had an addiction to -- I'm sorry. Let me retract  
16 that.

17 So you're saying that at no time you had a  
18 problem abusing alcohol?

19 MR. NELSON: Objection. Relevance.

20 **A. No. I do not believe today that I had --**  
21 **had an addiction to alcohol.**

22 Q. (By Mr. Ghibaudo) Okay. Did you ever  
23 attend Alcoholics Anonymous?

24 MR. NELSON: Objection. Relevance.

25 **A. At We Care Foundation, they offer AA,**





1           **A.       No. I said the last video I showed**  
2           **Mr. Sanson was the video from a hearing on**  
3           **November 23rd.**

4           Q.       How does Mr. Sanson have the ability to post  
5           those videos publicly on YouTube and on Facebook?

6           **A.       If I showed it to him, he can do whatever he**  
7           **wants or however he wants.**

8           Q.       You're saying that you're showing it to him  
9           and he's recording it, and then he posts it. You're  
10          not giving him a thumb drive or sending him a link  
11          from your -- from your computer. Is that what you're  
12          telling me?

13          **A.       I'm saying that I shared it to him.**

14          Q.       So you shared the actual videos with him?

15          **A.       Yes. Yes.**

16          Q.       Okay. So you are disseminating videos to  
17          the public about --

18          **A.       No, not to the public. I shared it with**  
19          **Mr. Sanson.**

20          Q.       Okay. And Mr. Sanson, then, shares it with  
21          the public?

22          **A.       I don't know what he does with it.**

23          Q.       So you've never discussed with him what's  
24          going to happen with those videos? You just give it  
25          to him.



1                   And what do you think -- what do you think  
2   he's going to do with it?

3           **A.     I don't know. How am I supposed to be in**  
4   **his head?**

5           Q.     Why do you give it to him?

6           **A.     Because I want to show him. I want to share**  
7   **it with him.**

8           Q.     Why?

9           **A.     I want to share that this video was -- he**  
10   **has -- just like what I told you, he is the president**  
11   **of Veterans in Politics and, therefore, he has --**

12          Q.     Large audience, correct?

13          **A.     He what?**

14          Q.     He has a large audience, correct?

15          **A.     I don't know how large. I don't know his**  
16   **audience. I don't know how large it is, how small it**  
17   **is. I don't know anything about it.**

18                   **He's a friend of mine that sometimes I share**  
19   **videos that I think are of public concern.**

20          Q.     Okay. So you're aware that he's posting  
21   those publicly, though, right?

22          **A.     I don't know what he intends to do with**  
23   **anything.**

24          Q.     That's not the question. You are aware that  
25   he's posted those videos either on Facebook or on





**SUPPL**

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**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

TARA KELLOGG,

Plaintiff,

vs.

ALEX GHIBAUDO,

Defendants.

Case No.: D-15-522043-D

Dept. No.: H

**SECOND SUPPLEMENT TO  
DEFENDANT'S REPLY TO  
PLAINTIFF'S OPPOSITION AND  
OPPOSITION TO PLAINTIFF'S  
COUNTERMOTION**

Defendant Alex Ghibaud (‘‘Alex’’), in Proper Person, files his second supplement to his reply to Plaintiff’s opposition and opposition to Plaintiff’s counter motion. This motion is based on the following Memorandum of Points and Authorities, the papers and pleadings already on file herein, the attached affidavits, and any oral argument the Court may permit at the hearing of this Opposition.

Dated this the 12<sup>th</sup> day of March, 2022.

/s/ Alex Ghibaud

Alex B. Ghibaud

*Defendant in Proper Person*



1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 One day after filing a supplement to Alex's reply informing the Court of Plaintiff's bad  
3 faith, Plaintiff disseminates another two (2) videos to Steve Sanson which are posted on his  
4 Facebook and Youtube pages and shared on "Lousy Las Vegas Lawyers" on Facebook. (See  
5 Exhibits filed concurrently with this second supplement). This, despite having been paid  
6 \$10,000.00 since January of this year. Plaintiff is out of control and disregards the order sealing  
7 the case file at will because her objective is not to get paid, since she is getting paid, but to  
8 attempt to destroy Alex's career.

9 Respectfully submitted this 12<sup>th</sup> day of March, 2022.

10 /s/ Alex Ghibaud  
11 ALEX B. GHIBAUDO  
12 Defendant in Proper Person

13 **CERTIFICATE OF SERVICE**

14 Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on this 12<sup>th</sup>  
15 day of March, 2022, I did cause a true copy of the foregoing *Second Supplement to Defendant's*  
16 *Reply*, Clark County District Court, Family Division Case No. D-15-522043-D, to be served  
17 electronically using the Wiznet Electronic Service system, to all parties with an email address on  
18 record.

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28 //s// Alex Ghibaud  
Defendant in Proper Person



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**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

TARA KELLOGG,

Plaintiff,

vs.

ALEX GHIBAUDO,

Defendants.

Case No.: D-15-522043-D

Dept. No.: H

**SECOND SUPPLEMENT**  
**EXHIBITS TO PLAINTIFF'S**  
**REPLY TO DEFENDANT'S**  
**OPPOSITION**

Defendant Alex Ghibauda ("Alex"), in Proper Person, and submits the following  
second supplemental exhibits.

Dated this the 12<sup>th</sup> day of March, 2022.

/s/ Alex Ghibauda

Alex B. Ghibauda

*Defendant in Proper Person*



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*Attorney for Plaintiff*

//s// Alex Ghibardo  
Defendant in Proper Person

4:29

5G



Lousy Las Vegas L...



Ernest del Casal shared a post.



1d · 🌐



**Steve Sanson President of Veterans In Politics International, Inc.**

1d · 🌐

An evidentiary hearing on WRIT of Execution. Grimy Ghibaudo changes his LLC under judge Ritchie's nose and slithers his way back to home base.



😮 1

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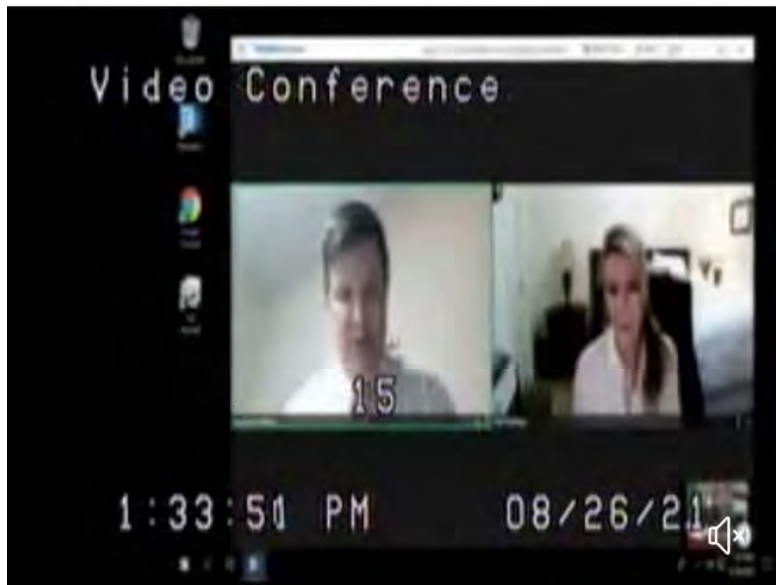


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1 **NEOJ**

2 Alex B. Ghibauda, Esq.

3 Nevada Bar No. 10592

4 **ALEX B. GHIBAUDO, PC.**

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6 Las Vegas, Nevada 89104

7 T: (702) 462-5888

8 E: alex@glawvegas.com

9 *Defendant in Proper Person*

10 **EIGHTH JUDICIAL DISTRICT COURT**  
11 **CLARK COUNTY, NEVADA**

12 TARA KELLOGG GHIBAUDO,

13 Plaintiff,

14 vs.

15 ALEX GHIBAUDO,

16 Defendant.

Case Number: D-15-522043-D

Department: H

17 **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND**

18 **ORDER**

19 PLEASE TAKE NOTICE that on the 14<sup>th</sup> day of April 2022, a *Findings of Fact,*  
20 *Conclusions of Law, and Order* was entered in the above-entitled matter, a copy of which  
21 is attached hereto.

22 DATED this 14<sup>th</sup> day of April 2022.

23 By: /s/ Alex B. Ghibauda

24 Alex B. Ghibauda, Esq.

25 Nevada Bar No.: 10592

26 197 E California Ave, Ste 250

27 Las Vegas, Nevada 89104

28 *Defendant in Proper Person*



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14<sup>th</sup> day of April 2022, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**, via the Court designated electronic service program and/or U.S. Mail, first class postage prepaid, addressed to the following:

Yasmin Khayyami, Esq.  
[Yasmin.khayyami@jknelsonlaw.com](mailto:Yasmin.khayyami@jknelsonlaw.com)

Jonathan K. Nelson, Esq.  
[Jonathan@jknelsonlaw.com](mailto:Jonathan@jknelsonlaw.com)

By: /s/ Crystal Reed  
An Employee of ALEX B. GHIBAUDO, P.C.

**ORDR**

Alex B. Ghibaudo  
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*Defendant in Proper Person*

**EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION  
CLARK COUNTY, NEVADA**

TARA KELLOGG,

Plaintiff,

vs.

ALEX GHIBAUDO,

Defendant.

Case Number: D-15-522043-D

Department: H

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**THIS MATTER** came before the Honorable Judge Arthur Ritchie on March 21, 2022 for a hearing on Defendant's motion for an order to show cause and for sanctions against Plaintiff. Present before the Court was Defendant Alex Ghibaudo, appearing in proper person, and Plaintiff Tara Kellogg, by and through her attorney of record, Jonathan Nelson of Jonathan Nelson Law Firm. Having considered the pleadings and the parties' arguments, the Court makes the following findings, conclusions of law, and orders:

1 **FINDINGS OF FACT**

2 **THE COURT HEREBY FINDS** that Post-judgment proceedings are  
3 divorce proceedings within the purview of NRS 125.110, EDCR 5.210, and the  
4 Confidentiality Agreement and Protective Order executed by the parties, signed by  
5 this Court and filed March 26, 2020.  
6

7 **THE COURT FURTHER FINDS** that the Stipulated Confidentiality  
8 Agreement and Protective Order filed March 26, 2020, which was signed by both  
9 parties and both parties' counsel, expressly provides that both parties have an  
10 expectation of privacy in these divorce proceedings as it relates to materials (which  
11 encompasses videos of proceedings in this case) stemming from these divorce  
12 proceedings and the decree of divorce issued February 2, 2017.  
13  
14

15 **THE COURT FURTHER FINDS** that the dissemination of videos of  
16 hearings and proceedings in this case is a direct violation of the Confidentiality  
17 Agreement and Protective Order filed in this case on March 26, 2020.  
18

19 **THE COURT FURTHER FINDS** that the parties also agreed that a  
20 violation of the Confidentiality Agreement and Protective Order constitutes  
21 irreparable harm to the aggrieved party.  
22

23 **THE COURT FURTHER FINDS** that it is persuaded that Defendant has a  
24 basis to object to any and all videos of hearings in these divorce proceedings being  
25 posted by Plaintiff and disseminated to third parties and posted by third-parties.  
26

27 **THE COURT FURTHER FINDS** that it is reticent to proceed with show  
28 cause hearings because the matter is currently on appeal.

1           **THE COURT FURTHER FINDS** that Plaintiff has admitted that she has  
2 posted videos before and after the Confidentiality Agreement and Protective Order  
3 was executed or that she has facilitated the dissemination and posting of videos  
4 from these hearings before and after the Confidentiality Agreement was executed  
5 and that Plaintiff objects to such conduct.  
6

7           **THE COURT FURTHER FINDS** that a dissemination of videos from  
8 hearings in these proceedings violates Nevada law (NRS 125.110), violates Eighth  
9 Judicial District Court Rules (EDCR 5.210), and violates the express contract the  
10 parties executed (Confidentiality Agreement and Protective Order filed March 26,  
11 2020) and balanced against the constitutional rights that both parties have in this  
12 case, dissemination of materials in this case, including, but not limited, to videos  
13 from hearings in this case, is not allowed.  
14

15           **THE COURT FURTHER FINDS** that there is no gag order in this matter.  
16

17  
18 ///

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21 ///

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24 ///

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1                                    **CONCLUSIONS OF LAW AND ORDER**

2            **THE COURT HEREBY ORDERS** that videos of these divorce  
3 proceedings which encompass post-judgment divorce proceedings in this matter  
4 are private and not accessible to the public and shall be removed from public  
5 inspection.  
6

7            ~~**THE COURT FURTHER ORDERS** that nothing shall be disclosed from~~  
8 ~~these divorce proceedings except to the parties, counsel, the authors of confidential~~  
9 ~~information, expert witnesses, and no one else.~~                                    (TAR)

11           **THE COURT FURTHER ORDERS** that distribution of private videos  
12 from these proceedings and any proceedings stemming from the parties' decree of  
13 divorce shall immediately cease.  
14

15           **THE COURT FURTHER ORDERS** that Plaintiff is directed to take active  
16 measures to remove videos of hearings from these proceedings previously posted  
17 publicly and videos stemming from the decree of divorce in these private  
18 proceedings previously posted publicly from public access.  
19

20           **THE COURT FURTHER ORDERS** that Plaintiff shall be given an  
21 opportunity to comply with the law and take active measures to have those videos  
22 from hearings in this case either posted on social media by Plaintiff or  
23 disseminated and posted by third-parties on any social media platforms, including  
24 but not limited, Youtube, Facebook, third party entities or other persons, before  
25 this Court takes any further legal action against Plaintiff in favor of Defendant.  
26  
27  
28

1           **THE COURT FURTHER ORDERS** that this Court adopts as an order of  
2 the Court EDCR 5.210 et seq., which states:

3           (a) Except as otherwise provided by another rule or statute, the court  
4 shall, upon demand of either party, direct that the hearing or trial in an  
5 action for divorce be private.

6           (b) Except as otherwise provided in subsections (c) or (d), upon such  
7 demand of either party, all persons must be excluded from the court or  
8 chambers wherein the action is tried, except:

- 9                   (1) The officers of the court;
- 10                   (2) The parties;
- 11                   (3) The counsel for the parties and their staff;
- 12                   (4) The witnesses (including experts);
- 13                   (5) The parents or guardians of the parties; and
- 14                   (6) The siblings of the parties.

15           (c) The court may, upon oral or written motion of either party or on  
16 its own motion, exclude the parents, guardians, or siblings of either  
17 party, or witnesses for either party, from the court or chambers  
18 wherein the hearing or trial is conducted. If good cause is shown for  
19 the exclusion of any such person, the court shall exclude any such  
20 person.

21           (d) If the court determines that the interests of justice or the best  
22 interest of a child would be served, the court may permit a person to  
23 remain, observe, and hear relevant portions of proceedings  
24 notwithstanding the demand of a party that the proceeding be private.

25           (e) The court shall retain supervisory power over its own records and  
26 files, including the electronic and video records of proceedings.  
27 Unless otherwise ordered, the record of a private hearing, or record of  
28 a hearing in a sealed case, shall be treated as confidential and not open  
to public inspection. Parties, their attorneys, and such staff and experts  
as those attorneys deem necessary are permitted to retain, view, and  
copy the record of a private hearing for their own use in the  
representation. Except as otherwise provided by rule, statute, or court  
order, no party or agent shall distribute, copy, or facilitate the  
distribution or copying of the record of a private hearing or hearing in  
a sealed case (including electronic and video records of such a  
hearing). Any person or entity that distributes or copies the record of a  
private hearing shall cease doing so and remove it from public access  
upon being put on notice that it is the record of a private hearing.



1           **THE COURT FURTHER ORDERS** that the Court is issuing a stay on  
2 further proceedings concerning sanctioning or imposing any other legal remedies  
3 on Plaintiff for 30 days after notice of entry of this order to allow Plaintiff time to  
4 appeal this order, if any appeal is appropriate under the Nevada Rules of Appellate  
5 Procedure. After that, Defendant can seek what remedy is available to him  
6 pursuant to NRS 125.110, EDCR 5.210(e), the Confidentiality Agreement and  
7 Protective Order, or any other appropriate legal remedy.  
8

9  
10           ~~**THE COURT FURTHER ORDERS** that enforcement of this Order,~~  
11 ~~request for sanctions, or any other appropriate legal remedy related to this Order is~~  
12 ~~a party's right and not the Court's right.~~ (TAR)  
13

14           **IT IS SO ORDERED.**

15           Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022           Dated this 14th day of April, 2022



18           **DISTRICT COURT JUDGE**  
19           7A9 EC3 264F 9431  
20           T. Arthur Ritchie  
21           District Court Judge

22           Respectfully Submitted:

23           Approved as to form and content by:

24           //s// Alex B. Ghibaudo

25           **REFUSED SIGNATURE**

26           \_\_\_\_\_  
27           Alex B. Ghibaudo, Esq.  
28           197 E California Ave, Ste 250  
            Las Vegas, NV 89104  
            Alex@glawvegas.com  
            Defendant in Proper Person

\_\_\_\_\_  
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Attorney for Plaintiff

1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 Tara Kellogg Ghibaud, Plaintiff | CASE NO: D-15-522043-D  
7 vs. | DEPT. NO. Department H  
8 Alex Ghibaud, Defendant.  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/14/2022

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