

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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ADAM MICHAEL SOLINGER,

Appellant,

vs.

CHALESE MARIE SOLINGER,

Respondent.

) Case No.: 84832-COA

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Electronically Filed
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Elizabeth A. Brown
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**APPELLANT'S APPENDIX
VOLUME 21**

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing *Appellant's Appendix* was filed electronically with the Clerk of the Court of Appeals of Nevada in the above-entitled matters on Monday, November 21, 2022. Electronic service of the foregoing document shall be made in accordance with the Master Service List, pursuant to NEFCR 9, as follows:

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/s/ David J. Schoen, IV, ACP
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11/02/2022	Transcript from March 2, 2022 Evidentiary Hearing (Trial Day 4)	21	4403 - 4669
11/02/2022	Transcript from March 3, 2022 Evidentiary Hearing (Trial Day 5)	22	4670 - 4770
01/25/2022	Transcript from May 10, 2021 Evidentiary Hearing (Trial Day 1)	16	3416 - 3574

1 **TRANS**

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2
3 **ORIGINAL**

Steven A. Spivey
CLERK OF COURT

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

9 ADAM MICHAEL SOLINGER,) CASE NO. D-19-582245-D
10 Plaintiff,)
11 vs.) APPEAL NO. 84832, 81787,
12 CHALESE MARIE SOLINGER,) 84795, 84832
13 Defendant.) DEPT. P
14) **(SEALED)**

15 BEFORE THE HONORABLE MARY PERRY
16 DISTRICT COURT JUDGE

17 TRANSCRIPT RE: NON-JURY TRIAL

18 WEDNESDAY, MARCH 2, 2022

19 **APPEARANCES:**

20 The Plaintiff: ADAM MICHAEL SOLINGER
21 For the Plaintiff: CHARLES R. GOODWIN, ESQ.
22 3100 W. Charleston Blvd., #100
23 Las Vegas, Nevada 89102
24 (702) 472-9594

The Defendant: CHALESE MARIE SOLINGER
For the Defendant: MICHANCY M. CRAMER, ESQ.
197 E. California Ave., #250
Las Vegas, Nevada 89104
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I N D E X O F W I T N E S S E S

<u>PLAINTIFF'S</u> <u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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JESSICA SELLERS	--	5	40/64/73	54/71
ADAM SOLINGER	76	139	191	216

DEFENDANT'S
WITNESSES:

CHALESE SOLINGER	238	--	--	--
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I N D E X O F E X H I B I T S

<u>PLAINTIFF'S</u> <u>EXHIBITS:</u>	<u>ADMITTED</u>
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(None presented)

DEFENDANT'S
EXHIBITS:

(None presented)

1 LAS VEGAS, NEVADA

WEDNESDAY, MARCH 2, 2022

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 9:31:02)

4
5 THE CLERK: We're on, Judge.

6 THE COURT: All right. Good morning. We're on the
7 record case number D-19-582245-D, Solinger versus Solinger.
8 This is the time set for the continuation of the trial. So we
9 last stopped with Ms. Sellers being on the stand. Are we --
10 is that where we're going to pick up again?

11 MS. CRAMER: Yes, Your Honor.

12 THE COURT: Okay.

13 MR. GOODWIN: Your Honor, before we begin, may I
14 make -- just say something to record?

15 THE COURT: Yes, sir.

16 MR. GOODWIN: I -- I have an 11:00 a.m. BlueJeans
17 appearance. Is that going to be an issue with the Court?

18 THE COURT: That is not going be an issue.

19 THE MARSHAL: Which courtroom?

20 MR. GOODWIN: It's downtown.

21 THE MARSHAL: Okay.

22 MR. GOODWIN: So I'm going to be on there in
23 courtroom --

24 THE MARSHAL: Well, I'll have you just go in a

1 meeting room --

2 THE COURT: Yeah.

3 THE MARSHAL: -- if you're --

4 THE COURT: Yeah.

5 THE MARSHAL: -- doing to do it --

6 THE COURT: You go --

7 MR. GOODWIN: Yeah.

8 THE MARSHAL: -- (indiscernible).

9 THE COURT: -- into a meeting room.

10 MR. GOODWIN: That's what I intend to do. It -- it

11 should be -- it's -- it's going to be a very fast hearing,

12 Your Honor.

13 THE COURT: Well -- well, I -- I'm -- I'm pretty

14 sure with the amount of Mountain Dew and water I have up here,

15 that will be a good time for us to take a bathroom break.

16 Okay. All right. Ms. Jessica Sellers, please.

17 MS. CRAMER: Thank you.

18 (WITNESS SUMMONED)

19 MR. SOLINGER: And I, and I don't recall, Your

20 Honor. Did I finish with my direct with -- I think I --

21 MS. CRAMER: Yes --

22 MR. SOLINGER: -- had --

23 MS. CRAMER: -- you did.

24 MR. SOLINGER: -- three more things? Okay.

1 THE COURT: You -- you finished with your direct and
2 we decided to hold off until this morning because you wanted
3 to go home and think. And if we can keep objections down, we
4 can get through this a lot quicker.

5 MS. SELLERS: Hi.

6 THE COURT: Hi. Thank you for coming back today.

7 MS. SELLERS: Of course.

8 THE CLERK: If you could raise your right hand. You
9 do solemnly swear the testimony about to give him this action
10 shall be the truth, the whole truth, and nothing but the
11 truth, so help you God?

12 MS. SELLERS: I do.

13 THE COURT: Okay. Ms. Cramer, you may start with
14 your --

15 MS. CRAMER: Thank you Your Honor.

16 THE COURT: -- cross and direct because I've -- I
17 recognize that we're doing them both at the same time.

18 MS. CRAMER: Thank you.

19 JESSICA SELLERS
20 called as a witness on behalf of the Plaintiff, having been
21 first duly sworn, testified upon her oath as follows on:

22 CROSS-EXAMINATION

23 BY MS. CRAMER:

24 Q All right, Jessica. Yesterday you talked about an

1 incident at Creative Kids when you were going to pick the kids
2 up to take them swimming and Chalese showed up and there was
3 an incident in -- at the Creative Kids, correct?

4 A Yes.

5 Q All right. Who selected the school to put their
6 kids in? But who selected that school to put the kids in?

7 A Adam did.

8 Q Okay. And isn't it true that Chalese was forced to
9 take the children to that daycare during her custodial time
10 whether she wanted to use it or not?

11 A No, I don't think so.

12 Q Okay. So if there was an order from Judge Moss that
13 said otherwise, then you would be wrong?

14 A I'm not sure if there was an order from --

15 Q Okay.

16 A -- Judge Moss.

17 Q So you testified yesterday that you typically during
18 that time would get off work between 3:00 and 3:30 p.m.

19 A Correct.

20 Q Okay. And do you recall what time the pickup was?

21 A I believe from the conversation yesterday, it was
22 six o'clock.

23 Q Okay.

24 THE COURT: Hold on. Hold on. I need -- I need to

1 -- because I went in and found the April -- two -- something
2 agreement that the parties made where it was a two-two-three
3 split and it was from daycare or school.

4 Q So you knew that Mom would be picking the kids up at
5 6:00 and you thought it was appropriate -- you had
6 approximately three to three and a half -- three to
7 two-and-a-half hours. You would go pick up two toddlers, take
8 them home, change them into swim clothes, have them go
9 swimming, get them out of the swimming pool, put them in dry
10 diapers, dry clothes, and take them back to daycare. You
11 thought all of that was appropriate in three to two-and-a-half
12 hours?

13 A I didn't see a problem with that.

14 Q Okay. And do you think it is acceptable for Chalese
15 to be forced to utilize the daycare that she didn't choose?

16 A I don't know that she was forced.

17 Q Okay. I didn't ask for any kind of narrative answer
18 that --

19 THE COURT: I'm not going to take badgering. She
20 didn't know. Move on.

21 MS. CRAMER: Okay. I am -- I -- I'm asking for a
22 yes or no answer, Your Honor.

23 THE COURT: But if she thought it was fair. Okay.

24 MS. CRAMER: Yes.

1 Q Do you -- do you think that's fair that Chalese is
2 forced to utilize a daycare that she had no -- no input in
3 selecting, yes or no?

4 A Can you repeat it? Sorry.

5 Q Do you think it is fair that she is forced to
6 utilize a daycare that she had no input in selecting? Yes or
7 no?

8 A I mean, it's hard to answer cause I don't know if
9 she was forced.

10 Q Okay. So, Jessica, you're a --

11 THE COURT: It's a hypothetical.

12 Q You're a mother, correct?

13 A I am.

14 Q Okay. Do you think it's appropriate for someone to
15 come in and tell you what you have to do with your children
16 during your custodial time?

17 A I don't really understand what you're --

18 Q You --

19 A -- saying.

20 Q You don't understand that question?

21 A No.

22 Q Okay. It's interesting you don't understand a
23 simple question like that because yesterday you answered those
24 questions --

1 MR. SOLINGER: Objection --
2 Q -- really --
3 MR. SOLINGER: -- badgering --
4 Q -- easy.
5 MR. SOLINGER: -- the witness.
6 THE COURT: You -- you are battering the witness.
7 Go a little bit easier until she really -- you know, one more
8 time and not understanding a direct question though. That is
9 a direct question. That's a ye -- that's a yes or no.
10 MR. GOODWIN: Well, the --
11 THE WITNESS: No, there is multiple questions, so --
12 THE COURT: Then let me -- may I please?
13 MS. CRAMER: Yes, Your Honor.
14 THE COURT: You have a -- you have a -- an -- an
15 older daughter.
16 THE WITNESS: Correct.
17 THE COURT: Were you married to the father?
18 THE WITNESS: No.
19 THE COURT: Okay. Was there ever a custodial order
20 in place?
21 THE WITNESS: With my son's father.
22 THE COURT: With your son's father.
23 THE WITNESS: Uh-huh (affirmative).
24 THE COURT: Okay. If that order directed you to use

1 a daycare 10 miles from your home --

2 THE WITNESS: Uh-huh (affirmative).

3 THE COURT: -- on your custodial time instead of you

4 spending that time with your children, would you like that?

5 THE WITNESS: If that's what the order was, then --

6 then that's what it would be.

7 THE COURT: That -- that's not what I asked you.

8 It's a yes or no. Would you like that? Yes or no? There's

9 no way around it. It's either --

10 THE WITNESS: No.

11 THE COURT: -- a yes --

12 THE WITNESS: I --

13 THE COURT: -- you would like --

14 THE WITNESS: I -- know it's --

15 THE COURT: -- it or no you wouldn't.

16 THE WITNESS: No, I know. It's -- but it's -- it's

17 a hypothetical. So I'm not in a situation and I don't know

18 the back story, the --

19 THE COURT: Okay.

20 THE WITNESS: circumstances.

21 THE COURT: I -- you know what? It doesn't matter.

22 MR. GOODWIN: Well, Your Honor, I would say it might

23 be relevant. I mean, I used to drive 15 miles --

24 MS. CRAMER: You know --

1 MR. GOODWIN: -- a day --
2 MS. CRAMER: I move to --
3 MR. GOODWIN: -- to go to --
4 MS. CRAMER: -- object to him --
5 MR. GOODWIN: -- Henderson International --
6 MS. CRAMER: -- making any --
7 MR. GOODWIN: -- School.
8 MS. CRAMER: -- kind of input --
9 THE COURT: Hold on.
10 MS. CRAMER: -- here.
11 THE COURT: Hold on.
12 MS. CRAMER: We don't --
13 THE COURT: Hold on.
14 MS. CRAMER: -- need talking objections. She needs
15 to answer.
16 THE COURT: By the way, we did forget to go on the
17 -- make appearances. We -- we do -- we do need to rectify
18 that. Starting over here at Plaintiff's table.
19 MR. GOODWIN: Charles Goodwin, 1 -- bar number
20 14879, for Mr. Solinger.
21 THE COURT: Thank you. Mr. Solinger, we need to
22 recognize that you're -- that you are an attorney, but
23 representing yourself. Ms. Cramer.
24 MS. CRAMER: Good morning, Your Honor. Michancy

1 Cramer, bar number 11545, for the Defendant who's present with
2 us here today.

3 THE COURT: Okay. All right. Do you think it is
4 fair for anybody except a doctor, to tell you you must you
5 utilize babysitter on your own time when you're not working?

6 THE WITNESS: Yes. If a court says so, yes.

7 THE COURT: Do you think it is fair for all the
8 decisions regarding your children to be made by the other
9 parent?

10 THE WITNESS: No.

11 THE COURT: Okay. Move forward.

12 MS. CRAMER: Thank you, Your Honor.

13 BY MS. CRAMER:

14 Q And so Jessica, when was the house that you lived
15 in, the -- what was the address of the house that you lived
16 in, you testified yesterday that you had sold?

17 A On, it's 8008 Radigan.

18 Q Okay. And I believe you testified that you sold it
19 for about 250?

20 A Somewhere around there.

21 Q Okay. Well, the good thing about selling property
22 in real estate in the state of Nevada is there's public
23 records.

24 A Uh-huh (affirmative).

1 Q And it's all on the internet. So isn't it true that
2 in 2020 you actually sold that house for \$285,000?

3 A That might have been the Zillow -- what Zillow sold
4 it for, because I sold it to them.

5 Q Oh, okay. So you sold it to them, when, in March?

6 A I don't recall the exact date --

7 Q Okay.

8 A -- I sold to them.

9 Q Because we have another sale in 2020.

10 A Uh-huh (affirmative).

11 Q And that was for 2 -- 2 90.

12 MR. SOLINGER: Objection, I'm not sure that this is
13 appropriate impeach, would --

14 THE COURT: It's cross --

15 MR. SOLINGER: -- step outside.

16 THE COURT: Well, it's cross-examination and we're
17 trying to determine how much --

18 MR. SOLINGER: I -- I --

19 THE COURT: I -- I understand where you're coming
20 from, but the testimony was that she could have bought a house
21 over in your neighborhood, but if the houses were selling for
22 285 and 290 at the time period that she was looking, that may
23 have something to do with it. But I didn't catch the dates.

24 MS. CRAMER: Okay.

1 THE COURT: And she sold her house in 2019.
2 MS. CRAMER: All right.
3 THE COURT: Or was it 2020?
4 MS. CRAMER: It's 2020.
5 MR. SOLINGER: The -- no, the -- I believe the
6 testimony was August of 2019. I -- I'm not going to testify
7 as the --
8 THE COURT: Yeah.
9 MR. SOLINGER: -- actual --
10 THE COURT: I believe that's what her testimony was
11 to, August -- August of --
12 MR. SOLINGER: August --
13 THE COURT: -- 2019.
14 MR. SOLINGER: -- of 2019.
15 MS. CRAMER: Your Honor, I can --
16 THE COURT: But hold on. Hold on. But the property
17 records, I would recognize the fact that if she's got it on
18 her phone where it shows the property record where it was
19 titled in her name and sold for 285, then, you know, that's
20 35,000 more than what she testified she sold it for.
21 MS. CRAMER: And it -- there's also records from
22 2020 showing it was 50,000 more than what she testified for.
23 THE WITNESS: Well, I did say approximately around
24 250.

1 BY MS. CRAMER:
2 Q Right. I know. But approximately like 10,000
3 versus 90,000 versus --
4 A Well, no.
5 Q -- 50,000 --
6 A If there's an actual definition for --
7 Q -- big difference.
8 A -- approximate.
9 Q All right.
10 A So --
11 Q So I'm --
12 A -- it varies.
13 Q -- asking the questions, okay?
14 A I'm just stating.
15 Q All right. So isn't it true that during the
16 incident at Creative Kids she at least asked you to put Marie
17 down so she could pick her up, correct?
18 A She was yelling something.
19 Q Okay. Well, I didn't ask if she was yelling
20 something. I asked you a yes or no question.
21 A Oh.
22 Q So --
23 A I -- I don't know. She was yelling.
24 Q Okay. And isn't it true that you holding Marie in

1 your hands told her and by quote, I'm filming you bitch?

2 A No.

3 Q Oh, you would never say that, would you? All right.

4 A We have video.

5 THE COURT: And that's a big problem in this case is

6 constant videos.

7 Q So yesterday you testified about the parent teacher

8 conferences. You went with Michael and Marie, correct?

9 A Uh-huh (affirmative). With Michael.

10 Q Okay. So one at daycare and one elementary school,

11 right?

12 A Correct.

13 Q Okay. And Chalese wasn't there, right?

14 A Correct.

15 Q Okay. So would -- do you believe that it would be

16 reasonable for Chalese to feel comfortable attending a parent

17 teacher conference with you after you said I'm filming you

18 bitch?

19 A I never said --

20 Q Yes or no?

21 MR. SOLINGER: Objection --

22 Q Yes or --

23 MR. SOLINGER: -- it assumes --

24 Q -- no, Jessica?

1 MR. SOLINGER: -- fact not in evidence.
2 THE COURT: She says she didn't say. Do you have a
3 video?
4 MS. CRAMER: Okay.
5 BY MS. CRAMER:
6 Q Why don't we pretend this is a hypothetical.
7 MR. SOLINGER: She's not an expert witness, Your
8 Honor. I -- I don't understand how -- how her --
9 THE COURT: Well --
10 MR. SOLINGER: She's asking her to put herself in
11 Chalese's frame of mind. Have Chalese --
12 MS. CRAMER: And he's making a --
13 MR. SOLINGER: -- get up there and testify --
14 MS. CRAMER: -- talking --
15 MR. SOLINGER: -- to it.
16 MS. CRAMER: -- objection because he's counseling
17 his girlfriend from the --
18 THE COURT: Okay. Snide comments, stop.
19 MS. CRAMER: He is --
20 THE COURT: Stop making -- okay, it's his
21 girlfriend, yes, but she is a witness here in a court of law.
22 All right. We will start treating them with the proper
23 respect. No -- no -- none -- none of these comments like
24 this. But Ms. Cramer is correct. You are counseling her on

1 how to answer these questions. Now is -- is -- she's not an
2 expert witness, but everybody in Family Court uses
3 hypotheticals.

4 MR. SOLINGER: And --

5 THE COURT: Because it's -- is this the position in
6 which you want to put yourself into?

7 MR. SOLINGER: Understood. And going forward, if I
8 have an objection, I -- I don't want to waste the time
9 approaching, but I also -- I don't have the intent to counsel.
10 My intent is to make an objection and make a record. And
11 as --

12 MS. CRAMER: Well, the --

13 MR. SOLINGER: -- (indiscernible) make clear.

14 MS. CRAMER: The proper objection would be to say
15 objection and state the rule. And that is it.

16 THE COURT: I -- you know, you don't need to counsel
17 him on how to practice law.

18 MS. CRAMER: But he's making talking objections,
19 Your Honor.

20 THE COURT: We all do. You've made -- you've made
21 talking objections as well.

22 MS. CRAMER: I have. And I was subject to objection
23 when I did that.

24 THE COURT: Yeah. So no more. We are going to

1 start treating this as a proper court of law. No more
2 badgering, no more making snide comments about Ms. Sellers'
3 being the Plaintiff's girlfriend. No more of that. Right
4 now, she is the stepmother, even though she's not married to
5 him yet, she's still the stepmother to these kids. And I'll
6 have comments about that later.

7 MS. CRAMER: Thank you, Your Honor.

8 BY MS. CRAMER:

9 Q All right, Jessica. Isn't it true that Adam
10 threatened to sue that same daycare?

11 A Not that I recall, no.

12 Q Okay. And isn't it true that the manager of that
13 daycare actually relocated to a different location because she
14 couldn't deal with Adam's constant threats?

15 MR. SOLINGER: Objection, speculation.

16 MS. CRAMER: It's not speculation. Is -- it's
17 either true or it's not. The lady relocated to a different
18 location because he kept threatening to sue her.

19 BY MS. CRAMER:

20 Q Yes or no? Are you aware of that?

21 A No, I'm not aware --

22 Q Okay.

23 A -- of that.

24 THE COURT: Overruled. I was thinking and she

1 answered.

2 Q So you testified yesterday about also helping Adam
3 move his things out of the marital residence, correct?

4 A Yes.

5 Q Okay. And you talked about it being problematic
6 with Chalese. You indicated that there had been some issues
7 with the move, correct?

8 A I said there was issues with the move, yes.

9 Q Okay. And isn't it true that you and Adam tried to
10 go into the house without Chalese present?

11 A No.

12 Q Okay. So on the incident in December of 2019 when
13 you guys were in the car and he was -- Adam was demanding the
14 children and Josh asked for the paperwork, why didn't you just
15 advise Adam to just showing him the message and it'll be done,
16 we'll bring your kids out?

17 A I don't remember Josh saying that he wanted to see
18 the paperwork. There was a lot of yelling going on. It was a
19 really chaotic situation, so.

20 Q Okay. And you guys were in the car though with the
21 car locked, correct?

22 A Correct.

23 Q Okay. So you -- you just didn't hear him say, Show
24 me the paperwork, I'll walk the kids out to you?

1 A No.

2 Q No? Okay. So we talked about when you parked in
3 front of Chalese and -- and Josh's driveway. So you said you
4 didn't know whether you should park next to the side yard
5 where the dirt is or in front of the driveway. You were
6 having this debate about what to do, correct?

7 A Correct.

8 Q Okay. So Chalese wasn't driving her car that day,
9 was she?

10 A No, she well, no, she was not.

11 Q Okay. She was in a rental car with her mother and
12 the children, right?

13 A No, she was not.

14 Q Where was she?

15 A She was in the Tahoe with Josh.

16 Q Okay. Well, she actually wasn't. If I told you
17 that she was actually in a rental car with her mom, would you
18 maybe want to correct your testimony?

19 A I think you're incorrect. See --

20 Q Okay, so she was with Josh and the kids were with
21 grandma?

22 A Correct.

23 Q Okay. So her car was in the dirt parking lot on the
24 side yard, correct?

1 A No, it was in the driveway.
2 Q Oh, okay. So you parked in her car then?
3 A Sorry, what?
4 Q You parked in her car so she couldn't move her car?
5 A I parked in her car?
6 Q Yeah, you parked it in.
7 THE COURT: Behind --
8 A Oh --
9 THE COURT: -- her.
10 A -- parked it in.
11 THE COURT: You blocked it.
12 A No, I didn't have the whole driveway blocked.
13 Q Okay. But we have testimony about how small that
14 driveway is. So how could you not block the whole driveway
15 when it's barely big enough for one car?
16 A Because you --
17 MR. SOLINGER: Objection --
18 A I didn't --
19 MR. SOLINGER: -- misstates the testimony.
20 MS. CRAMER: No, no. He testified yesterday it's a
21 tiny driveway.
22 THE COURT: It's a small driveway.
23 MR. SOLINGER: But --
24 THE COURT: She parked --

1 MR. SOLINGER: -- the question was about her
2 testimony. How could you say this when you testified?

3 MS. CRAMER: Okay.

4 BY MS. CRAMER:

5 Q So where did --

6 THE COURT: Thank you. And -- and I'm -- and I'm
7 going to sustain his objection because he's right.

8 MS. CRAMER: Okay.

9 Q So Jessica, you parked in front of the driveway and
10 her -- you -- her car you say, was in the driveway. She was
11 with -- in Josh's car, and the kids were with grandma. Where
12 did Josh park and where did grandma park?

13 A So initially when Josh pulled up, he was -- like if
14 this was my vehicle, his vehicle was right here. He pulled up
15 and that's when Chalese jumped out of the car and went over
16 like across the street on this other road where grandma
17 parked.

18 Q Okay, so why didn't you park there instead of
19 parking in their driveway?

20 A Because when you're getting kids, you don't want to
21 bring them across the street. It's a busy area. And so you
22 try to pick the best spot, the safest spot to pick up the
23 kids.

24 Q Okay, so you felt like it was a better decision to

1 make them who had the kids in the car park across the street
2 rather than you park across the street?

3 A I wasn't aware that there was two cars. My
4 impression was that Chalese was coming with her mom. I didn't
5 know that there was two cars coming.

6 Q Okay. And so in light of how high conflict this
7 divorce case is, you still felt like it was the best choice to
8 park in their driveway?

9 A I didn't park in their driveway.

10 Q No, you parked it in so they couldn't --

11 THE COURT: Okay.

12 Q -- get in or out --

13 THE COURT: Start using --

14 Q -- of their driveway.

15 THE COURT: -- blocking.

16 Q You -- you felt it was best to block their driveway.

17 A Partially, yes.

18 Q Okay. In light of how conflict -- high conflict
19 this divorce is, you felt like that was the best decision?

20 A Yes, because --

21 Q Okay.

22 A -- there's a car in the driveway already.

23 Q All right. Thank you.

24 A -- already.

1 THE COURT: Let me ask something. Could you have
2 won for losing on this argument?

3 THE WITNESS: I'm sorry, what?

4 THE COURT: Well, if you would have pulled up some
5 and blocked where Josh normally parks and you would have been
6 blocking his parking spot, you blocked the driveway, or if you
7 would have parked across the street, would have had children.
8 Could -- you know, is this a situation where under this
9 questioning could you have ever won?

10 THE WITNESS: I don't believe so, actually.

11 THE COURT: Okay.

12 THE WITNESS: I -- yeah.

13 THE COURT: I -- I just -- I just wanted to point
14 out that there was no winning in this situation.

15 MS. CRAMER: Your Honor, it's --

16 THE COURT: It --

17 MS. CRAMER: It's a tiny --

18 THE COURT: It's a --

19 MS. CRAMER: -- neighborhood.

20 THE COURT: -- petty -- I know. It's -- it's a
21 petty little deal that led to something that should not have
22 happened.

23 MS. CRAMER: And the first thing she does is whip
24 out a GoPro. You're on camera. So that's exactly what

1 happens every time.

2 THE COURT: You're -- you know, you have not asked
3 her. That's what Josh said. You need to stop attributing
4 what Josh said to this woman's testimony and ask her if
5 that's --

6 MS. CRAMER: Well --

7 THE COURT: -- what she did.

8 MS. CRAMER: -- they have repeatedly talked -- both
9 of them have repeatedly talked about the video.

10 BY MS. CRAMER:

11 Q So, Jessica, isn't it true that you -- you and your
12 -- and or your daughter then whipped out a GoPro and started
13 filming Josh?

14 A I had the GoPro in my pocket the whole time.

15 Q Okay.

16 A And then at one -- one point -- sorry. At one point
17 after he wouldn't go inside and he kept yelling at me. I
18 wanted to actually get him on camera to show how close he was.
19 So I pulled it out and I let him know I was recording,
20 reminded him there's a tpo. And then I left.

21 THE COURT: Let me ask you something. And -- and
22 I'm going to ask this hypothetical myself. If she -- if -- if
23 he would have had a TPO against you and you were at hi -- at
24 your home, would you think that it was fair that the TPO be

1 used against you? Would you think it is fair for a TPO to be
2 used against you in your own home or on your own property?

3 MR. GOODWIN: Look, shouldn't there be some clar --

4 THE COURT: I'm asking the question. So I will
5 overrule whatever objection you want to --

6 MR. GOODWIN: Not --

7 THE COURT: -- put on.

8 MR. GOODWIN: -- even an objection. I just think
9 that misstates a little bit because --

10 THE COURT: I'm -- I'm --

11 MR. GOODWIN: -- if she was --

12 THE COURT: I --

13 MR. GOODWIN: -- watching the person --

14 THE COURT: I am asking a question.

15 MR. GOODWIN: Understood, Your Honor.

16 THE COURT: She is at his house and then she -- and
17 then she wants to show how he violated the TPO at his house
18 where he had the absolute legal right to be where she
19 shouldn't -- if there was a TPO, she should not have been at
20 his house even doing a child exchange.

21 MR. SOLINGER: You -- Your Honor, can --

22 THE COURT: Am I right or wrong about that?

23 MR. SOLINGER: I believe you're wrong and the reason
24 for that is this. The TPO protected --

1 THE COURT: I'm starting on my second Mountain Dew
2 today.

3 MR. SOLINGER: I am --

4 THE COURT: We are in trouble.

5 MR. SOLINGER: I'm sorry, but the TPO protected
6 myself, Ms. Sellers and Ms. Seller's daughter. It was
7 extended by Judge Tobiasson. And it -- under the Court's --
8 it was a catch-22 because none of us could do pick ups, but
9 pick ups were ordered to be done at the residence at that
10 time. So there's -- there's --

11 THE COURT: But right now you were under a situation
12 where she really had no choice since you were --

13 MR. SOLINGER: Incapacitated.

14 THE COURT: -- incapacitated. This is one of those
15 where a phone call should have been made or an emergency
16 motion to the Court asking for there to be a different child
17 exchange location because you're now trying to enfor --
18 enforce a TPO when the man is at his own home. That was so
19 wrong.

20 MR. SOLINGER: Well, Judge Chelini had specifically
21 admonished him when she granted it in the first place.

22 THE COURT: No. Judge Chelini shouldn't be putting
23 herself in a Family Law situation. See, I can hear anything
24 Judge Chelini can hear, but she cannot hear what I can hear.

1 MR. SOLINGER: I -- I understand that she's of
2 limited jurisdiction and I think that the issue is compounded
3 once again by the issue of what --

4 THE COURT: The --

5 MR. SOLINGER: -- another Judge did.

6 THE COURT: -- problem is is you put this man in a
7 situation where he would have to leave his home because he
8 probably couldn't even be in his own bathroom without being
9 within that hu -- the distance of violating the TPO.

10 MR. SOLINGER: No, there -- there was a
11 (indiscernible). He could be in his house. He could stay
12 within --

13 THE COURT: That's --

14 MR. SOLINGER: -- the (indiscernible).

15 THE COURT: -- so, so wrong. She should have stayed
16 away from his house. If she's so scared of him, she should
17 have stayed away. The problem we have here is we have two
18 stepparents who are interjecting themselves in this situation.
19 And like I've told the two of you earlier, the stepparents are
20 the ones who's going to lose you both custody. You are not
21 mom, you are not dad. You do not have the same rights as a
22 mom and dad. You're only a stepparent. You're not going to
23 be taking these children to doctors appointments. You are not
24 going to be going to student -- to parent teacher conferences

1 anymore. You're --
2 THE WITNESS: So --
3 THE COURT: -- not a --
4 THE WITNESS: -- when --
5 THE COURT: -- parent. You're a stepparent.
6 THE WITNESS: When Mom doesn't want to do it or
7 doesn't --
8 THE COURT: I don't --
9 THE WITNESS: -- want to be --
10 THE COURT: -- care.
11 THE WITNESS: -- involved, I can't --
12 THE COURT: It's her --
13 THE WITNESS: -- be --
14 THE COURT: -- right.
15 THE WITNESS: -- involved?
16 THE COURT: It's not your right --
17 THE WITNESS: Well --
18 THE COURT: -- to be and don't argue with me.
19 THE WITNESS: I'm not arguing with you. I'm just --
20 THE COURT: Yes, you are.
21 THE WITNESS: -- trying to understand.
22 THE COURT: You are not mom.
23 THE WITNESS: I understand --
24 THE COURT: Stop usurping her place.

1 THE WITNESS: I'm not --

2 THE COURT: Stop it.

3 THE WITNESS: -- trying to.

4 THE COURT: Because all you're doing is -- is
5 minimizing who she is. You don't have that right.

6 THE WITNESS: She does that on her own.

7 THE COURT: You don't have that right. My order is
8 going to be you are not allowed to go to these anymore.

9 THE WITNESS: That's a great way to cause division
10 instead of a united front with the families.

11 THE COURT: Well, this is -- no, you're doing it
12 yourself. You are doing it yourself. You are not mom. You
13 are sitting here cutting this woman down for the type of
14 mother she is when all she wants to do is spend time with her
15 kids.

16 THE WITNESS: Then why did she --

17 THE COURT: Yeah, he --

18 THE WITNESS: -- abandon them?

19 THE COURT: -- can't -- he even made a comment
20 yesterday where he said your older daughter. You only have
21 one daughter, don't you?

22 THE WITNESS: Right.

23 THE COURT: It's not your older daughter. It's your
24 only daughter. You're a wonderful stepmother. You love these

1 kids, and I can tell. But don't cross that line between
2 stepmother and mom.

3 THE WITNESS: Your Honor, with all the respect, I do
4 not cross that line. We give her --

5 THE COURT: You did --

6 THE WITNESS: -- every --

7 THE COURT: -- when you --

8 THE WITNESS: -- opportunity.

9 THE COURT: -- when -- when -- because she's not
10 going to feel comfortable going to a place where you may
11 possibly be. And when he has primary physical custody, she
12 can almost expect that you're going to be where Mom is --
13 where -- where Dad is.

14 THE WITNESS: If she --

15 THE COURT: So no.

16 THE WITNESS: If she would --

17 THE COURT: So no. Mom is going to start doing it.
18 You're going to start --

19 THE WITNESS: I hope --

20 THE COURT: -- staying at home.

21 THE WITNESS: -- she does. I really hope she does.

22 THE COURT: You're going to start staying at home.

23 THE WITNESS: I would be --

24 THE COURT: Please continue.

1 THE WITNESS: -- very happy if she did.
2 MS. CRAMER: Thank you, Your Honor.
3 BY MS. CRAMER:
4 Q Jessica, you guys went on vacation recently,
5 correct?
6 A Yes.
7 Q And when did you leave? Oh --
8 THE COURT: No, I -- are you whispering to him?
9 MS. CRAMER: Yeah.
10 THE COURT: Because I was -- and it was loud enough
11 for me to hear.
12 MR. SOLINGER: Mr. Goodwin? Yeah, he -- I -- I
13 don't --
14 MR. GOODWIN: Yeah.
15 MR. SOLINGER: -- know what he's whispering --
16 THE COURT: Okay.
17 MR. SOLINGER: -- to me.
18 THE COURT: I just wanted to make sure it -- that it
19 wasn't you whispering because I saw your lips moving while I
20 was --
21 MR. SOLINGER: No.
22 THE COURT: -- hearing.
23 MR. SOLINGER: No. Mr. Goodwin was --
24 MR. GOODWIN: I was directly --

1 MR. SOLINGER: -- (indiscernible) --
2 MR. GOODWIN: -- speaking with him.
3 THE COURT: Okay.
4 A I don't remember the exact date really.
5 Q Okay. Well, it was just a couple weeks ago. So can
6 you take out your phone and look up your --
7 A Yeah.
8 Q -- plane tickets on your email? Tell me when you
9 flew out.
10 MR. SOLINGER: I'm going to make a relevance
11 objection at this point.
12 MS. CRAMER: Oh no, it's relevant. Give me a little
13 bit of leeway, Your Honor.
14 THE COURT: I'm going to give a little bit of
15 leeway.
16 THE COURT: This was just a couple of weeks ago.
17 Weren't the kids in school?
18 MS. CRAMER: Yep.
19 A Okay. So it looks like February 9th.
20 Q May I see the ticket?
21 MR. SOLINGER: Objection, discovery's closed. I
22 don't know --
23 MS. CRAMER: I never asked to discover it. I asked
24 if I could see the ticket.

1 BY MS. CRAMER:
2 Q Yes or no?
3 A No, you cannot.
4 Q Okay. So where did you fly to?
5 A Miami.
6 Q Okay. And why won't you let me see your ticket?
7 A Discovery's closed.
8 Q Okay, so you just repeated what your boyfriend said,
9 didn't you?
10 A I did.
11 Q Okay. So in -- would you show the ticket to the
12 Court?
13 A I don't see how -- no --
14 Q I --
15 A -- I wouldn't.
16 Q And -- and no, you're not going to show the ticket
17 to the Court.
18 A No.
19 Q Okay. So isn't it true that you guys flew out of
20 town and you left the children in the care of your teenage
21 daughter?
22 A My adult daughter? Yes.
23 Q Okay. How old is your daughter?
24 A 19.

1 Q 19. Okay.

2 THE COURT: That's old enough.

3 Q So I'll ask again. You left the children in the

4 care of your teenaged daughter?

5 MR. SOLINGER: Objection --

6 Q Yes --

7 MR. SOLINGER: -- relevance.

8 Q -- or no?

9 A I left her with my adult daughter.

10 BY MS. CRAMER:

11 Q Okay. And so do you believe that it is preferable

12 for the children to be left with your teenage daughter instead

13 of their mother?

14 THE COURT: Ms. --

15 Q Yes or no?

16 THE COURT: Hold on. Hold on. Hold on. Hold on.

17 Ms. Cramer, I have already issued an order that the right of

18 first refusal is not active in this case.

19 MS. CRAMER: I know.

20 THE COURT: So leaving -- they have a right to use

21 the --

22 MS. CRAMER: I know.

23 THE COURT: -- babysitter of their choice.

24 MS. CRAMER: I'm -- I'm not asking about --

1 THE COURT: Move on --
2 MS. CRAMER: -- the babysitter --
3 THE COURT: -- from this subject.
4 MS. CRAMER: -- Your Honor. It's not babysitting.
5 When --
6 THE COURT: No.
7 MS. CRAMER: -- they leave town, it is not
8 babysitting.
9 THE COURT: Well, actually it is, but --
10 MS. CRAMER: Okay.
11 THE COURT: -- you know, and it's an adult child.
12 Someone 19 is an adult.
13 MS. CRAMER: Still a teenager.
14 THE COURT: They -- they -- they're allowed to vote.
15 She's almost close enough to drink. I hope she doesn't.
16 THE WITNESS: Not yet.
17 THE COURT: She's -- you know, but the -- but the
18 key is she's old enough to join the military. She's old
19 enough to sign her own marriage license, and she's old enough
20 to vote.
21 MS. CRAMER: Fair enough.
22 THE COURT: She's an adult.
23 BY MS. CRAMER:
24 Q So, Jessica, my question was, do you think it is

1 preferable for the children to be left with your teenage
2 daughter instead of their mother?

3 MR. GOODWIN: Everyone was --

4 Q Yes or no?

5 MR. GOODWIN: -- taking the Court has to move on,
6 right?

7 MS. CRAMER: No.

8 THE COURT: Please move on.

9 MS. CRAMER: I would like an answer, Your Honor.
10 It's a yes or no question. I would like an answer.

11 THE COURT: She can say yes, it's okay, because --

12 MS. CRAMER: Okay.

13 THE COURT: -- I just said yes, it's okay.

14 MS. CRAMER: I know that, but I would like to hear
15 it.

16 BY MS. CRAMER:

17 Q So you, what is your answer?

18 A Yes.

19 Q Okay. Do you think that it is -- do you -- strike
20 that. Do you think that you are a better mother to these
21 children than Chalese?

22 A Yes.

23 Q Okay. Do you think that it's appropriate that you
24 substitute yourself in Chalese's place as their mother?

1 A I don't substitute myself in.

2 Q Okay. You go to the parent teacher conferences,
3 correct?

4 A When she doesn't go, yes.

5 Q Okay. That's not, I asked you. I said do you go to
6 the parent teacher conferences?

7 A Oh, I do. Yes. Okay.

8 Q You go to the doctor's appointments?

9 A Some of them.

10 Q Okay. You go to speech therapy?

11 A Yes.

12 Q Okay. You go to exchanges?

13 A Sometimes.

14 Q Okay. You pick them up, drop them off from school?

15 A Sometimes.

16 Q Okay. So I'm going to ask you again. Do you think
17 it's appropriate that you substitute yourself in as the mother
18 of these children?

19 A I'm -- I don't understand I guess what you mean by
20 substitute in.

21 Q Do you think that you can take Chalese's place?

22 A No.

23 MS. CRAMER: Okay. I'll pass the witness, Your
24 Honor.

1 REDIRECT EXAMINATION

2 BY MR. SOLINGER:

3 Q Ms. Sellers, have you ever participated in other
4 custody exchanges with Chalese?

5 A Apart from --

6 Q From the one in question in January of 2021.

7 A Yes.

8 Q Have you participated in them where the Defendant
9 came over to our residence?

10 A Yes.

11 Q During those exchanges, has the Defendant ever
12 blocked our driveway?

13 A She almost always blocks the driveway.

14 Q As far as recording pick ups are concerned, have you
15 ever been recorded during a pick up?

16 A I have been.

17 Q Who recorded you?

18 A Chalese or Josh.

19 Q Are you aware whether a private investigator has
20 ever followed you?

21 A They have.

22 Q Did that bother you?

23 A No.

24 Q Why not?

1 A Because I'm not trying to hide anything. I'm not
2 doing anything wrong.

3 Q When Chalese was coordinating the January 2021 pick
4 up with you, did she ever inform you that Josh would be with
5 her?

6 A She did not.

7 Q How many vehicles did you expect to pull up for that
8 pick up?

9 A One.

10 Q Can you walk me through an average day when kids are
11 with us?

12 A Like on a school day or --

13 Q Correct.

14 A Usually you wake up the kids in the morning, you
15 will make them breakfast. It's usually eggs, waffles, fruit,
16 and a Go-Gurt, of course.

17 THE COURT: I'm going to go -- I'm going to start
18 coming to his house for breakfast.

19 A And then you make Michael's lunch for school. And
20 then you get them ready or you brush their teeth, wash them
21 up, put Michael's clothes out, have them get dressed. And
22 then you take Michael to the school bus and sometimes,
23 depending on the weather, you'll take Marie with you and
24 sometimes you'll leave him -- her with me.

1 Q And as far as getting the kids ready in the morning,
2 do you have any involvement with that?

3 A Typically not.

4 Q Do you help Marie get ready at all?

5 A Sometimes, yeah, I'll do her hair.

6 Q What about once the children are home from school?
7 What happens then?

8 A When they come home from school -- well, you pick
9 them up usually. And when they come home from school, you
10 have them come home, wash their hands, play, ask how their day
11 was and that type of thing. And then after they get home, one
12 of us makes dinner. It depends on how lazy I want to be. And
13 --

14 THE COURT: Is he a good cook?

15 THE WITNESS: Him? Yeah, he is. I'm a better cook
16 though.

17 A So -- and then we have the kids eat dinner and then
18 after dinner we usually split the work at that point and
19 you'll give Michael a bath, a shower, I'll do Marie. And then
20 after that that's their kind of wind down time and they're
21 like allowed to watch a little bit of TV. And then you read
22 them a story and then you read Michael's chapter book, we sing
23 them songs, and then they go to bed.

24 Q You ask some questions about whether you think it's

1 fair for another parent to get to make all of the decisions.
2 If hypothetically you felt you were subjected to an unfair
3 order, what -- what would you do?

4 A If I was subjected to an unfair order, I would bring
5 it up to the Court and try to get it fixed.

6 MR. SOLINGER: All right. I don't think I have any
7 further recross -- or redirect, I guess.

8 MS. CRAMER: I have recross, redirect.

9 THE COURT: Let me ask a question. How -- how much
10 time have you spent with Chalese and when she's had the
11 children?

12 THE WITNESS: How much time have I spent with
13 Chalese?

14 THE COURT: Uh-huh (affirmative). When she's had
15 the children?

16 THE WITNESS: None.

17 THE COURT: Then how do you know what type of mother
18 she is?

19 THE WITNESS: From the condition that the kids are
20 in. Like when we were talking yesterday about how the kids
21 are dirty and you're like kids should play, but there's a big
22 difference -- I'm sorry, my phone's vibrating. There's a --
23 there was a big difference between kids playing and kids being
24 neglected.

1 THE COURT: Where's the pictures at in these
2 exhibits of how bad the children look?

3 THE WITNESS: Sorry, I'm going to --

4 MR. SOLINGER: The Court's --

5 THE WITNESS: -- silence this.

6 MR. SOLINGER: -- brief indulgence. I got to get my
7 exhibit list. I have to tell you.

8 MS. CRAMER: While they're looking for that, Your
9 Honor, I just want to point out how -- how well the witness
10 has been answering Plaintiff's questions.

11 THE COURT: I picked that up already. And by the
12 way, it goes a long way towards credibility when she fights
13 answering one person's questions and not the other.

14 MR. SOLINGER: I -- I understand. I -- I think it
15 may be to toot my own horn that my questions might be like
16 you --

17 THE WITNESS: Correct.

18 MR. SOLINGER: -- I think you admonished that
19 there's more --

20 THE COURT: How much --

21 MR. SOLINGER: -- to be gained --

22 THE COURT: How -- how -- well, let me, let me ask
23 you this. Do you -- how -- how much work did you all put into
24 these questions so that you would understand them in advance?

1 THE WITNESS: Oh, none. Because actually -- funny
2 story. On Sunday I got really upset with him because he
3 hadn't prepped me and I didn't know what he was going to ask
4 me. And so I was really upset by that. And I knew like the
5 weekend would be our last opportunity to talk about it before
6 he had like his prelim on Monday for work.

7 MR. SOLINGER: I mean, for the record, you --

8 THE COURT: Why would you expect to be prepped?

9 THE WITNESS: I mean, I -- I would want to know like
10 what questions were going to be -- I wasn't expecting, but I
11 was like what are you going to ask me? Like, you know, and
12 he's just like, don't worry about it, it's fine, you'll be
13 fine. You have like -- you have nothing to -- nothing to
14 worry about.

15 MR. SOLINGER: Your Honor, may I follow up on your
16 question?

17 THE COURT: Yes.

18 BY MR. SOLINGER:

19 Q Ms. Sellers, where do you currently work?

20 A At the AG's Office.

21 Q And what do you do there?

22 A I'm a legal researcher.

23 Q And what does a legal researcher entail?

24 A Oh gosh, a lot. Discovery, researching cases, going

1 to trial, talking with the Defendants.

2 Q Have you participated and helped in the trial
3 process previously?

4 A I have.

5 Q Have you helped prepped witnesses?

6 A Yes.

7 Q Is that -- strike that.

8 MR. SOLINGER: I -- I don't want to ask the ultimate
9 question. I think Your Honor sees where I'm --

10 THE COURT: Yeah --

11 MR. SOLINGER: -- going here.

12 THE COURT: I see where you're going with that.

13 Okay. I -- I did not realize your -- the legal background
14 that you had. So that's why she would expect to be prepped
15 and why she would use legal terms and stuff like that.

16 MS. CRAMER: Yeah, I know.

17 MR. SOLINGER: That's exactly why we're --

18 MS. CRAMER: She's worked with him at two different
19 jobs now. She worked for me at Michael Becker's office and
20 then she went to the AG and works there for him too.

21 MR. SOLINGER: She didn't work --

22 THE WITNESS: I don't work --

23 MR. SOLINGER: -- for him.

24 THE WITNESS: -- for him.

1 MS. CRAMER: Okay.

2 THE COURT: And I --

3 MS. CRAMER: All right.

4 THE COURT: -- have enough faith in the AG's Office
5 to make sure she didn't work for him.

6 MS. CRAMER: Oh, Your Honor, I have friends at the
7 AG's Office. I know what goes on there.

8 MR. SOLINGER: I -- I don't know what the snide
9 comment or the indication --

10 MS. CRAMER: It wasn't --

11 THE COURT: No.

12 MR. SOLINGER: -- is.

13 MS. CRAMER: -- snide.

14 THE COURT: I'm --

15 MS. CRAMER: I said I -- all I made was a factual
16 statement.

17 THE COURT: Yeah.

18 MS. CRAMER: I have a friend that works at the AG's
19 Office. I know what goes on there. Factual statement, not a
20 snide comment.

21 THE COURT: Pictures? Are we still looking for
22 them?

23 MR. SOLINGER: They're --

24 THE COURT: Because I'm still --

1 MR. SOLINGER: -- spread out --
2 THE COURT: -- looking for them too.
3 MR. SOLINGER: -- throughout. If we have the
4 bruising on Marie's face, if that's one of the things --
5 THE COURT: I'm not --
6 MR. SOLINGER: -- the Court's --
7 THE COURT: I'm not -- I'm not asking about the
8 bruising. I want to see them coming back to -- to -- from Mom
9 to y'all, filthy.
10 MR. SOLINGER: We have a photo of Marie's
11 fingernails on Exhibit 115. We have --
12 THE COURT: Hang on. Hang on.
13 MR. SOLINGER: -- her nails --
14 THE COURT: Hang on. I found 119. I'm getting
15 close. Oh, geez. Okay. So it looks like she's been
16 planting.
17 MS. CRAMER: What's the Bates number on that?
18 THE COURT: This one is 5214. It's real close to
19 the back, although still quite a few exhibits.
20 MS. CRAMER: I think mine are organized differently
21 than yours, because it's in the front of one of mine.
22 THE COURT: Okay.
23 MR. SOLINGER: I --
24 MS. CRAMER: I don't have an index either, so I have

1 to go through --

2 THE COURT: Yeah, the not --

3 MR. SOLINGER: The --

4 THE COURT: -- have an index is rough.

5 MR. SOLINGER: I -- I created an index and I may

6 have not -- or I should say opposing Counsel may have not

7 transmitted it and that may be why the binders are in

8 different orders because as Your Honor's aware, everyone does

9 trials differently.

10 THE COURT: Is this your baby girl?

11 MR. SOLINGER: Which -- which exhibit is this one?

12 THE COURT: 116.

13 MR. SOLINGER: 1 --

14 MS. CRAMER: Okay. So I'm looking at Exhibit 115.

15 THE COURT: Okay. It' -- it's just dirty fingers

16 where it -- where it looks like she may have been planting

17 something or digging the dirt, stuff like that. Okay.

18 MR. SOLINGER: We have Exhibit 101 which is

19 fingernails polished that -- that is chipped because for

20 awhile Marie was -- I -- I guess I can't really testify, but

21 it's -- it's another -- showing the condition of fingernails

22 for 101.

23 MS. CRAMER: Okay. This --

24 THE COURT: She's a baby girl.

1 MS. CRAMER: This --
2 MR. SOLINGER: Well, the --
3 MS. CRAMER: This is the bad parenting? Okay.
4 THE WITNESS: I feel like he's giving bad examples.
5 There's a -- sorry.
6 MR. SOLINGER: There's others.
7 THE WITNESS: There -- there is like, you know,
8 Marie comes back with a rat's nest. She smells like urine.
9 THE COURT: I -- I see -- I see where possible
10 diaper rash. She's sitting there.
11 THE WITNESS: Oh, lots of -- lots of diaper rash.
12 THE COURT: Yeah.
13 MR. SOLINGER: Yeah, there's lots of those. My --
14 MS. CRAMER: It's not actually diaper rash, but my
15 client can testify to that.
16 THE COURT: Yeah. And --
17 MR. SOLINGER: And her client's a --
18 THE COURT: Well, I looked at them.
19 MR. SOLINGER: -- medical expert?
20 THE COURT: And by the way, we don't take pictures
21 like this and would be a matter of public record.
22 MR. SOLINGER: And they were left side filed under
23 seal previously with Judge --
24 THE COURT: Yeah.

1 MR. SOLINGER: -- Moss. And so --
2 THE COURT: Well --
3 MR. SOLINGER: -- once again, it's the renewed
4 conversation about the difference in --
5 THE COURT: Yeast infections and stuff, I've --
6 yeah, it's -- we -- we still try to keep these under seal.
7 MR. SOLINGER: 1 --
8 MS. CRAMER: Yeah, I don't file them into cases.
9 I'm --
10 THE COURT: Yeah.
11 MS. CRAMER: Yeah, I'm -- I'm with you, Your Honor.
12 These kids have to grow up someday. They'll be back on the
13 internet.
14 THE COURT: Yeah, I --
15 MR. SOLINGER: Well it's --
16 THE COURT: They don't. And you know --
17 MR. SOLINGER: It's a sealed --
18 THE COURT: -- this is --
19 MR. SOLINGER: -- case.
20 THE COURT: -- this is --
21 MR. SOLINGER: They're not filed.
22 THE COURT: -- a sealed case. So that's the main --
23 main reason right now where I'm not going to --
24 MR. SOLINGER: And they're not technically filed.

1 They're proffered as exhibits and I would --

2 THE COURT: Yeah.

3 MR. SOLINGER: -- ask that the Court treat the
4 entire exhibit binder as left side filed. 117 is Michael as
5 far as his nails are concerned.

6 THE COURT: Okay. You do recognize the fact that
7 dirty fingernails does not concern me?

8 MR. SOLINGER: I -- I do recognize that. I'm going
9 through and getting to those same pictures because there's a
10 lot in here about bruising.

11 THE COURT: I mean, why we're looking -- and -- and
12 I know we're supposed to be using time -- you know, most of
13 this time. Ms. Cramer, why -- why don't we go ahead and move
14 forward with your follow up real quick? I'm -- I'm going to
15 be looking through this stuff here for -- unless I have to
16 stop. But I do want to point, are these pictures of Mom's
17 house?

18 MR. SOLINGER: On which exhibit?

19 THE COURT: The ones right after it.

20 MS. CRAMER: I believe Your Honor --

21 THE COURT: 119.

22 MS. CRAMER: -- those are the pictures of the
23 marital residence after he had left and come back into the
24 home.

1 MR. SOLINGER: Correct.

2 THE COURT: Okay. I do want to point out one thing,
3 and you know, a lot of people may not look at it the way that
4 I do, but looking at the carpeting, if she was that bad of a
5 housekeeper at all times, this carpet wouldn't look as good as
6 it did. You would have --

7 MS. CRAMER: The other --

8 THE COURT: -- had stuff all over it and so --

9 MS. CRAMER: The other thing --

10 THE COURT: -- it's obvious that there were
11 circumstances going on. The floors looked pretty good.

12 MS. CRAMER: And Your Honor, if you look in the
13 pictures of the kitchen, there's a few things on the counter.

14 THE COURT: I haven't --

15 MS. CRAMER: There's not a --

16 THE COURT: I haven't --

17 MS. CRAMER: -- stack --

18 THE COURT: -- even looked --

19 MS. CRAMER: -- of rotten dishes. There's not an
20 overflowing trash --

21 THE COURT: Yeah.

22 MS. CRAMER: -- can.

23 THE COURT: Well, I'm --

24 MS. CRAMER: It's like --

1 THE COURT: I'm just glancing through the stuff and
2 I just -- you know, I just wanted to point out I don't see
3 dust everywhere and I don't see -- I -- I don't see stuff, you
4 know, pushed into a carpeting that a bad housekeeper would
5 have.

6 MS. CRAMER: Yeah.

7 RECROSS-EXAMINATION

8 BY MS. CRAMER:

9 Q All right. So, we're talking about the children
10 when they come back to you. Okay. So do you -- here I have
11 Plaintiff's -- this is Bates 5253. It's a scratch on a child.
12 Do you think that this is child abuse?

13 A We were just documenting everything.

14 Q Okay. So that wasn't my question. My question is,
15 do you think this is child abuse, yes or no?

16 A I believe it's Michael and he said he fell on some
17 bushes. So no.

18 Q Okay. So then why did you document it as you said?

19 A Because we were documenting everything.

20 Q Okay. Do you think that documenting everything is
21 effective co-parenting?

22 A Yes.

23 Q Okay. So here is a picture. This is Plaintiff's
24 5252. It looks like this is a picture Marie. Is this child

1 abuse to you?

2 A That was a picture that I think Chalese took and
3 sent us --

4 Q Okay.

5 A -- I believe.

6 Q So why -- what's wrong here?

7 A Nothing. She had -- Marie had hit her face on the
8 door or something.

9 Q Okay. Fingernails.

10 THE COURT: She's so cute. I'm sorry.

11 Q This is --

12 THE COURT: She's a beautiful girl.

13 Q This is Plaintiff's 5220. You think that's child
14 abuse?

15 A I don't think I ever used the term child abuse. I
16 think I said neglect.

17 Q Okay. Well, neglect and -- and abuse are the same
18 thing according to CPS.

19 MR. SOLINGER: Objection, they're distinct.

20 THE COURT: Yes, there is a distinct difference.

21 MS. CRAMER: Okay.

22 MR. SOLINGER: Huge distinct difference. And it's a
23 misstatement of law, frankly.

24 MS. CRAMER: And they all get handled in the same

1 courtroom with the same CPS workers. Okay.

2 THE COURT: I get --

3 BY MS. CRAMER:

4 Q So --

5 THE COURT: -- so frustrated with these --

6 Q -- Jessica --

7 THE COURT: -- things.

8 Q -- yes or no, is this child neglect?

9 A Yes.

10 Q You think dirty fingernails are child neglect?

11 A Because there's more to it than that. You're not --

12 there --

13 Q Okay.

14 A -- there is --

15 Q No.

16 A -- this --

17 Q No, no, no --

18 A -- smell and --

19 Q -- no, no, no

20 A -- everything.

21 Q I asked you, do you think dirty fingernails is child

22 neglect?

23 A No.

24 Q Okay. Did you report this to CPS?

1 A No.

2 Q Did Adam report this to CPS?

3 A No.

4 Q Okay. So then what is the problem with dirty
5 fingernails?

6 A It's just showing the -- the condition that they
7 came in.

8 Q Okay. Here's Plaintiff's 5221. Is this child
9 neglect?

10 MR. SOLINGER: Objection, Your Honor. We're outside
11 the scope. I -- I get that we're being a little lenient, but
12 we've had --

13 THE COURT: We're being real lenient. But I get the
14 point, please. We're already at 10:15.

15 MS. CRAMER: All right, Your Honor. I'll move on.

16 BY MS. CRAMER:

17 Q Jessica, how many CPS reports have you filed against
18 Chalese?

19 A I haven't filed any.

20 Q Okay. How many CPS reports are you aware that Adam
21 has filed against Chalese?

22 A I -- I believe -- I know for sure at least one.

23 Q Okay. And was that substantiated, are you aware?

24 A I don't believe it was.

1 Q Okay. So isn't it true in the January 21 incident
2 in which you parked in front of their driveway that Chalese
3 had informed you that they were all coming back from dinner
4 with her mother?

5 A If I recall the message right is she said that she
6 was coming back with her mom and she's trying to get there as
7 fast as possible.

8 Q Okay. So didn't she say we're all coming back from
9 dinner with my mom?

10 A I can -- yeah, let me check my phone so I can --

11 Q Sure.

12 A -- give you the proper --

13 Q I mean, I can't really trust that you're telling us
14 what's on there cause you won't show it to you. So that's
15 fine.

16 THE COURT: No.

17 Q We'll just move --

18 THE COURT: Please --

19 Q -- on. Don't worry about it.

20 THE COURT: Ms. Cramer --

21 A You don't want me --

22 THE COURT: -- please.

23 A -- to look? It seems important to you. Do you want
24 me to look?

1 Q Oh, it's not important to me.
2 A Oh, okay.
3 THE COURT: Ms. Cramer, please.
4 MS. CRAMER: I'm moving on, Your Honor.
5 THE COURT: Just the -- not the -- not the nasty
6 comments, please.
7 Q Jessica, isn't it true that you guys cut off Maria's
8 (sic) hair recently? Marie's hair?
9 MR. SOLINGER: It -- it's Marie. Just so we're all
10 clear about the child we're talking about, not Maria.
11 MS. CRAMER: I misspoke. I corrected myself.
12 THE COURT: She did.
13 MR. SOLINGER: It -- it's --
14 MS. CRAMER: So it took --
15 THE COURT: But I understand.
16 MR. SOLINGER: It's --
17 THE COURT: It's --
18 MR. SOLINGER: -- been continuous.
19 THE COURT: It's -- it's a couple of times, but I've
20 done it too. So, you know --
21 Q To repeat the question, isn't it true that you guys
22 cut Marie's hair off recently?
23 A We did not cut her hair --
24 Q Okay.

1 A -- off.

2 Q So she came back to her mother's home with
3 significantly less hair on her head. Is that true or false?

4 A That's correct.

5 Q Okay. Did you guys ask Chalese about cutting
6 Marie's hair before you did it?

7 A No. Chalese freely cuts the kids' hair all the
8 time. She doesn't ask Adam.

9 Q Okay. So I didn't ask you about that.

10 A Okay.

11 Q Okay. Do you think you can answer the question that
12 I ask you?

13 A I did answer.

14 Q Okay. So your answer was no, you did not ask
15 Chalese before you cut Marie's hair, is that --

16 A Correct.

17 Q -- correct?

18 A That is correct.

19 Q Okay.

20 THE COURT: And you've just opened the door for her
21 to be -- for your client to be harassed about the pierced
22 ears.

23 MS. CRAMER: Oh, she's already been harassed about
24 the pierced ears we've heard about --

1 THE COURT: By me.

2 MS. CRAMER: -- it.

3 Q Okay. So -- so Marie went from having hair like

4 this that hangs out of her hat --

5 MR. SOLINGER: Objection.

6 Q -- and this is --

7 MR. SOLINGER: Misstates --

8 Q -- Plaintiff's --

9 MR. SOLINGER: -- facts.

10 Q -- 5252.

11 MR. SOLINGER: There's -- there's no date on that

12 photo. It's not going to be representative of what her hair

13 was like before the --

14 MS. CRAMER: It's is --

15 MR. SOLINGER: -- cut.

16 MS. CRAMER: -- his exhibit.

17 MR. SOLINGER: I -- I think it's --

18 MS. CRAMER: It's 5252, Plaintiff's --

19 THE COURT: Yeah, but --

20 MR. SOLINGER: -- 5252.

21 THE COURT: -- we don't know the time period.

22 MS. CRAMER: Well, shouldn't he have it on his list,

23 which I didn't get.

24 THE COURT: Well, discovery closed April of last

1 year.

2 MS. CRAMER: Okay.

3 BY MS. CRAMER:

4 Q So Jessica, isn't it true that in, I don't know, end
5 of January, beginning of February Maria (sic) basically has a
6 boy's haircut now?

7 A Marie?

8 Q Marie, thank you. Marie basically has a boy's
9 haircut now, doesn't she?

10 A No, she doesn't.

11 Q Okay, so if I'm looking at this picture here --

12 MR. SOLINGER: Objection. Once again, discovery's
13 closed. And if I'm bound --

14 THE COURT: Discovery is --

15 MR. SOLINGER: -- by it --

16 THE COURT: -- closed, but she can actually show a
17 picture. It's not like she's putting it into evidence.

18 MR. SOLINGER: So then she's not going to publish it
19 to Your Honor?

20 THE COURT: The question is is did you or did you
21 not cut your daughter's hair off to where it's really short
22 compared to what it was before you cut it? And I'm asking
23 Dad, not you.

24 THE WITNESS: Oh, okay.

1 MR. SOLINGER: Yeah, I cut her --

2 THE COURT: Yeah. Okay.

3 Q Okay. So her hair in this picture -- Your Honor,
4 may I approach the witness?

5 THE COURT: You can approach the witness, yes.

6 MR. SOLINGER: And so we're now publishing to the
7 Court?

8 MS. CRAMER: The -- no --

9 MR. SOLINGER: Her discovery --

10 MS. CRAMER: -- this is impeachment.

11 MR. SOLINGER: -- is closed.

12 THE COURT: I'm -- I'm not -- I'm not going to be
13 looking at it.

14 Q This picture, you don't believe that hair -- that --

15 THE COURT: I can't --

16 Q -- haircut --

17 THE COURT: Trust me, I can't see that far away.

18 Q -- is as short as a boy's haircut.

19 A You didn't say it's short as a boy's haircut. You
20 asked me if it was a boy's haircut.

21 Q Okay.

22 A And -- and it's a pixie cut. Little girls have
23 pixie cuts all the time.

24 Q Okay. So you guys did cut all her hair off.

1 A And Chalese cut it and shaved it when she got her
2 back home.

3 MR. SOLINGER: Objection, I think the question's --
4 I guess it's already been answered and I'll --

5 THE WITNESS: I'm sorry.

6 MR. SOLINGER: -- strike my objection.

7 THE COURT: Did Chalese shave her hair once she got
8 -- got the kid back?

9 MS. SOLINGER: Actually, I just fixed where they
10 missed. I'm a children's hair stylist. That's what I do.

11 MS. CRAMER: The Court's indulgence.

12 THE COURT: Oh, you all are so petty.

13 MS. CRAMER: All right. No, that's fine. Well,
14 okay. All right, Your Honor, I'll pass the witness. I think
15 I'm done here for the time.

16 MR. SOLINGER: I'll just be brief cause I found the
17 exhibit -- well, one exhibit that Your Honor was questioning
18 about.

19 FURTHER REDIRECT EXAMINATION

20 BY MR. SOLINGER:

21 Q Ms. Sellers, are you aware whether hair grows back?

22 A Yes, it does.

23 Q Do pierced ears, is that forever?

24 A Well, depends on how long you leave them in at

1 first. But if you keep them in long enough, then yes, it
2 becomes permanent.

3 MR. SOLINGER: I'd like to approach Exhibit 95, Your
4 Honor. And I have a copy here so that it is -- Your Honor
5 doesn't have to dig through the big book --

6 THE COURT: Which one?

7 MR. SOLINGER: -- towards at the back -- 95. It's
8 at the very back of book one. But I have it here and I'm
9 happy to approach that -- you don't have to, so that you can
10 see, we can all see. We can do this quick and easy. May I
11 approach I guess the bench first if Defense Counsel wants
12 to --

13 THE COURT: I have --

14 MR. SOLINGER: -- join me?

15 THE COURT: -- no problems.

16 MS. CRAMER: What is the Bates stamp on it?

17 MR. SOLINGER: It is 5168 and 5169.

18 THE COURT: Oh, that looks like what my hair looked
19 like. I'm sorry. I -- I'm -- I'm serious if you think I'm
20 joking when -- when I was a kid.

21 MS. CRAMER: I -- I don't have this exhibit, Your
22 Honor. It -- there's a gap in what exhibits I have.

23 Q Do you recognize these photos?

24 A I do.

1 Q And how do you recognize them?

2 A I took them.

3 Q Are they a fair and accurate representation of
4 Marie's hair after a pick up one time?

5 A Yes.

6 Q So, to be clear, why did you take those photos?

7 A Because it was concerning.

8 Q Why was it concerning?

9 A Because Marie was extremely dirty. She smelled of
10 urine. After we bathed her, she had a diaper rash. Like this
11 is -- this is the condition we get them in. It's the bare
12 minimum basically or in my opinion neglect.

13 THE COURT: Was it --

14 Q And --

15 THE COURT: Was this after just her -- what -- what
16 was it? You got them on Saturday morning or Friday afternoon?

17 MS. SOLINGER: I'm not sure when this is.

18 THE COURT: No. No, no, no. I'm asking -- and on
19 -- once the Judge put you -- made Dad primary, did you pick
20 the children up on Friday afternoon or Saturday mornings?

21 MS. SOLINGER: Friday.

22 THE COURT: Friday. Okay. Was this after just
23 Friday, Saturday and then Sunday?

24 MR. SOLINGER: This would have been according to my

1 notes December 13th of 2019. And so I -- I'd have to look at
2 calendar to see, but this would likely have been -- because it
3 was December 13th. This would have been after a midweek
4 Wednesday through Friday period, I believe.

5 THE COURT: I think you --

6 MR. SOLINGER: Because I -- I --

7 THE COURT: Because I -- I believe you were given
8 primary in -- in April or --

9 MR. SOLINGER: In June of --

10 THE COURT: Not April.

11 MR. SOLINGER: -- 2019 --

12 THE COURT: Of June --

13 MR. SOLINGER: -- is when I --

14 THE COURT: -- of 2019.

15 MR. SOLINGER: -- had primary.

16 THE COURT: So she would have only had weekends.

17 MR. SOLINGER: I believe at that point the way that
18 it altered was two weekdays. So it would have been -- because
19 the -- the schedule we had prior to the Court's modification.

20 THE COURT: So she would have only had two days.

21 MR. SOLINGER: Correct. That -- that is an
22 accurate --

23 THE COURT: All right.

24 MR. SOLINGER: -- statement.

1 THE COURT: Yeah. I'm -- I'm going totally
2 different here. During this period of time when Marie was
3 having all the diaper rash and everything, did you take her to
4 a doctor?

5 MR. SOLINGER: No, I don't believe so.

6 THE COURT: Do you -- do -- do you recognize the
7 fact that little girls if they have even the slightest bladder
8 urinary tract infection or anything like that, it's going to
9 create that situation?

10 MR. SOLINGER: We would apply a topical appointment
11 like Aquaphor and it would clear up right away. Because --

12 THE COURT: It's -- that's because that will keep
13 all of the moisture away. But when a young lady, and I'm
14 going to call her a young lady even though she was a toddler,
15 when we get bladder infections, the acidic quality in our
16 urine is so bad that it will burn the skin fast.

17 MR. SOLINGER: I understand.

18 THE COURT: Do you want to know how I know that?

19 MR. SOLINGER: Yeah, I would --

20 THE COURT: I had multiple surgeries for this very
21 problem when I was young.

22 MR. SOLINGER: I -- I can -- I think I can --

23 THE COURT: So --

24 MR. SOLINGER: -- question the witness.

1 THE COURT: -- I'm just saying there may have been a
2 medical reason why it was like that.

3 MS. CRAMER: And Your Honor, it's not actually
4 diaper rash. My client did take her to the doctor and my
5 client will offer testimony as to what --

6 THE COURT: Then we're --

7 MS. CRAMER: -- was going on.

8 THE COURT: -- going to get to -- I'm -- I'm just
9 wanting to see if -- you know, but when mom took her to the
10 doctor, did she let Dad know then?

11 MS. CRAMER: Yeah, she told him repeatedly.

12 THE COURT: Okay. All right.

13 MR. SOLINGER: It was an urgent care across town --

14 THE COURT: It's still an --

15 MR. SOLINGER: -- with three --

16 THE COURT: -- urgent care.

17 MR. SOLINGER: -- minute notice.

18 THE COURT: But yet --

19 MS. CRAMER: It's fine. My client will offer the
20 testimony. Yeah, we're -- we're going to let Mom offer the
21 testimony. And you get to cross-examine her and stuff like
22 that. But, you know this -- I went through hell when I was a
23 young child and I know I'm not supposed to take judicial
24 notice of stuff like this, so -- but I'm -- I'm just wanting

1 to know there's usually multiple reasons why something could
2 be happening.

3 MR. SOLINGER: I'm just --

4 THE COURT: There could be multiple reasons.

5 MS. CRAMER: And Your Honor, since he did bring in
6 the exhibit after I had done -- I was done, may I ask her one
7 question?

8 THE COURT: One question.

9 MR. SOLINGER: And -- and I still --

10 THE COURT: Hold on.

11 MR. SOLINGER: -- have a little bit of follow up --

12 THE COURT: Let him finish.

13 MR. SOLINGER: -- of mine.

14 THE COURT: Let him --

15 MS. CRAMER: Okay.

16 THE COURT: -- finish.

17 MR. SOLINGER: It -- it's just --

18 BY MR. SOLINGER:

19 Q Did Marie have diaper rash while she was in -- in
20 our care?

21 A Only one time.

22 Q And when was that?

23 A When your mom was in town and she woke up -- or
24 Marie woke up and your mom changed her diaper and she didn't

1 clean her up properly and so she ended up getting a diaper
2 rash.

3 Q Were there any other times that she had diaper rash?

4 A At our house?

5 Q Correct.

6 A No. Oh, the only time is after we got her back.

7 MR. SOLINGER: I -- I don't think I have anything
8 further, Your Honor.

9 FURTHER RECROSS-EXAMINATION

10 BY MS. CRAMER:

11 Q Jessica, when Maria (sic) showed up with her --

12 A Marie.

13 Q -- hair -- when -- when Marie showed up with her
14 hair sticking up in that picture, did you call CPS?

15 A No.

16 Q Okay. So your position today is that you're
17 asserting that's child neglect, but you didn't call CPS.

18 A I did not.

19 MR. SOLINGER: I think it misstates the testimony.

20 MS. CRAMER: No it doesn't. She said it's child
21 neglect, but she chose not to call CPS.

22 Q Do you think it's in the best interest of children
23 not to report neglect to CPS? Yes or no?

24 A I think yes, it should be reported.

1 Q Okay. But you didn't do it.

2 A It -- because it was a very tricky situation and you
3 don't want to -- we were already being accused of doing all
4 these things and so calling CPS for absolutely everything, we
5 didn't want to be those people. So we just took pictures to
6 document them and save it for trial. And as long as, you
7 know, there is a certain something and we tried to reach out
8 to her and, you know, there's with no response. But -- but I
9 don't think the Court would appreciate or CPS would appreciate
10 us calling constantly every time we got them back.

11 Q Okay. But you --

12 THE COURT: I wouldn't have.

13 Q -- testified that that's child neglect, correct?

14 A In my opinion, I feel like this was neglect. Yes.

15 Q And you believe that child neglect should be
16 reported to CPS. A It should be.

17 Q But you chose not to report child neglect.

18 A We tried to rectify it with her.

19 Q Okay. So Jessica, my question was, you chose not to
20 report child neglect by your own testimony, correct? Yes or
21 no?

22 A I did not call CPS.

23 MS. CRAMER: Okay. I'm done with her, Your Honor.

24 MR. SOLINGER: Just -- just the last point, Your

1 Honor, and I will be very brief.

2 THE COURT: And it's okay. Trust me, women don't
3 like not having the last word.

4 MR. SOLINGER: I -- I understand. I got one --

5 MS. CRAMER: I --

6 MR. SOLINGER: -- question.

7 MS. CRAMER: I don't care.

8 FURTHER REDIRECT EXAMINATION

9 BY MR. SOLINGER:

10 Q Do you believe that there is a difference between
11 the crime of child neglect and child neglect in the sense of
12 what is best for the children in a holistic sense?

13 A Absolutely.

14 MS. CRAMER: That's a misstatement of the law, Your
15 Honor.

16 THE COURT: Stop.

17 MS. CRAMER: It is. He pulled that one on me. I'm
18 going to pull it on him.

19 MR. SOLINGER: It's not a misstatement.

20 MS. CRAMER: It's a misstatement --

21 MR. SOLINGER: If I may respond.

22 MS. CRAMER: -- on law. Neglect is neglect. It's
23 defined. We're in a court of law. It's defined by the
24 statute. You held me to that. I'm going to hold you to that.

1 MR. SOLINGER: It -- it's different in the sense
2 that there is --
3 MS. CRAMER: All right.
4 MR. SOLINGER: -- statutory -- can I --
5 THE COURT: Okay. The witness is excused.
6 THE WITNESS: Thank you.
7 THE COURT: You're welcome. Thank you.
8 (WITNESS EXCUSED)
9 MS. SELLERS: Wasn't too --
10 THE COURT: Go to work.
11 MS. SELLERS: -- terrible.
12 THE COURT: Oh, I could have been worse. Your turn.
13 MR. SOLINGER: My turn?
14 THE COURT: We got 30 minutes. Do you think we're
15 going to be able to get through --
16 MR. SOLINGER: I --
17 THE COURT: -- in 30 minutes?
18 MR. SOLINGER: I suppose it's -- I -- I renew my
19 earlier inquiry as to the Court's preference to testify via
20 narrative versus directive questions. Mr. Goodwin has
21 prepared an extensive outline it looks like that he would be
22 quite disappointed to not --
23 THE COURT: How long do you think --
24 MR. SOLINGER: -- go through.

1 THE COURT: -- it's going to take you? Because you
2 need to be -- you know, we need to take a break in about 30
3 minutes.

4 MR. GOODWIN: Probably a little -- we can get
5 started, Your Honor.

6 THE COURT: Okay. Let's go ahead and get it started
7 and knowing that in 30 minutes we're going to take a break.
8 Do you think we can get through with him in an
9 hour-and-a-half?

10 MR. GOODWIN: On direct? I guess we can --

11 THE COURT: Well --

12 MR. GOODWIN: -- see --

13 THE COURT: -- both.

14 MR. GOODWIN: I guess --

15 THE COURT: I doubt it.

16 MR. GOODWIN: No.

17 MS. CRAMER: No, not both.

18 THE COURT: Because I want to get her done today
19 also. So we've got an hour and a half plus three hours. So
20 we got four-and-a-half hours divided by two and two 15 minute
21 breaks. So we're only going -- that's four-and-a-half hours.
22 So we're only going to have two hours total for each. So one
23 hour for -- one -- one hour for direct and one hour for cross.
24 All right. Because we're going to be done today.

1 MR. SOLINGER: I'll leave my phone there.

2 (WITNESS SUMMONED)

3 THE COURT: And it will be same for Chalese. One
4 hour of cross, one hour of direct. Where's my phone?

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

8 MR. SOLINGER: I do.

9 ADAM SOLINGER

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

12 DIRECT EXAMINATION

13 BY MR. GOODWIN:

14 Q Mr. Solinger, would you please state and spell your
15 name for the record?

16 A Adam Michael Solinger. A-d-a-m, M-i-c-h-a-e-l,
17 S-o-l-i-n-g-e-r.

18 Q Mr. Solinger, do you recognize anyone in the
19 courtroom?

20 A I do.

21 MR. SOLINGER: And who do you recognize?

22 Q Chalese sitting at defense table wearing a black
23 (indiscernible).

24 Q How do you recognize her?

1 A She used to be -- well, I guess she's still my wife
2 and the mother of Michael and Marie.

3 Q Did you previously live together?

4 A We did.

5 Q And when did that come to an end?

6 A Approximately October of 20 --

7 THE COURT: Can we stipulate that you all know each
8 other and you lived together until you separated and now
9 you're in a nasty divorce?

10 MR. GOODWIN: Sure. So would you like me to jump
11 past what caused the relationship and these kinds of things to
12 kind of move?

13 THE WITNESS: Yeah, just -- sorry, I can't --

14 THE COURT: Because the causes does not matter in
15 Family Court. They're just getting a divorce. Okay. Just,
16 you know, that -- that -- there's -- there's a lot of
17 wrongdoing on both sides and I really don't want to hear it.
18 I just want to hear the fact on how we're going to move
19 forward.

20 MR. GOODWIN: Okay.

21 THE COURT: And of course, the things that he, you
22 know, thinks is necessary.

23 MR. GOODWIN: Sure. And I'm just going to ask --
24 they -- they were leading into this, so I'm just going to kind

1 of jump ahead.

2 BY MR. GOODWIN:

3 Q When things ended, where did you move to?

4 A Ultimately, I moved to an apartment on Grand
5 Montecito Avenue and Elkhorn, Grand Montecito Place I think
6 was the name of it.

7 Q And how was child custody handled?

8 A At that time there was no formal arrangement. We
9 kind of split custody on a somewhat equal 50-50 basis.

10 Q Was that a mutual agreement between the two?

11 A It was. Did something happen in January that caused
12 you concern over Chalese's ability to take care of the
13 children?

14 MS. CRAMER: Objection, Your Honor. Which January?

15 MR. GOODWIN: January of -- like this would be 2019,
16 I believe.

17 THE WITNESS: It did.

18 BY MR. GOODWIN:

19 Q What did you do based upon that?

20 A Well, I had -- Michael had had an -- an infection
21 and Chalese brought him back, but it neglected to bring the
22 antibiotics that he was prescribed by the doctor. I had asked
23 her about them. She said she was out of town. I then made
24 the poor choice to go procure the antibiotics myself wanting

1 Michael to get those antibiotics rather than start, stop and
2 -- and all that because you hear about this antibiotic and --
3 and antibiotic resistance things. I mean, you just -- in my
4 misguided effort to try to make sure my son got his
5 medication, I went and picked up that medication.

6 Q And how did Chalese respond?

7 A She was upset. She wasn't happy about it.

8 Q So did she do something in response to that?

9 A Yes. In -- in response to that, she had essentially
10 withheld the children -- well, I guess I have to back up.
11 What had happened was, based on the nature and condition of
12 the house and while looking in the house inappropriately I
13 discovered a drug pipe in the garage that was on top of a
14 heater. I didn't know what it was. It was a Gatorade bottle
15 with some foil in it and a straw poked into it. I -- I didn't
16 immediately recognize it as a -- a marijuana pipe, but I -- I
17 could tell it was some kind of paraphernalia. And so I was
18 concerned that that was on the ground in the garage that was
19 unlocked right kind of at kid level. And so I'd gone to her
20 and I said please, I need you to pick up the house and provide
21 a safe environment.

22 Ultimately, she picked up the drug pipe and disposed
23 of it and she got the children, but then at that point, she
24 withheld the children further from me until I would agree via

1 stipulation with her attorney Lou Schneider (ph) at the time,
2 that under no circumstances would I ever withhold the kids for
3 any reason whatsoever.

4 Q Did you ever withheld the kids?

5 A Have I ever the kids?

6 Q No, I'm sorry. After that -- when she -- that
7 stipulation.

8 A No, I -- I -- the closest was that I did not allow
9 her to get the kids. So I guess I did withhold them for all
10 about 10 minutes until she disposed of the drug.

11 Q And did you have any other concerns around that
12 time?

13 A I did. Obviously, the condition of the house. In
14 fact, the fridge had no food in it. The dishes piled up in
15 the sink. Everything was kind of a mess. There's things
16 piled up on the stairs. The children slept upstairs and --
17 and worried obviously about tripping down there. There was
18 also a bed that had been set up with clothes and possessions
19 obviously belonging to somebody new to the house, and I didn't
20 know who was there at the house at that time.

21 Q Did you take any steps to investigate your concern?

22 A I did. I asked who was there. Eventually I -- I
23 discovered that Joshua Lloyd (ph) had been there, but it's in
24 dispute exactly when he moved in.

1 Q And was there eventually an early case conference?

2 A There was.

3 Q And what was your position of that early case
4 conference?

5 A At the early case conference, I brought up my
6 concerns to the Court and as -- if I recall correctly, I think
7 it's been almost three years now, there was an order
8 essentially for joint custody with some stipulations that
9 certain things want to be done by either side.

10 Q Sure. And did you still have some concerns after
11 that order?

12 A I did.

13 Q What were they?

14 A Well, part of the order was that Mr. Lloyd wasn't to
15 be driving the children. He wasn't to be alone with the
16 children. Neither side was to drink within 24 hours of having
17 the children nor was either side to use marijuana, period.
18 And so based on those kind of orders that Judge Moss had put
19 in place at the time to ostensibly protect the children from a
20 -- a bad environment, I hired a private investigator to see
21 that there was compliance with the Court orders because they
22 don't enforce themselves. It's -- it's kind of like if a tree
23 falls in the woods.

24 Q And are those all of your concerns or just the most

1 prominent?

2 A Those are the ones that most prominent that stick
3 out in my mind at this time. There was -- at the time I had
4 moved to modify custody based on violations of the Court
5 orders. I believe that our motion listed 13 different
6 violations of the Court's order.

7 Q And how did the rule?

8 A Ultimately, the Court ruled in my favor and modified
9 custody. The basis was at the time on the record, Judge Moss
10 said I cannot use this to punish you, but I've been a judge
11 for 20 years. I know how this goes and if these orders that
12 are meant to protect the children are not followed and I don't
13 crack down, it's just going to get worse and worse and worse
14 than something's going to happen. So I -- I'm not aware -- I
15 -- I guess I don't recall the exact wording within the
16 official written order, but her ruling at the time did
17 recognize that she couldn't use custody as a sword but that
18 she was looking for the children's best interest based on the
19 environment presented.

20 Q And after that order, did things get better or worse
21 as far as the children's care when they was released?

22 A I'd say it got worse.

23 Q And how did it get worse?

24 A There was some game playing. Immediately after that

1 order, there was a time when -- I want to say it was within a
2 couple weeks when I was to go pick up the kids and it was
3 supposed to be at the former marital residence. And you know,
4 she told me that suddenly she had driven across town and that
5 she was there swimming with the kids and that I would have to
6 go across town if I wanted to pick up the kids. And I
7 discovered that she had not been there all day, but had left
8 literally an hour before the pick up time. And so when I got
9 there and I picked up Michael, he was upset and blaming me
10 because he'd only been there for a few minutes to swim. And
11 his swim time was -- ended because of me. And immediately in
12 the next couple weeks after that, there was another similar
13 incident where I went to pick him up. And this had to be over
14 at Josh's grandfathers or his father's house. I'm not sure
15 that -- because he -- Josh used is the term papa and -- and
16 dad. And so I -- it was over there on Grand Clover. And they
17 --

18 THE COURT: When was this?

19 THE WITNESS: This was in July of 2019.

20 THE COURT: Okay.

21 THE WITNESS: And Michael was once again very upset
22 because everyone was having a sleep over except for him at
23 papa's house. So I don't know if they were going to stay over
24 there at his dad's house or not. And -- and then these kind

1 of incidents generally hap -- happen as well as their --

2 THE COURT: Sorry about that, guys.

3 THE WITNESS: -- their care and condition.

4 Q Let's talk about Michael. Does he have any issues
5 with speech?

6 A He did. He had a speech delay that caused him to
7 have enunciation errors.

8 Q Did he attend therapy for that?

9 A He did.

10 Q Was he a therapy when you separated from Chalese?

11 A Yes, he -- he was in therapy. He had just recently
12 started and he stayed in therapy until July or -- or sorry,
13 January of 2019 at which point I was supposed to start taking
14 him to therapy because Chalese had been doing all the therapy
15 because she was still in Summerlin and his speech therapist
16 was -- her name was Margo out of Summerlin -- not the
17 hospital, but in the same medical complex there. And so right
18 before I was supposed to -- like literally the week before I
19 was supposed to start doing his speech therapy with him,
20 Chalese called me and had told me that he had graduated from
21 speech therapy, that he had made so much progress that he
22 would just pick it up from his peers as he went along and that
23 he didn't need it anymore.

24 Q So in your mind, speech therapy was done.

1 A Correct.

2 Q Did something happen that made you question that
3 conclusion?

4 A Correct. In August of 2019, I received a message
5 from Chalese on AppClose (ph) saying that she wanted to enroll
6 Michael in a CCSD program called Child Find where children who
7 have educational issues that could delay them from their full
8 potential are evaluated by specialists whether it's behavioral
9 specialist, speech therapist, language specialists, what have
10 you, and if they qualify, they receive services for free by
11 the county so they can kind of get to the same step that they
12 would be as their peers. And so based on that text message, I
13 immediately said what do you mean he needs speech therapy.
14 You told me he was done. And -- and that's when I enrolled
15 him in Child Find and then I called Summerlin Pediatric, the
16 -- the speech therapist Margo, to see if I could re-enroll him
17 in speech therapy. Thankfully because she was -- we were a
18 former patient, we could jump the list. And so she said that
19 she had to double check with whether or not, you know, he
20 needed new orders for insurance to cover it.

21 And so ultimately she called me and -- how did that
22 go? Nothing had happened. And so I called her and she said,
23 oh, no, he needed a new order from the pediatrician so
24 insurance would cover it. Didn't the pediatrician call you?

1 And I said no, the pediatrician would call me. And so I
2 called the pediatrician and what I found out was that they
3 still had Chalese listed as the primary on it and that they
4 had called her. And -- and she just didn't relay that
5 message. And I know that she was aware of it because the same
6 date that they called her, according to their records, she had
7 sent me a message on AppClose saying that she wanted to find a
8 more central location for Michael's speech therapy. And so I
9 immediately got Michael appointment with Summerlin Pediatric,
10 his pediatrician at the time, and got speech therapy reordered
11 so that he could restart it, but it delayed it by about a week
12 because of the message not being asked.

13 Q And at any time did she suggest a place specifically
14 or say where another speech therapy center would be more
15 central?

16 A No, I -- and the problem with speech therapy in the
17 Valley is that there is a stunning lack of speech therapists
18 and getting anyone started with services, there's -- there's
19 waiting lists. And so I was happy to get him back in with
20 Margo. And in the meantime, I called around to get him on the
21 waiting list and I ended up getting him eventually enrolled at
22 Speak Easy Therapy up off Azure and Tenaya I believe are the
23 closest cross streets.

24 Q And so did Chalese ever take Michael to speech

1 therapy with Margo after Michael resumed?

2 A With Margo? I don't believe so. I believe it was
3 always -- because at that time I had primary custody and so I
4 asked her if there were days that worked for her so she could
5 do it as well. And she never got back to me as far as those
6 dates. So I scheduled him because I think the distinction was
7 I could either do it on a Thursday -- yeah, it's -- I could
8 either schedule him on a Thursday in which case she'd be
9 responsible for speech therapy every other week or I could
10 schedule him for a Tuesday and I would always be responsible
11 because she would not under the former order ever have a
12 Tuesday custody wise unless she took him for vacation. And so
13 when she didn't say that she could agree to take him on a
14 Thursday, I had him scheduled for the Tuesday.

15 Q So now going back to when he was at Speak Easy, did
16 you ask Chalese whether she wanted to assist speech therapy?

17 A Yes. Once again, I let her know the days that the
18 therapist had available and it was another dynamic where one
19 of the choices would have been partly on her time and one of
20 them would be on mine and there was no response.

21 Q So when she didn't answer, what did you do?

22 A I scheduled him on my time because I needed to make
23 sure he went.

24 Q And while this was going on, what was happening on

1 Child Find?

2 A He -- so he was with Margo until approximately
3 October of 2019. And then from there Child Find did their
4 evaluation in his testing in October of 2019. It takes them
5 some time to grade the results, look at it. And so that took
6 until December of 2019 when they said he qualified for
7 services, but because it was so close to the winter break,
8 they couldn't start him to services until January and that he
9 switched from Summerlin's Margo as speech therapist to Speak
10 Easy in October of 2019.

11 Q Now did there come a time that Michael switched
12 speech therapist at Speak Easy?

13 A There was. One of his speech therapists had left.
14 He got another one. And if I recall, it was the same dynamic
15 with the choice of days, one of them being on -- partly on her
16 time, one of them being on mine.

17 Q And has that been his speech therapist since then or
18 has he completed?

19 A He had yet another change because he started with
20 one and then there was another and then he's finished with his
21 speech therapy through Speak Easy. And then he also finished
22 his speech therapy through the school district as well.

23 Q And while he was at Speech Easy -- or speech therapy
24 what was the -- did he have homework?

1 A There was. There was sheets where he had to say
2 certain words because like a -- a prescription, you have to
3 say these sounds to work them out to work the tongue muscle to
4 say their sounds correctly.

5 Q And did you send any of that homework to Chalese?

6 A Indeed.

7 Q Did you ever stop setting that homework to Chalese?

8 A At a certain point when his sheets weren't being
9 done and he wasn't practicing them, I had messaged her and I
10 said, you know, why aren't you doing the sounds with him. You
11 know, he needs these. It's -- it's like a medical
12 prescription. And her response was -- and -- and I don't want
13 to quote it, but to paraphrase because it's in the messages,
14 but I don't do the sheets with him. I work on kind of the --
15 the everyday sounds that I think he needs help with. And my
16 response was that's not what the speech therapy is, it's
17 therapy.

18 Q And how did that make you feel when you found that
19 out?

20 A I guess despondent, you know. You -- you've got a
21 child that obviously needs help who had a year's speech delay.
22 He was age inappropriate by a year and he had missed out on a
23 good chunk of time between January and August where he could
24 have, you know, approximately nine, eight months that he could

1 have been getting help and -- and instead there was nothing.
2 And then you try to get the co-parent to do what is best for
3 the child.

4 Q And -- and now once he was enrolled in CCSD, was
5 there a choice of dates then for Michael to participate speech
6 therapy?

7 A At first there was, because at that time he was not
8 in school and actually enrolled. And so there was again a
9 similar dynamic where one of the days would have partly on her
10 time and otherwise. And so with no response, I -- I scheduled
11 it on my time.

12 Q And did Chalese take him to speech therapy with the
13 school district?

14 A No, because it was always on my time based on the --
15 the way it worked out.

16 Q Was there ever another chance of take him to -- take
17 him to speech therapy?

18 A There was, but it was a limited time and -- and I
19 don't remember the exact year. I want to say it was July of
20 2020 that the pandemic has kind of made these years bleed
21 together. But I want to say it was in July of 2020 her mother
22 was in town and she'd taken some vacation time. And that
23 vacation time went over his normal speech therapy day which
24 was a Tuesday. And I reminded her in advance that he had

1 speech therapy. You know, hey, he's got speech therapy, you
2 know, yada yada. And he comes home and -- and he didn't go.
3 And -- and I got a call from the speech therapist wanting to
4 charge a no show fee. And so I asked her what happened, why
5 didn't you take him to speech therapy because maybe he was
6 sick, maybe there was a reason. And her response was that I
7 never told her about speech therapy. So I sent her a
8 screenshot at the prior message informing --

9 THE COURT: I'm going to --

10 A -- her about it and --

11 THE COURT: Let me interrupt for just one second.
12 If she had her vacation time, why didn't you just cancel the
13 appointment? Because she may have went out of town.

14 THE WITNESS: It was her mother coming into town.

15 THE COURT: It doesn't matter. It's her va -- she
16 took vacation time. So she shouldn't have been expecting.

17 MR. GOODWIN: Maybe -- maybe I can clarify if you'd
18 like those --

19 THE COURT: Okay.

20 MR. GOODWIN: -- questions.

21 THE COURT: Yeah.

22 Q Was she notified about the speech therapy class?

23 A She was.

24 Q While it was on her vacation?

1 A Correct.

2 Q And did she say she's going to be out of town?

3 A No.

4 Q Did she say she can't make that appointment?

5 A She didn't say anything. If I recall, I said -- she

6 had said I'm taking vacation from here to here because my mom

7 is coming into town and I think she might have had to see the

8 kids, but I don't want to be sure about that and then misstate

9 it. And I said okay, you know, please remember Michael has

10 speech therapy on this date and then there was no response to

11 that.

12 Q And with no response, you assumed she would be

13 taking him?

14 A I -- I would assume so. She had the information for

15 the speech therapist. She got the bills pursuant to the 30/30

16 rule every week. And, you know, she's listed on the paperwork

17 with the speech therapist. So I -- I don't have an

18 explanation for -- I guess to answer the Court's question why

19 I didn't take the initiative to call and cancel it while it

20 was on her vacation.

21 Q It -- but it would have been to assume -- if -- if

22 you were to answer it, probably be something along the lines

23 of you assume she was going to take him.

24 A I -- I -- yeah, that -- that -- it didn't cross my

1 mind that she wasn't going to given that she didn't --

2 Q Yeah.

3 A -- say anything in response to I'm taking vacation.
4 Okay, he's got speech therapy.

5 MR. GOODWIN: Does the Court want to follow up on
6 that?

7 THE COURT: That's fine.

8 Q So after you sent the screenshot, did she ever
9 respond?

10 A No.

11 Q And how much does the speech therapy no cost -- no
12 show cost?

13 A Typically they charge I think half or the full fee.
14 I -- I don't want to be sure about it because I believe that
15 they waived it cause I don't recall paying it.

16 Q So I know that you just mentioned that you do the
17 30-30. Has she ever paid you her half for the cost of speech
18 therapy?

19 A Not a single time.

20 Q Okay. Moving to the next topic. Has Chalese --

21 MR. GOODWIN: Well, Your Honor, I'll -- I'll defer
22 to you. I might be able to get --

23 THE COURT: I just --

24 MR. GOODWIN: -- through --

1 THE COURT: One --
2 MR. GOODWIN: Yeah, I can --
3 THE COURT: One quick --
4 MR. GOODWIN: -- get through this probably before --
5 THE COURT: Is he still in speech therapy?
6 MR. GOODWIN: No, Your Honor.
7 THE WITNESS: No.
8 MR. GOODWIN: We're moving --
9 THE COURT: Okay.
10 MR. GOODWIN: -- to another one. I can get through
11 it. I can get through -- the next one seems to be a little --
12 THE WITNESS: Oh, no. I think -- I think Your Honor
13 was asking whether Michael is still in speech therapy.
14 THE COURT: Yeah, is he -- is he still --
15 THE WITNESS: The answers to that is no. He -- he
16 finished with his private speech therapist in the fall of last
17 year, I want to say.
18 THE COURT: Okay.
19 THE WITNESS: And then he stayed on with CCSD. He
20 is technically still in speech therapy --
21 THE COURT: But with school?
22 THE WITNESS: -- but he is going to -- yeah,
23 through --
24 THE COURT: Okay.

1 THE WITNESS: -- the school, but he's going to
2 graduate and be done with it. I think the meeting that his
3 speech therapist sent the invitation for is coming up in this
4 month of March --

5 THE COURT: Okay.

6 THE WITNESS: -- sometime.

7 THE COURT: All right. Thank you.

8 MR. GOODWIN: I think I can get through this, Your
9 Honor, before -- and I apologize for my 11:00 is coming up at
10 the end.

11 THE COURT: Yeah, 11:00 o'clock is. I'm trying to
12 keep an eye on it.

13 Q So has Chalese ever withheld the children from you?

14 A Yes.

15 Q When was the first time?

16 A I guess it would have been in January of 2019 when
17 she wanted me to sign that stipulation to agree that I would
18 never keep the kids from her under any circumstances.

19 Q And did you sign anything?

20 A No.

21 Q Did she have --

22 A And --

23 Q I'm sorry, go ahead.

24 A The -- the weekend rolled around and then she

1 softened her stance and decided to -- and I don't want to
2 attribute the fact that it's the weekend. I'm not inferring
3 that, but I didn't sign anything. I didn't hear from Lou
4 Schneider. And -- and then she let me have the children
5 Friday afternoon that week.

6 Q And when was that?

7 A It was -- I -- sometime in January 2015. I -- I
8 can't be certain of the exact date.

9 Q Okay. Now was there another time?

10 A Yes. I don't recall as I sit here, but it's
11 typically documented in the messages. I believe that the next
12 --

13 Q Have there been a vacation time in December?

14 A Yeah. So obviously the issue -- I -- I guess that's
15 why I haven't thought of it is the whole issue for the
16 December 2019 was that Advent is a -- a big holiday where you
17 have a family dinner every Sunday and it's the countdown to
18 Christmas. And so in an effort to celebrate that, I had
19 noticed some vacation time in September of 2019 well in
20 advance for the first Sunday of December of 2019. And then
21 prior to that actual time coming, I -- I sent Chalese another
22 message reminding her like hey, I know you -- you're just
23 getting the kids tomorrow, but I'm taking this vacation time
24 so that I can have them rested and -- and for this somewhat

1 formal dinner on Sunday.

2 Q Okay. And what happened when you reminded her about
3 the vacation time?

4 A She said no, that's ridiculous, I've had the kids
5 for less than 24 hours. You're not going to get them. I'm
6 not going to be home. Don't bother showing up.

7 Q So what did you do?

8 A I went to see if I could get the kids because, you
9 know, maybe she'd see reason, maybe she'd talked to somebody,
10 maybe she call her attorney because at that time she had
11 changed over to Pecos rather than Lou and to denigrate Lou
12 Schneider, Pacos is obviously a much better group with more
13 sound advice than Lou.

14 Q And what happened when you -- or I'm sorry. Excuse
15 me. So what did you do when she still refused? When you got
16 -- I'm sorry. When she -- when you got there, was she there?

17 A She was there. Her truck was there. I had parked
18 across the street at first -- or I should say Jessica was
19 driving. She parked across the street at first and then --
20 and at that point I had sent her a message hey, I'm here, can
21 I have the kids. No, go away. Leave us alone. And I said
22 look, I -- I noticed this vacation time. I -- I'd like to
23 pick up the kids. I thought that it might be construed based
24 on some of the things that Pecos was hinting at and trying to

1 lay a foundation for as better to wait down the street because
2 the advice from prior counsel and the Court was that if
3 there's withholding, call the police, make a report. They're
4 obviously not going to do anything because it's a civil
5 matter, but it'll be documented and sent to the Family Court
6 as part of the case so that they can see that they came out
7 and investigated. So Jessica moved the vehicle down the road
8 and across the street so that you couldn't even see the house
9 anymore while we waited for the police to respond.

10 Q And while the -- you were waiting for the police to
11 respond, did something happen?

12 A It did. And -- and we -- Mr. Lloyd did what he did
13 that's been discussed kind of ad nauseam, especially
14 yesterday.

15 Q Okay. Did anything happen the next day?

16 A The next day Chalese sent me a message saying hey,
17 can I drop off the kids early. We got some rodeo tickets and
18 we don't have a sitter.

19 Q So she dropped them off and -- and her reason was
20 for rodeo tickets?

21 A That was what was proffered at the time.

22 Q Based upon what happened, did you bring that up to
23 the Court?

24 A I did, because we had coincidentally had a motions

1 hearing scheduled for the Monday after that. And as part of
2 that motions hearing, it was obviously concerning that
3 somebody would withhold the kids, but then suddenly give them
4 up for rodeo tickets. That seemed kind of strange.

5 Q So what happened then?

6 A At that point there was a -- a big hullabaloo
7 between her and Bruce Shapiro. I can't remember if Jack was
8 there. I think it might have been Alicia Exley (ph). And
9 Jack rep -- Bruce represented as an officer of the Court that
10 he had spoken to his client and that based on that incident,
11 Chalese and Josh had broken up, that it had been a final
12 breakup and that they -- they were done.

13 Q And did you believe that her and Josh were broken up
14 at that time?

15 A Absolutely not.

16 Q Why not?

17 A Well, frankly, you know, at that point -- well,
18 right after that hearing, Jessica had gone to their house and
19 Josh's truck was still parked in the driveway. And then it
20 was still parked in the driveway later that night as well.
21 And so it was kind of based on the fact that if you have a
22 final breakup and you move out, you wouldn't still be parking
23 there. You would be staying there.

24 Q Okay.

1 A Especially because his parents lived less than a
2 mile away. So there would be no reason, you know, he's not
3 moving out of state and he has to like spend one last night
4 there to -- to finish packing his stuff. His parents were I
5 think eight-tenths of a mile down the road.

6 Q And I know that the Court needs it, but ultimately
7 did you find out that they were not broken up?

8 A Correct.

9 MR. GOODWIN: Your Honor, we can -- if you want to
10 take a break there.

11 THE COURT: Yeah, that's probably a good place to
12 take a break. We're like two minutes til and I've been
13 bouncing for about 15 minutes.

14 MR. GOODWIN: Two Mountain Dews is intense this
15 early, Your Honor.

16 THE COURT: Huh?

17 MR. GOODWIN: Two Mountain Dews do that to you this
18 early.

19 THE COURT: Yes, it will. All right, we're going to
20 go off the record and take a short break.

21 (COURT RECESSED AT 10:57 AND RESUMED AT 11:28)

22 MR. GOODWIN: What --

23 MR. SOLINGER: They're --

24 THE CLERK: We're on, Judge.

1 THE COURT: Okay, we are back on the record and as
2 soon as they get some paperwork and stuff figured out, then
3 we'll be -- continue with Mr. Solinger.

4 MR. SOLINGER: Yeah. Yeah. Nevermind about --
5 yeah, they -- we stipulated yesterday that all exhibits are
6 in, so you don't need to waste time with that.

7 THE COURT: And we are, what, about an hour into Mr.
8 Solin -- or no, 30 minutes into Mr. Solinger.

9 MS. CRAMER: Correct --

10 MR. SOLINGER: Correct.

11 MS. CRAMER: -- Your Honor.

12 MR. GOODWIN: So if --

13 THE COURT: We are going to -- we will break at noon
14 for lunch.

15 MR. GOODWIN: I apologize, Your Honor. If I could
16 just have a minute. If -- and maybe I know he's the witness.

17 THE COURT: Do we need to go off the record again?
18 We can. That's no problem.

19 MR. GOODWIN: That -- that's fine, Your Honor. If
20 you'd like to off the record, sure.

21 THE COURT: Let's go off the record.

22 (COURT RECESSED AT 11:29 AND RESUMED AT 11:33)

23 THE CLERK: We're back on.

24 MR. GOODWIN: And --

1 THE COURT: Okay.

2 BY MR. GOODWIN:

3 Q Mr. Solinger, are there other instances that have
4 concerned you?

5 A If I'm looking at the -- the relevant time frame,
6 obviously there -- there's no involvement with speech therapy
7 this entire time. That -- that's concerning to me. The one
8 that -- that jumps out is July of last year towards the end of
9 the month Ms. Sellers and I were -- sorry, my phone is
10 ringing, Your Honor. Can you silence that, please? Ms.
11 Sellers and I were taking a vacation right after we had
12 dropped the kids off with Chalese because our intent -- at the
13 time, there's a weird holiday within the parenting schedule to
14 recognize Utah's independence, July 24th. It was something
15 that -- that Chalese had wanted in the schedule. And so it
16 alternates in July with 4th of July. So one parent gets 4th
17 of July, one gets the July 24th. And so based on the way that
18 the schedule would work out with, with two days, but then her
19 having that holiday weekend, it would be one of the first
20 times that she has a -- a five day period with the kids.

21 So Ms. Sellers and I were going to go to Zion, Utah
22 to do some hiking. So we -- we both went -- dropped off the
23 kids with her at the -- the VA and we arrive in Zion. And
24 shortly after we arrived, we get a message saying that

1 Chalese's babysitter had fallen through and she asked if -- if
2 I could watch the kids, and I said well, I -- I can't, but
3 Courtney (ph), Jessica's daughter, a teenage daughter, could.

4 And so Chalese took the kids over and -- and
5 Courtney watched them. And after she had finished work, she
6 had suggested coming to pick them up, but then asking if
7 Courtney could watch them again the next day which would have
8 been a Friday as I recall. And I said yeah, you know, she can
9 -- she can watch them, but does it make sense for you to drive
10 all the way here from Silverado Ranch to pick them up just to
11 bring them back in the morning and all that or, you know, what
12 -- whatever you choose. And -- and she chose okay, I'll --
13 I'll come get them tomorrow Friday when I finish work. And
14 then Friday rolls around and it's crickets. She doesn't say
15 anything. She doesn't pick up the kids. Saturday, same thing
16 and then Sunday. And -- and so it's just, you know, ends up
17 leaving the kids with like a -- a no call no show thing, you
18 know? And, and that's -- that was concerning to me.

19 Another thing that was concerning was this whole
20 vacation time in December thing and -- and that she hasn't
21 seen the kids. I -- I think that the record is very muddy on
22 that because there hasn't been testimony. But in essence
23 going back to 2019, just for the context of it, she was to
24 have -- Chalese was to have Black Friday in 2019. And once

1 again, she didn't come to pick up the kids, didn't say
2 anything. And then I messaged her, she said oh, I have to
3 work and I forgot. And -- and it's like well, you know, and
4 -- and so you don't pick up the kids.

5 And then if I recall correctly in December of 2019,
6 they had -- they, Josh and Chalese, had traveled somewhere to
7 go get a truck. So they were gone for a week of that. And
8 then even this past December when there's been -- December of
9 2021 been this issue related to, you know, the vacation time
10 and -- and her not having the kids during the month of
11 December, I only took vacation to have the Sundays I've got
12 with the kids and then Chalese had to leave the jurisdiction
13 for two of her custodial timeframes because there was a death
14 in the family, I'm not sure exactly who's, but it -- it's not
15 that my intent was to deprive her of any kind of vacation time
16 during December of 2021 or -- or to try to keep her from them.
17 It's -- Sundays are important. They -- they're Advent.
18 They're formal dinner counting down to Christmas and -- and we
19 like to have the kids for it. We -- we notice it -- or until
20 a change, we would notice it every year, you know. And
21 Chalese likewise could notice vacation time at any time with
22 the kids.

23 And -- and as I recall in 2019, I don't think she
24 noticed a single day of her two week vacation potential. In

1 2020, if I've got my year right when her mom was in town and
2 for the -- the speech therapy, I think she noticed two days
3 vacation with the kids. And then in 2021, I don't believe she
4 noticed the vacation. She certainly hasn't ever capped out
5 her vacation time. She might have noticed a day or two.

6 And so the reason that that is concerning to me is
7 that you've got this presentation of somebody who's
8 desperately wanting more time with the kids and you have an
9 ability to take more time with the kids and you choose not to.
10 And then you routinely don't come and -- and pick up the kids.
11 And -- and if I recall, even after Zion in 2021 in July, there
12 was another incident where she just didn't pick up the kids.
13 And I don't remember the specifics of it. I'd have to go back
14 to the AppClose messages. But there -- there was another time
15 where she just no called no show, didn't pick up the kids. It
16 was -- it was either for Thanksgiving or Black Friday. Again,
17 I think it was for Thanksgiving. I think she had believed she
18 had Thanksgiving this past year and I -- I had had
19 Thanksgiving or -- or vice versa. I -- I don't remember the
20 specifics, but I -- I showed up to the custody exchange and --
21 and she just didn't show up again.

22 You know, and -- and New Year's is always a -- a
23 cluster because the person who worded the holiday and the
24 schedule, it -- it's very precise and it's -- it's

1 understandable, but it's been a point of contention throughout
2 this because it's phrased as New Year's shall be defined as
3 the period beginning -- or New Year's shall be defined as a
4 holiday and its time frame shall alternate depending on
5 whether it starts on New Year's Eve or New Year's Day. For
6 purposes of this holiday, the holiday is defined as beginning
7 on New Year's Eve and thus the father will have New Year's on
8 odd years and the mother shall have it on even years. So that
9 always leads to contention.

10 THE COURT: That sounds confusing to me.

11 THE WITNESS: It's -- it's in there and the -- the
12 only reason it's concerning to me right now is that it was an
13 issue that was litigated and discussed extensively with prior
14 Counsel in 2019, and it was a point of contention again this
15 year. I don't know if it's purposeful.

16 THE COURT: I -- I guess doing, you know, one parent
17 will have the entire first week -- fir -- fir -- first half of
18 Christmas break and the other one will have the second half of
19 Christmas break, maybe a little easier.

20 THE WITNESS: You know -- well, and -- and I've
21 always proposed because in my household Christmas Eve is very
22 important. That's -- that's when Christmas is actually
23 celebrated. We open the presents Christmas Eve. Christmas
24 day is just for Santa Presents. And so I've consistently

1 proposed a year after year that we stipulate that I do
2 Christmas Eve because that's when I would celebrate and that
3 Chalese would do Christmas Day because that's when she
4 celebrates. And it's -- it's been shot down, but that's one
5 of the points of confusion for pointing out to you. But I've
6 been narrative with no pending question for long enough.

7 BY MR. GOODWIN:

8 Q So concerning -- concerning these issues with
9 changing custody, requesting vacation, those types of things,
10 have there have been times where she's wanted to kind of
11 barter with that?

12 A I'm sorry, what was the last part?

13 Q Were there times where she was kind of trying to get
14 things in exchange for you to get certain time?

15 A Yeah. I -- I can't think of a specific example, but
16 there -- there's been instances throughout the case where, you
17 know, there -- there's been bartering. I -- I won't -- I'll
18 drop the -- the child porn allegation if you drop me having to
19 do drug tests. We've -- we've tried to resolve custody
20 multiple times. You know, it's -- it's just -- there --
21 there's been ongoing debates in an attempt to -- to get
22 certain things.

23 Q At one point, did you believe Ms. Solinger was going
24 to leave the state?

1 A Correct. In August of 2021, last year, Chalese let
2 me know that her and Josh were going to move to Oklahoma. And
3 we tried to come up with a custody settlement. And we had a
4 custody settlement that involved the kids staying here and
5 that they would -- we'd split summer and we'd split Christmas
6 break. And ultimately the negotiation fell apart. We -- we
7 had it all -- I think the -- if I recall the conversation
8 correctly, custody was settled.

9 The issue came down that the property or -- or
10 something like that. And I had said we would just settle
11 everything but this one issue and we would leave that one
12 issue and just submit it to the Court because there was no
13 argument or -- or consternation about it. There was no
14 testimony. It was just a purely legal issue.

15 And -- and ultimately that was rejected. And her
16 rationale at the time was that she couldn't just leave the
17 kids, that -- that she decided she couldn't move because she
18 couldn't give the kids. To -- to be fair, that was the
19 proffered explanation.

20 Q Aside from that, have there been instances where you
21 -- you gave the Zion example. Have there have been other
22 instances of that where you're not quite sure where she is,
23 but she didn't show up for an exchange, so you just hang onto
24 the kids?

1 A Correct. There -- there were a few of them in the
2 fall of last year. I'd -- I'd say probably less than four,
3 but more than three. I -- I don't -- I -- like I said, I --
4 I --

5 Q Was there --

6 A I don't recall specifically.

7 Q Was there -- was there clear communication as to why
8 she missed?

9 A No, there -- there was no explanation. I just -- I
10 was there at the VA and she didn't show up and I left.

11 Q Was there ever explanations for the miss?

12 A No, but to be fair, I -- I never saw an explanation.

13 Q And would there ever be notice?

14 A No. No. It was -- at -- at that point, it was kind
15 of a crapshoot to -- to whether she was going to be there. It
16 -- the -- it draws to attention another thing I want to say in
17 December of 2021, because up until this point we've been
18 ordered to exclusively use AppClose for communications because
19 it logs everything. It sounds very similar to FamilyWizard,
20 but free for what it's worth. And we've been ordered to
21 exclusively use that because it has a functionality in it
22 where when you send a message, it doesn't just timestamp that
23 message. It'll timestamp when the person receiving that
24 message was not only last online, but when they review the

1 message. Because in the AppClose app, you can see like a one
2 line snippet of what a message is and it won't show that
3 message is read, but it'll show you were online. And so it
4 can avoid people saying I didn't get this message, I didn't
5 get that message, because it's -- it's, we see that you got
6 on, but you -- you didn't do that.

7 And so what was concerning was in December of '21 I
8 want to say, I received a text message from Chalese asking me
9 how to take out an emergency temporary protective order. And
10 I reminded her that she should be using AppClose and that it
11 would be highly inappropriate for me given the confines of
12 this case to give her any kind of legal advice, but that she
13 should consult with either Metro or her attorney to further
14 advise her about how to procure one. And it was concerning
15 because, you know, people don't take out emergency TPOs on a
16 whim. And I wondered what was going on and whether it was a
17 danger to the kids.

18 Q And did you ever get an answer?

19 A No.

20 Q Moving to --

21 A Oh, to be fair, I -- I don't know that I directly
22 asked my -- I feel at times that my communications put me in
23 kind of a catch-22, because if I pull too much or I try to ask
24 too much, it -- it's portrayed as controlling and that I'm

1 trying to -- to manage things. But by the same token, I -- I
2 have that natural curiosity of a father of like I -- I'd like
3 this information so I can evaluate what's going on and -- and
4 how it impacts the children and all that. And so it's -- you
5 know, it's the same thing with violence, frankly. If I bring
6 something up in a filing, I'm being vexatious and overly
7 litigious. If I don't bring it up in a filing, I'm accused of
8 it being not important enough to file and therefore the Court
9 shouldn't consider it. And so it's this constant tightrope of
10 what to say, what not to say, what to file, what not to file,
11 so it's --

12 THE COURT: Welcome to Family Law.

13 THE WITNESS: It -- it's -- it's exhausting. It's
14 -- it's exhausting. And I -- I will gladly stay in criminal
15 because there's not that -- I -- I -- I've heard -- I've heard
16 the feedback about my behavior in this case and -- and all I
17 can offer is an explanation is I'm trying to walk the
18 appropriate tight rope of co-parenting without being overly
19 done, without being underly done, with filing the right things
20 at the right time, with not, with when is something important
21 enough to bring it up to CPS, when is it not. I -- I'll full
22 well concede, I don't always make the right choice because I
23 don't think it's clear cut when you're in this kind of a
24 situation dealing with this, living with it day in, day out

1 for years while also maintaining your own legal practice that
2 it's easy to see the forest for the trees sometimes.

3 BY MR. GOODWIN:

4 Q And Mr. Solinger, through this have there been --
5 obviously, there's kind of two disputes going on. There's the
6 financial side and there's the children's side, correct?

7 A Correct.

8 Q Of those two, do you think there's one that's more
9 important to Chalese than the other?

10 A I do. I -- I think the financial side and -- and
11 the re --

12 MS. CRAMER: Your Honor, this is utter speculation.
13 If he wants to ask about what's more important to my client,
14 then he can ask my client.

15 MR. GOODWIN: Well, we're going to ask --

16 THE COURT: Do you want to --

17 MR. GOODWIN: -- what his opinion is from his --

18 THE COURT: Do you want to --

19 MR. GOODWIN: -- experience.

20 THE COURT: -- object first before you --

21 MS. CRAMER: Yeah, I did.

22 THE COURT: -- say that?

23 MS. CRAMER: That was my objection. Utter --

24 THE COURT: Okay.

1 MS. CRAMER: -- speculation.

2 THE COURT: I'm going to sustain that. Ask her what
3 her intent is. You can ask him if he feels like this, but
4 don't ask him what he thinks, what she thinks.

5 BY MR. GOODWIN:

6 Q Do you feel that there's one that is more important
7 to her than the other?

8 A I -- I do feel that way based on a -- not to go back
9 to December of 2019, but in an effort to try to resolve it,
10 there was a message from her in particular that sticks out
11 where I believe -- and -- and I don't want to quote, but I
12 believe it was something that came to fuck you, I'll take you
13 for everything you have and my kids. And so the kids were an
14 afterthought to things. And that -- so that's why I feel that
15 way.

16 Q Have there been anything else?

17 A It seems that the settlement discussions almost
18 predominantly revolve around money. I -- I -- if I recall
19 correctly, before the May trial date when we were trying to
20 resolve I think that we were close based on a schedule that
21 was proffered as a potentiality and ultimately I -- I think it
22 broke down. But then the -- the financial side of thing is --
23 is a little weird right now because there was a financial
24 settlement that was offered by prior counsel that was offered

1 two hours before their emergency withdrawal for unknown
2 reasons, that -- that their filing speaks for itself. But for
3 unknown reasons and then I obviously couldn't accept that
4 offer until Chalese had Counsel because I -- I recognize I'm
5 an attorney now dealing with an unrepresented person. And
6 even if it was an offer -- offered by prior Counsel, it -- it
7 would be untoward to not have her seek independent financial
8 advice under the ethical rules. And so I waited for her new
9 counsel and at the time it was Alex Ghibauda (ph). I had
10 reached out to him multiple times to try to settle the
11 financials. Look, we're done.

12 MS. CRAMER: Your Honor, I'm just going to object.
13 That's facts not in evidence. Alex has never the attorney
14 handling this case. I've been the attorney handling this case
15 since she hired our firm.

16 THE COURT: All the pleadings do though do show that
17 it's Alex Ghibauda.

18 THE WITNESS: And he appeared at that --

19 THE COURT: I'll -- I'll -- I -- I know. I'm going
20 to give him a little bit of a benefit of a doubt on that, but
21 that's okay. I --

22 MS. CRAMER: Well --

23 THE COURT: -- understand.

24 MS. CRAMER: -- I can tell you what it was. I was

1 having surgery in December and so I had to spend -- and it was
2 -- I got my surgery out of state cause I'm not getting cut on
3 in this town. So -- I -- I did not return calls and emails
4 because I was having surgery and I believe Alex had informed
5 him that I was the handling attorney. But that's neither her
6 nor there. Alex has never been the actual handling attorney.

7 THE COURT: Okay. Okay.

8 MS. CRAMER: Thank you.

9 THE COURT: For what it's worth.

10 MS. CRAMER: For what it's worth.

11 BY MR. GOODWIN:

12 Q Mr. Solinger, were there any other incidences that
13 kind of stuck out to you that you felt were -- would be
14 important to bring to the Court's attention?

15 A I mean, I -- I'm trying to stick to the -- the time
16 frame without getting into aged things. Obviously it was
17 concerning, and I know we've talked about marijuana ad
18 nauseam, but I think it's concerning when somebody doesn't
19 follow a court's order, even if it's unlawful, because you
20 can't collaterally attack it by saying it's invalid. You move
21 to dissolve it or do something like that. But Michael's and
22 Marie's ears getting pierced for that matter.

23 While I was on the Miami trip that Ms. Sellers discussed
24 earlier, you know, we received -- I can't remember if we

1 received a message on AppClose or if we saw it on FaceTime.
2 But we -- we saw that, you know, the kids both had their ears
3 pierced and that had not been discussed, contemplated there.
4 There -- there's nothing about that in any kind of
5 communication. It was just done sue sponte. And you know, I
6 -- I think that that's an important thing. And that -- that
7 goes to legal custody.

8 That goes to decisions that affect the rest of the
9 children's life. It's -- it's different than letting a kid
10 pick a haircut and having to cut their hair when that's
11 obviously not been a -- a factor relevant to somebody but to
12 pierce somebody's ears, it's -- especially because he wanted
13 to as a first grade six-year-old little boy, you know, it
14 caused him -- it -- it's funny because I think the day after
15 his ears got pierced, I received a message from his teacher
16 about how Michael was acting out in school, being defiant,
17 that he had stuck his tongue out at the teacher and he refused
18 to do his work. And she asked me to have a conversation with
19 Michael about his behavior because normally he's so good and
20 well behaved. You know, and I can't really get into what
21 Michael said in response. And I -- I recognize that and I
22 won't try to shoehorn it in, but it's just -- it's this
23 changing behavior. And -- and I don't know what's motivating,
24 you know?

1 And -- and another thing that's concerning is -- and
2 -- and this was Chalese's prior Counsel, after the May trial
3 date. There was consternation about FaceTime and -- and an
4 allegation that I wasn't letting Chalese FaceTime with the
5 kids. And the Court modified it so FaceTime is to take place
6 at 8:00 a.m. every day. And since that order was -- was --
7 and -- and to be clear, her prior attorney took the position
8 that that in and of itself showed such a lack of co-parenting
9 that it mandated joint custody. And -- and since then she's
10 FaceTimed twice in the morning and -- and that's almost a year
11 period where she doesn't FaceTime.

12 Meanwhile, I have FaceTimed or attempted to. And
13 typically for the seven days that the children are with her, I
14 get to FaceTime one of those days. My call gets outright
15 rejected and -- and there's no explanation. I'll -- I'll send
16 a message, you know, can I talk to the kids, are you -- have
17 you talked to the kids. And typically it's either the day
18 before I pick up the kids or two days before, but it's -- it's
19 usually never more than twice out of the week.

20 Q Are there issues with Marie's school recently?

21 A There is. You know, I -- I alluded to it earlier,
22 but I guess to make the record complete since the change in
23 custody and I understand and recognize the Court's position
24 that preschool doesn't count, I -- I think Dr. O'Donahue (ph),

1 their expert, a hostile witness if anyone, conceded that it is
2 important. It does lead to child development. It is a free
3 program. And I've offered multiple times because she has to
4 drive over here to drop Michael off at school anyway. I've
5 said I work from home almost every day. Jessica works from
6 home every day. You can drop Marie off in the morning. We
7 will take her to preschool so that she can go and -- and then
8 you can pick them up in the afternoon. And -- and she's never
9 once taken me up on that.

10 And Marie's teacher recognizes the importance of it.
11 I mean, she's in danger based on the number of absences of
12 getting removed from the program. And the concern that I have
13 for that is this. This is a program through CCSD. It is
14 free. It is meant to accelerate her learning so that she can
15 transition better. And with the change in law that now Marie
16 won't get to start first -- or kindergarten next year, we're
17 now going to have this gap year potentiality. And I have
18 talked to her teacher about her staying in that free pre-K
19 program and possibly doing the full day so that she doesn't
20 have a -- a gap in education so to speak so that she can, you
21 know, have done it this year, stay onto the program, and then
22 transition to kindergarten and go on her normal path instead
23 of this.

24 But the worry I have is that if she gets dropped

1 from the program, I certainly can't ask that she then be put
2 back into the program for next year. And -- and even on a
3 full-time basis, if that. I'm just -- I -- I think --

4 THE COURT: Why would she not be allowed in
5 kindergarten?

6 THE WITNESS: Because they changed the age minimum
7 and you have to be six or five on your first day of
8 kindergarten. And so her birthday is August 28th and the
9 first day of kindergarten would be August 5th, 7th, whatever
10 it is this year. So she's short by approximately two to three
11 weeks depending on the calendar --

12 THE COURT: Okay.

13 THE WITNESS: -- starting.

14 THE COURT: Well, let me ask him. Do you not
15 understand Mom's situation on this about getting to finally
16 spend more time with --

17 THE WITNESS: I -- I com --

18 THE COURT: -- the child?

19 THE WITNESS: I completely understand. And -- and I
20 do empathize with them. It's -- I guess it comes down to by
21 the time she gets Michael to school and drop him off for a
22 9:00 a.m. start and then she would drive across town to
23 Silverado Ranch in morning traffic which takes God knows how
24 long and then work and -- and then have to be back to pick up

1 Michael, I -- I don't know how much quality time that is. So
2 it's -- it's -- maybe I'm not seeing it enough from her
3 perspective and I'm so focused on what I think would be best
4 for Marie from an education standpoint.

5 And so I -- I do recognize that there is value in
6 spending time. I guess that from a purely economic standpoint
7 is the opportunity cost to me of Marie missing out on that
8 early education, does that have less value than Chalese
9 spending that additional time? And I can't answer that
10 because I don't know what individual value everyone assesses
11 to. Obviously, you know, I've -- I've gone through a lot of
12 education and I do prioritize in practice because in -- in my
13 private practice I've directly seen the socioeconomic impact
14 of additional education. So that's probably why I assign it
15 more value. And I don't know that I'm right. I don't know
16 that I'm wrong, but that's -- to -- to answer the Court's
17 question where my perspective comes from is --

18 THE COURT: Okay.

19 Q -- I -- I full well recognize there's utility and
20 value to it and it could just be that I'm assigning it less
21 value than she is. But I do admit that there's probably a
22 close dynamic there. It's just education to me is going to
23 win.

24 THE COURT: Okay. Thank you.

1 BY MR. GOODWIN:

2 Q Is there anything else that comes to mind, Mr.
3 Solinger?

4 A Yeah, I'm frankly so brain dead from doing this for
5 all of yesterday and -- and today. I -- I can't think of
6 anything as I sit here.

7 THE COURT: Well, then why don't we take a break
8 since it's noon and go to lunch and come back at 1:30 and pick
9 back up?

10 THE WITNESS: Awesome.

11 THE COURT: And then if there's anything else, then
12 you can do it. And then we'll turn Ms. Cramer loose on you.

13 MR. SOLINGER: I endeavor to be --

14 MS. CRAMER: I don't know why --

15 (COURT RECESSED AT 11:58 AND RESUMED AT 1:39)

16 THE CLERK: Back on.

17 THE COURT: Okay, we are back on the record after
18 breaking for lunch. Mr. Solinger, you recognize the fact that
19 you are still under oath?

20 MR. SOLINGER: I do.

21 THE COURT: Thank you.

22 MR. GOODWIN: I'm sorry about that.

23 BY MR. GOODWIN:

24 Q Mr. Solinger, just to kind of reflect, do you -- can

1 you remember an incident involving Josh and potentially a
2 bullet?

3 A I -- I do. Mr. Lloyd alluded to this during his
4 testimony with Dolores (ph) is the name of Jesse (ph), his
5 oldest son's mother. Carmen (ph) had reached out to me to say
6 that Dolores had some things that were --

7 MS. CRAMER: Your Honor, this is like outright
8 hearsay. Objection.

9 MR. GOODWIN: Your Honor, I think we're going to go
10 to the mind state. We're not going to for the truth of the
11 matter.

12 THE COURT: I don't think anybody has actually
13 stated what another -- other than what was alluded to on the
14 stand and talking about the two baby mamas and stuff like
15 that, his interfering.

16 MS. CRAMER: Well, he is saying Carmen told him.
17 That's hearsay.

18 MR. GOODWIN: And like I'd say, Your Honor, we're
19 going to his mind state and his concerns about best interest
20 of the child, not really whether --

21 THE COURT: Okay.

22 MR. GOODWIN: -- the truth of the matter --

23 THE COURT: I don't want to hear anything that she
24 said --

1 THE WITNESS: You -- I -- okay.

2 THE COURT: Because that is hearsay. You had every
3 opportunity to subpoena her and have her here to testify.

4 THE WITNESS: Discovery was closed as it related
5 to --

6 THE COURT: What are you doing calling --

7 THE WITNESS: -- Dolores.

8 THE COURT: -- and talking to this man's --

9 THE WITNESS: Well, I wasn't --

10 THE COURT: -- baby mamas for --

11 THE WITNESS: -- talking --

12 THE COURT: -- lack of a better word?

13 THE WITNESS: It's Dolores had sent me some text
14 messages that she proffered were things that Chalese had said
15 to her. And so I'm getting to what Chalese said to --

16 THE COURT: Then why don't you wait and just ask
17 Chalese about what she said and then the text messages could
18 be, you know, you just like the other things to show that
19 she's not telling the truth. So, you know --

20 THE WITNESS: If -- if -- I -- and --

21 THE COURT: -- you better be honest about what was
22 said.

23 THE WITNESS: I -- I will take that.

24 THE COURT: Okay. So you -- you can talk about his

1 mindset, the baby mama stated something that alarmed him.

2 THE WITNESS: Jesse, James' mom, Dolores said
3 something that alarmed me.

4 THE COURT: You could have said something different
5 than what I told you to say.

6 THE WITNESS: No, I -- I mean, it's -- it's without
7 getting into it. It's just --

8 THE COURT: Yeah, it is --

9 THE WITNESS: -- for --

10 THE COURT: -- without getting into it.

11 THE WITNESS: -- for the record, there -- there's
12 what I can --

13 BY MR. GOODWIN:

14 Q Is -- were there specific facts that potentially
15 might have been alarming?

16 A I -- I'm going to -- I -- I am a witness, but I'm
17 just going to wait, I guess. There -- there were facts.
18 Specifically, there was a threat to carve Josh's name onto a
19 bullet that would then be used to shoot him for cheating on
20 Chalese and that the message was --

21 THE COURT: Josh's name is going to be carved on the
22 bullet for cheating on Chalese or yours?

23 THE WITNESS: Josh's name.

24 THE COURT: Okay. So Josh cheated on Chalese?

1 THE WITNESS: That was an allegation contained
2 within there. And --

3 THE COURT: Okay.

4 THE WITNESS: -- it seemed as though my impression
5 of it was that Chalese was trying to be talked down from
6 taking drastic action and -- and reminded that she has
7 children to think about and that the response is that's what
8 I'm told.

9 THE COURT: Okay. You were only told that, but you
10 have no direct knowledge of any of that.

11 THE WITNESS: I have no direct knowledge. I have a
12 screenshot of a text message from Chalese being sent to.

13 THE COURT: Is there any possibility that they were
14 trying to set you up to try to create another situation?

15 THE WITNESS: And you'd have to be more specific.
16 I --

17 THE COURT: Well, I mean, if Josh gets into any more
18 trouble, maybe the judge in that case had -- was going to take
19 the kids away from -- I don't know the custody order on that
20 case. Well, you know, I mean, is this where -- or try to, you
21 know, set you up to go over and create more trouble at Mom's
22 which would cause you to possibly lose?

23 THE WITNESS: It -- it very well could have been. I
24 -- I took the information. It was obviously concerning

1 especially because it was not contemporaneous as I recall the
2 time frame with the text message from Chalese asking about
3 obtaining an emergency TPO. But --

4 THE COURT: Okay.

5 THE WITNESS: -- it was close in time to when I
6 spoke with Dolores via text to -- to find that out.

7 THE COURT: Okay.

8 THE WITNESS: And so it was concerning that you kind
9 of have this familial home instability because it was --

10 THE COURT: How do you know that the TPO that
11 Chalese wasn't wanting is against Carmen because she was
12 trying to cause trouble?

13 THE WITNESS: I -- and I don't know that.

14 THE COURT: Okay. I -- I don't know who the TPO is
15 against. It's just --

16 THE COURT: All right. I think if -- if this is
17 something you want to use, we're going to have to wait and
18 reserve a little bit of time to put them back on the stand to
19 talk about it.

20 THE WITNESS: Then that's fine. And -- and the
21 reason that this home instability was concerning is the motion
22 work made clear. There was an occasion where the kids had
23 reported they had gone to spend the night at papa's house
24 because Josh and Chalese had gotten into a big fight. I think

1 the representations made --

2 THE COURT: And --

3 THE WITNESS: -- during that hearing --

4 THE COURT: -- it's your business why? I mean, they

5 -- she got them out of the situation. So obviously --

6 THE WITNESS: It's the --

7 THE COURT: -- she got him out of the situation that

8 may have been bad.

9 THE WITNESS: Correct. But it -- it's --

10 THE COURT: So how is that against her? That sounds

11 like it's very mature and responsible --

12 THE WITNESS: It's -- it's --

13 THE COURT: -- to me.

14 THE WITNESS: That is a good choice. I -- I will

15 full well admit that. It's the home instability and it

16 happened the same day --

17 THE COURT: Mr. Solinger, you have walked out on

18 your wife and you have the audacity to -- to here and talk

19 about home stability?

20 MR. SOLINGER: If it impacts the children where

21 they're in --

22 THE COURT: And you don't think you walking out of

23 your home life didn't impact your children?

24 MR. GOODWIN: Well, Your Honor --

1 THE COURT: This is the pot calling the kettle
2 black.

3 MR. GOODWIN: I -- I don't -- I don't think it is
4 though, Your Honor. I don't think --

5 THE COURT: It is.

6 MR. GOODWIN: -- it could be. I mean --

7 THE COURT: It is.

8 MR. GOODWIN: -- there are many reasons.

9 THE COURT: What's fair for the goose is good for
10 the gander and vice versa.

11 MR. GOODWIN: I -- I agree. If it -- if this was a
12 goose and gander, I don't think it's a goose and a gander. I
13 think we got here a hen --

14 THE COURT: A woman --

15 MR. GOODWIN: -- and a goose.

16 THE COURT: -- who took the children out of a
17 possible abusive relationship that may have been caused
18 because another woman was sitting there interfering. No. No,
19 I -- I --

20 MR. GOODWIN: What -- I'm -- I'm sorry.

21 THE COURT: We'll fill it out a little bit more
22 after we hear Mom's side.

23 MR. GOODWIN: Okay.

24 THE COURT: Okay?

1 BY MR. GOODWIN:

2 Q So the next question then. After children returns,
3 there were instances related to whether they've eaten that
4 have become problematic?

5 A So I did take the co-parenting class and one of the
6 big takeaways that I got was to attempt to over communicate
7 about the status of the children, where they're at, what's
8 happening. And a -- a continual thing is that before pick up
9 I would ask if she would feed the children. I -- I get no
10 feedback. And then I just ask like have you fed the children,
11 because with pick ups being where they are, if I have to get
12 them and -- and you know, it's later, I'd like to have dinner
13 ready for them when they get home instead of waiting until I
14 get to the pick up and then rushing to make dinner or it
15 impacts our dinner plans. And it's just -- to me, it's a
16 matter of basic co-parenting and just kind of debriefing, you
17 know. Is there anything I need to know before I pick up --

18 THE COURT: But at the --

19 A -- the kids.

20 THE COURT: -- child exchange, I mean, she may --
21 she may be out doing something and going to go in, cook dinner
22 right before you pick them up. She may not know.

23 THE WITNESS: I -- I understand the Court's concern.
24 It -- it's -- I think it's just a communication and knowing

1 whether the kids have --

2 THE COURT: And that is why you're going to go to
3 co-parenting classes.

4 MR. GOODWIN: But --

5 THE COURT: We're going to teach you how to
6 communicate with each other.

7 MS. CRAMER: Not only that, Your Honor, but, you
8 know, this -- like --

9 THE COURT: It's not your turn to talk right now.

10 MS. CRAMER: Well, I'll get there. Thank you.

11 THE COURT: All right. Go ahead.

12 BY MR. GOODWIN:

13 Q And -- and have there been instances recently
14 involving an online game?

15 A Yeah. I -- I found out as part of Michael getting
16 in trouble at school, I went on to his school computer because
17 I wanted to know what he was doing during school hours that
18 was so distracting. And I found out that he had apparently
19 registered for a Roblox account and, you know, it had been --
20 I -- I found out he had -- had help setting it up from Jesse
21 and he had been going online chatting -- he had friends on --
22 on this Roblox game and there was no kind of parental monitor.
23 There was no block from the school, you know, which is a
24 ding --

1 THE COURT: So --
2 A -- against the school.
3 THE COURT: Okay. So Jesse helped him set it up and
4 its Mom's fault.
5 THE WITNESS: I'm not saying it's mom's fault. I --
6 I reached out to try to ask like hey, this --
7 THE COURT: Yeah.
8 THE WITNESS: -- is concerning that --
9 THE COURT: Okay.
10 THE WITNESS: -- he has access to strangers on the
11 internet. Will you help me make sure this doesn't happen.
12 And -- and there's no response to that. It -- it's -- I -- I
13 don't think a six-year-old should be able to make friends with
14 random people online and chat with them. You know, his -- his
15 username on there was Blaze89110. Blaze could obviously mean
16 fire, but it's also, frankly, marijuana slang too. And that
17 username was concerning to me.
18 THE COURT: And you -- how do you spell Roblox? Is
19 it R-o --
20 THE WITNESS: R --
21 THE COURT: -- b-l-o-x?
22 THE WITNESS: R-o-b-l-o-x.
23 THE COURT: Okay.
24 THE WITNESS: Yeah.

1 MS. CRAMER: Your Honor, there's also a cartoon
2 character called Blaze and --
3 THE COURT: There's --
4 MS. CRAMER: -- Durango --
5 THE COURT: -- horses named --
6 MS. CRAMER: -- High School --
7 THE COURT: -- Blaze.
8 MS. CRAMER: -- they're --
9 THE COURT: You know --
10 MS. CRAMER: -- they're --
11 THE COURT: -- there's Blaze in every walk of life.
12 MS. CRAMER: Durango High School, their mascot is
13 Trailblazers and we went by Blazers. I was just telling Chip
14 (ph) during the break that I went to Durango High School, so
15 yeah, we were Blazers.
16 MR. GOODWIN: Is Counsel testifying or --
17 THE COURT: I don't know. She's -- we're -- we're
18 all justifying how a very common term can mean something
19 besides drugs.
20 MR. GOODWIN: Right. Like on --
21 THE WITNESS: It --
22 MR. GOODWIN: -- cross she could.
23 THE WITNESS: And it's well taken that the -- when
24 you hear hoof beats think horses instead of zebras. I -- I

1 get what the Court's saying. I --
2 THE COURT: Okay.
3 THE WITNESS: I'm also --
4 THE COURT: Did you ask him what he thought of it,
5 why --
6 THE WITNESS: Ask --
7 THE COURT: -- why he had that name?
8 THE WITNESS: He said Jesse helped him pick it up.
9 THE COURT: Jesse helped him pick it out. Okay.
10 That could be a cool name though.
11 THE WITNESS: It -- it very well could be.
12 THE COURT: Okay.
13 THE WITNESS: It could just mean fire.
14 THE COURT: All right. It's -- I'm -- I'm
15 interrupting. We're using up this time. Go ahead.
16 MR. GOODWIN: That's fine, Your Honor.
17 BY MR. GOODWIN:
18 Q Last one. Was there some concerns you had about the
19 drug testing?
20 A Yes. I -- I don't know. I, I think it's been
21 briefed ad nauseam. I -- I think that it's been briefed
22 pretty well. I think that the Court has made its position on
23 -- on Judge Moss and -- and the order's abundantly clear. I
24 think that my concern with the drug testing to express it

1 pointedly is that there were efforts made to fake the drug
2 test and I didn't call that witness because the time and the
3 -- let's not get into what happened in the past, that the PI
4 that would have been testifying about that. But it's
5 concerning when somebody goes to the lengths to have or try to
6 beat a drug test, because I think Dr. Paglini's testimony was
7 that if sufficient orders could be put into place to ensure
8 child safety, he'd be at a joint custody recommendation. But
9 when a person continually refuses whether they agree with the
10 order or not the proper recourse, especially when you have
11 good counsel like Jack and Alicia is to move to --

12 MS. CRAMER: I actually object to that, Your Honor.
13 That is a misstatement of the law.

14 THE WITNESS: I don't think so.

15 THE COURT: The law states that marijuana is legal.

16 MR. GOODWIN: No, I'm sorry. I don't think it's a
17 misstatement of the law that says --

18 MS. CRAMER: Oh yeah, it is.

19 MR. GOODWIN: -- that you have to follow an order.

20 MS. CRAMER: Alex has filed appellate briefs on
21 this. So if Your Honor wants me to submit a -- a post-trial
22 brief --

23 THE COURT: The --

24 MS. CRAMER: -- I will. But there is a distinction

1 between a void and voidable order. And when an order is
2 issued that is unlawful or the Court lacks jurisdiction, it is
3 not enforceable.

4 THE COURT: Well --

5 MS. CRAMER: It's -- that's the law, Your Honor.
6 Alex has briefed it and the Supreme Court has said that. And
7 I am happy to provide his briefing. I can get it out of his
8 appellate brief and do a -- a --

9 THE COURT: And the -- the problem I have because
10 there's -- there's not good enough findings in Judge Moss's
11 order for me to determine exactly why she was saying that
12 there could be a blanket no marijuana use. So I don't want to
13 get in here because there are instances, like if you are an at
14 -- full blown addict, you're not allowed to use anything.
15 You're not even allowed to drink if you're wanting to maintain
16 custody of your kids. So I don't know all of Judge Moss's
17 true reasonings. I did not watch that hearing. I just know
18 Mom was given a blanket hearing and no proper findings in the
19 order that explained why. And therefore I'm saying it's not a
20 good order.

21 MR. GOODWIN: That's correct, Your Honor, but I -- I
22 think that there needs to be a distinction between not a
23 correct order and in an illegal order. It was not an illegal
24 order. It had the full force and effect of a judge's order at

1 the time. So breach of it is problematic.

2 MS. CRAMER: No, it was contrary to the law.

3 MR. GOODWIN: It -- it's --

4 MS. CRAMER: Because --

5 MR. GOODWIN: -- not contrary to the law. It's --

6 it's --

7 THE COURT: Not --

8 MR. GOODWIN: -- just not.

9 THE COURT: -- completely. Not completely.

10 MS. CRAMER: Dear God.

11 THE COURT: Because there are -- I mean, even a

12 criminal is told they cannot smoke marijuana.

13 MS. CRAMER: And then they're subject to monitoring.

14 It's like the --

15 THE COURT: And -- and actually --

16 MS. CRAMER: But --

17 THE COURT: -- if you look at the orders that was in

18 place, Judge Moss did put in place that -- that there could be

19 drug testings on Mom, you know, once a month to see if she

20 continued using. I don't know if they got used because I

21 didn't go that far into looking at everything. But --

22 MS. CRAMER: But --

23 THE COURT: -- you know, I -- when -- when it comes

24 to the marijuana use and everything, we're just going to go

1 from this point forward.

2 MR. GOODWIN: And to be clear, Your Honor, we're not
3 pointing it out for the marijuana. The -- the purpose of it
4 is to --

5 THE COURT: But --

6 MR. GOODWIN: -- show the inability to follow an
7 order.

8 THE COURT: But there is something else that I'm
9 going to point out. We're also talking about time periods in
10 which dad was withholding the children a couple different
11 times. So I believe in don't throw stones when you're messing
12 up the orders too. And yes, you did withhold the children.
13 When it came to COVID, you know, it was due as I say, not as I
14 do. You want her -- you -- she couldn't take the children out
15 in public, but you wanted the children dropped off at your
16 girlfriend's workplace when there were coworkers.

17 THE WITNESS: I think that that was an accommodation
18 requested by Chalese specifically to meet her because she
19 needed to drop them off and they met in the parking lot.

20 THE COURT: The -- the key is -- is -- you know, I
21 don't know what the circumstances are, but everything in this
22 case seemed to have felt like a setup. I'm not saying it was.
23 I think -- I think a lot of this stuff was innocently done
24 without looking at the ramifications and how it would look

1 down the road. I've -- I've got the privilege of looking back
2 in time. Hindsight's 20/20. Foresight is not. Okay. So
3 let's move off of the marijuana.

4 BY MR. GOODWIN:

5 Q And Mr. Solinger, is there anything else that really
6 comes to mind that you could recall?

7 A Nothing that sticks out that -- that I think given
8 where we're at in the trial process that's worth mentioning.

9 MR. GOODWIN: I'll pass the witness, Your Honor.

10 THE COURT: Oh.

11 MS. CRAMER: Adam, this is the --

12 THE COURT: Before you get started, him hobbling
13 around trying not to directly answer the questions and stuff
14 like that will lead to my doubting credibility. That is for
15 both of you. You answered your attorney's questions very
16 well. If you don't do the same with her, I'm going to wonder
17 what you're hiding.

18 THE WITNESS: Absolutely.

19 THE COURT: Okay. The same with you.

20 MS. CRAMER: So this is the -- I believe -- is this
21 the fourth or the fifth day of trial, Your Honor? It's -- we
22 had May --

23 THE COURT: We had two half days then yesterday and
24 now today. So this is really the third full day.

1 MS. CRAMER: Third full day, but fourth actual day
2 in court.

3 THE COURT: Correct.

4 CROSS-EXAMINATION

5 BY MS. CRAMER:

6 Q Have you requested time off from the Attorney
7 General's Office for this?

8 A I have.

9 Q Okay. And who's your supervisor at the AG's Office?

10 A Mike Kovac (ph), technically under Christine Brady
11 (ph). C.J. Brady, who's the second assistant AG and then I am
12 obviously answerable to General Ford.

13 Q Okay. And there's a JPI in this case, correct?

14 A Correct.

15 Q And is Chalese on your health insurance?

16 A No.

17 Q Why not?

18 A In essence, we were on a private plan together that
19 encompassed everyone with the family and that was exorbitantly
20 expensive. It was I want to say 13 or \$1400 a month. And so
21 when I joined the state, my understanding was that I was to
22 provide insurance for the kids, but because we had divided
23 kind of all of our things and had separate households that I
24 did not have to provide insurance for her and that she could

1 stay on the old plan. And so I did not bring her over to my
2 new state plan.

3 Q Okay. So, who or -- strike that. Can you point me
4 to a order issued by Judge Moss or Judge Perry that permitted
5 you to not carry health insurance for your wife during the
6 pendency of this matter?

7 A It was my -- like I said, my understanding from the
8 in court session --

9 Q Okay.

10 A -- with --

11 Q Adam, so I asked you if you could point to an order
12 from one of the judges, either Judge Moss or Judge Perry, that
13 permitted you not to carry health insurance on your wife
14 during the pendency of this matter?

15 A I can't point to an order.

16 Q Okay. So by your own admission then, you are in
17 violation of the JPI in this case, correct?

18 A No.

19 Q Okay. So you think that you didn't have to carry
20 insurance, you could just kick her off --

21 A Corr --

22 Q -- because you changed jobs?

23 A Correct.

24 Q Okay. Well, I realize you don't pa -- you don't

1 practice here in Family Court, but that is a violation of the
2 JPI.

3 THE COURT: I already told him that.

4 MS. CRAMER: Okay.

5 BY MS. CRAMER:

6 Q All right. So January 19th -- or excuse me, January
7 of 2019 when you entered Chalese's home under the excuse of
8 retrieving the child's antibiotics, isn't it true that Chalese
9 told you she would get you the medication later that evening?

10 A No, my recollection was that she did it the next
11 day.

12 Q Okay. So that's not what I asked you. What I asked
13 you was, isn't it true that she told you she would get it to
14 you that evening?

15 A Apologies. No.

16 Q Okay. So when you took pictures of what you call a
17 drug pipe in the garage in January of 2019, isn't true that
18 the children were with you at that time?

19 A Correct.

20 Q So what's the big deal about there being a bong in
21 the garage if the children are with you?

22 A Because they were going to go back there and it was
23 drug paraphernalia placed at a low level. I -- I'd say
24 probably maybe a foot off the ground, because it was on a

1 little space heater in the garage that I --

2 Q Was it like -- was it glued in place?

3 A The drug pipe? No.

4 Q Was the bong glued in place? So before the children
5 came back, it could have been put away.

6 A Absolutely.

7 Q Okay. So you took a lot of pictures of the home
8 during that intrusion in January of 2019. And during your
9 testimony, you made some illusion that there was no food. You
10 took a lot of pictures wearing those pictures. Does it show
11 that there's no food in the house?

12 A There was a video taken and the video is a present
13 sense impression because I was concerned that I'd be accused
14 of having done something untoward in the house or as, you
15 know --

16 Q Okay. And Adam, I -- I don't want a big explanation
17 about your state of mind or, you know, I mean, you could
18 easily go in and done something and then taken the video after
19 and that's irrelevant. What I'm asking for is where is the
20 proof that there was no food in the home?

21 A It's in the video.

22 Q Okay. That was 2019. Was the marital residence
23 like out in the country?

24 A No.

1 Q It was in Las Vegas?

2 A Correct.

3 Q Okay. So there was restaurants in the area?

4 A Correct.

5 Q Okay. And there was grocery stores in the area?

6 A Indeed.

7 Q Okay. So is it your testimony today that when you

8 went into the house in January of 2019, the cupboards were

9 entirely bare?

10 A No.

11 Q And the refrigerator was entirely empty?

12 A No.

13 Q Okay. So there was food in the house.

14 A I can't say with certainty because I -- and I -- I

15 don't want to fight you on the -- the answer. I'm not trying

16 to be obtuse. So I just -- it's a -- I -- I disagree. I -- I

17 can't say for certain that there was food in the house. Q

18 Well, was -- you just testified that the pantry was not

19 completely empty and the fridge was not completely empty.

20 So was she storing laundry in the refrigerator?

21 A No.

22 Q Well, what was in there?

23 A Beer, water, alcohol.

24 Q Okay. No food though.

1 A I -- I don't recall seeing food.
2 Q Okay. And was the freezer no food too?
3 A I didn't open the freezer.
4 Q Okay. And the pantry?
5 A I didn't open the pantry.
6 Q Well --
7 A At least --
8 Q -- then how do you know there wasn't food in them?
9 A Because you asked if there was food in the pantry
10 and I said I don't --
11 Q All right.
12 A -- know.
13 Q I'll move on. Thank you.
14 THE COURT: But didn't you say in the motion that
15 there was no food in the house?
16 THE WITNESS: I believe Vince (ph) took some
17 creative liberties with his argument.
18 THE COURT: But you signed it --
19 THE WITNESS: Indeed.
20 THE COURT: -- and gave approval.
21 THE WITNESS: And -- and we submitted it. I think
22 the --
23 THE COURT: Okay.
24 THE WITNESS: -- thrust of that argument was that

1 there wasn't sufficient food for the children. And we
2 submitted the video as well, that the judge reviewed it and
3 that led to that order about, you know, taking photos of the
4 house and -- and showing that the house was not a mess which
5 was one of Judge Moss' orders as well.

6 Q And those pictures include pictures of your office,
7 correct?

8 A Correct.

9 Q And there's like your posters and your dolls and all
10 those things?

11 A Yeah.

12 Q Okay. And isn't it true that that was how your
13 office was regularly maintained?

14 A No.

15 Q Okay. And you said that on the bed there was
16 someone else's stuff which indicated to you that Josh Lloyd
17 was in the house?

18 A I did not say that.

19 Q Well, you mentioned his name. I wrote it down in my
20 notes.

21 A I -- do you want me to explain?

22 Q Go ahead.

23 A What I believe I said was that there was an air
24 mattress and other effects in there and it's unclear the bed,

1 but there was an upstairs guest bedroom that had a bed. There
2 was an air mattress that had been set up at the foot of that
3 bed and there was children's clothing. And I don't think it
4 led me to believe Josh was there, but somebody was there and
5 that I eventually learned that that person was Josh.

6 Q Okay. Would it surprise you to learn that Chalese
7 wasn't even dating Josh when you entered the home in January
8 of 2019?

9 A I -- it would surprise me.

10 Q Okay. And did you give Chalese the opportunity to
11 inspect your home?

12 A No.

13 Q Did you give Chalese the opportunity to inspect who
14 was coming into your home and staying there with you?

15 A No.

16 Q Did you disclose to her all of Jessica's relatives,
17 friends and family members?

18 A No.

19 THE COURT: Did she ask for it?

20 THE WITNESS: I truly don't recall. I don't --

21 THE COURT: Okay.

22 THE WITNESS: -- believe so, but I -- I don't want
23 to --

24 THE COURT: I just wanted to --

1 THE WITNESS: I -- I don't recall her --

2 THE COURT: -- end that --

3 THE WITNESS: -- asking --

4 THE COURT: -- that line of questioning.

5 MR. GOODWIN: Okay. Yeah, that was my -- I had that
6 on -- for the redirect. I was getting ready for that.

7 THE COURT: Yeah, I just figured I'd close it up
8 while we were there.

9 BY MS. CRAMER:

10 Q So you made a comment during your testimony, and I
11 may be paraphrasing here, but essentially that you hired a
12 private investigator to see if there was compliance with the
13 Court orders.

14 A Correct.

15 Q Okay. Do you think that that's an appropriate
16 co-parenting behavior to hire a private investigator to follow
17 your co-parent around to make sure they comply? Yes or no?

18 A Court's -- may I -- I want to -- and give you an
19 honest answer, so I just need to reflect on it for a minute.
20 Because I know it's yes or no.

21 Q Okay.

22 A But --

23 Q So the -- do you think that's appropriate
24 co-parenting behavior to --

1 THE COURT: Just --
2 Q -- see --
3 THE COURT: Let him think --
4 Q -- to have her --
5 THE COURT: -- about it.
6 Q -- follow?
7 THE COURT: He said let him reflect, let him think
8 about it before he answers. His attorney can ask follow up
9 questions --
10 A No.
11 THE COURT: -- if he needs to.
12 Q No. Do you believe that's harmful behavior?
13 A No.
14 Q Have you ever been accosted in a parking lot while
15 you're loading groceries?
16 A Yes.
17 Q Have you been followed around the store by a strange
18 man?
19 A Yeah.
20 Q Have you been followed to a parking lot by a strange
21 man?
22 A No.
23 THE COURT: Are you a woman? There's a difference
24 on how people react.

1 Q Are you -- are you a 90 pound female?

2 A No.

3 THE COURT: I'm -- I'm sorry, I --

4 THE WITNESS: No, no. I -- I get it. I --

5 BY MS. CRAMER:

6 Q Do you understand how it might be alarming for a
7 woman to be followed constantly by men she doesn't know?

8 A Absolutely.

9 Q So do you think it was harmful to Chalese to have
10 men constantly following her?

11 A No.

12 Q You don't believe that was harmful to her?

13 A I don't.

14 Q Do you think that's abusive to have -- to have men
15 following your ex?

16 A No.

17 Q Now you talked about your private investigator
18 telling you that they -- that Chalese and the children were at
19 Josh's dad's house, correct?

20 A Yeah.

21 Q Isn't it true that they briefly lived there for a
22 time?

23 A Yes.

24 Q Okay. So what is wrong with them being over at his

1 dad's house?

2 A The problem was that it was right before pick up and
3 it created a failed expectations on behalf of Michael because
4 he was really looking forward to this family sleep over that
5 he was excluded from based on a custody pick up that was
6 prescheduled and predetermined.

7 And -- and I personally don't think that's fair to
8 set up a child to look how much fun we're going to have
9 together, but your dad's coming to pick you up. I -- I think
10 that it could have waited to go over there because if you're
11 spending the night and the pick up was earlier at I believe
12 4:00 at that time or -- or 6:00, I -- I don't recall the exact
13 time, but it -- it could have been handled differently from a
14 co-parenting standpoint so that I'm not the bad guy depriving
15 him of a fun family activity.

16 Q So she's not allowed to schedule anything, if
17 Michael overhears it, she has to cancel it?

18 A No, I didn't say that.

19 Q Okay. Isn't it true that when you made the speech
20 therapy appointments for Michael, you told Chalese she could
21 not go to the appointments during your custodial time?

22 A No.

23 Q Isn't it true that you selected the speech therapist
24 without consulting Chalese?

1 A Yes.

2 Q Who is the children's pediatrician right now?

3 A It's -- I -- I can't think of the name, but it's

4 Centennial Pediatrics in the -- the hospital that's right

5 there in the northwest. They -- they've got a medical complex

6 there.

7 Q And isn't it true you selected that pediatrician

8 without consulting Chalese?

9 A I don't know that it's true.

10 Q Isn't it true that you selected the daycare for the

11 children without consulting Chalese?

12 A That's not true.

13 Q Isn't it true that you picked the school that

14 children would go to without consulting Chalese?

15 A That's also not true.

16 Q Oh. So how did you consult with her?

17 A You asked if I consulted with her. CCSD picks the

18 school based on where you live, right?

19 Q I'm --

20 THE COURT: But there's --

21 Q -- asking the questions.

22 A No, I -- I know.

23 Q You don't have to an ask me questions.

24 THE COURT: I need --

1 A Okay.

2 THE COURT: I need to point out this was a joint
3 legal custody situation. You need it clear. And if you all
4 could not come to an agreement, you needed to file a motion.

5 THE WITNESS: I was --

6 THE COURT: The assumption that the school in your
7 school zone was the proper school was not the proper
8 assumption because the Judge could have very easily have said
9 zone variance halfway between the two homes.

10 THE WITNESS: I -- I was unaware of that truthfully.
11 Thank you for clarifying that. I did not --

12 THE COURT: You're welcome.

13 THE WITNESS: -- know that.

14 BY MS. CRAMER:

15 Q Are you aware that there are a number of charter
16 schools in Las Vegas?

17 A Indeed.

18 Q Are you aware that there are a number of magnet
19 schools in Las Vegas?

20 A Yes.

21 Q Did you apply to any of them for the children?

22 A No.

23 Q So you talked about speech therapy quite extensively
24 and you said when Chalese noticed her vacation that she did

1 not take Michael to speech therapy, correct?

2 A Correct.

3 Q Isn't it true that grandma took Michael to a speech
4 therapy appointment that week?

5 A That is not true.

6 Q So if Chalese recalls differently, would you change
7 your testimony?

8 A No.

9 Q Okay.

10 THE COURT: How about with the bill from the -- her
11 notes for -- I mean, I -- I see discovery in this being very,
12 you know, spotty when there were documents and things that
13 would have proven each of your sides? So much easier than he
14 said, she said. Because when it comes to some subjects, I'm
15 not going to believe either one of you. How's that?

16 THE WITNESS: Understood.

17 THE COURT: Huh?

18 THE WITNESS: No, I -- I understand. Was Your Honor
19 asking if there's a document that evidences that or just
20 (indiscernible)?

21 THE COURT: No, I'm -- I'm just -- I'm making a
22 general question because it could have been after the close of
23 discovery. So at that point I can understand. But there's
24 still some things you being an attorney would know, hey,

1 keeping this just in case she tries to say otherwise would be
2 a good way of impeaching.

3 THE WITNESS: And like I said, I believe that that
4 appointment was a 2021 which would have been July of 2021 and
5 after the close of discovery.

6 THE COURT: But impeachment still could have been
7 done.

8 THE WITNESS: Indeed.

9 THE COURT: Go ahead, I'm sorry.

10 MS. CRAMER: Oh, no problem, Your Honor. Thank you.

11 BY MS. CRAMER:

12 Q So you stated that in January of 2019 that Chalese
13 withheld the children because you would not agree, not -- you
14 would not agree to sign a stip and order to not withhold the
15 children, correct?

16 A Correct.

17 Q Okay. But then you said that when the weekend came
18 around she softened.

19 A Yes.

20 Q Correct? So did -- she didn't actually withhold the
21 children. You got them that weekend, correct?

22 A She withheld them for the period of time that I was
23 to have them under our mutual agreement. So I -- I don't
24 remember the specific dates, but I believe it was something

1 like I was supposed to get them on a Tuesday or Wednesday and
2 she withheld them until Friday. So there was a three day
3 period of time that she withheld them until it was the
4 weekend.

5 Q But there was no order in place, right?

6 A Correct.

7 Q And why wouldn't you sign an agreement agreeing not
8 to withhold the children from each other?

9 A Because it was a unilateral under no circumstances
10 will you ever withhold the children. And if I show up to a
11 custody exchange and she's drunk or this or that, I mean, it's
12 -- it's the lawyer brain saying don't ever blanket outright
13 agree to something.

14 Q I mean --

15 THE COURT: But if she shows up drunk, you'd call
16 the police and have her picked up for a DUI. That's not
17 withholding the kids.

18 THE WITNESS: Well --

19 THE COURT: That's --

20 THE WITNESS: -- it -- I'm not -- I'm not --

21 THE COURT: Having her in jail and that makes her
22 end up indisposed.

23 THE WITNESS: I -- I'm not saying my thought process
24 was correct in that, but at the time because I -- I didn't

1 have Counsel, the case was brand new and fresh, I just didn't
2 think it was appropriate to have an outright blanket agreement
3 about that.

4 THE COURT: And this was prior to?

5 MS. CRAMER: This was right at the beginning. So
6 this was January of 2019, Your Honor.

7 THE COURT: Yeah, but was it prior to the filing of
8 the complaint? Because it was filed pretty much the very
9 first --

10 THE WITNESS: It was post --

11 THE COURT: -- Monday of 2019.

12 THE WITNESS: Post complaint.

13 THE COURT: Hm?

14 THE WITNESS: It was post complaint that this came
15 up. So the complaint was filed January 4th of 2019.

16 THE COURT: Didn't Vince Mayo file the complaint?

17 THE WITNESS: No, I drafted it in pro per and it's
18 been a source of consternation cause I don't draft complaints.
19 And so there's been things taken from it that have been -- it
20 -- it's -- I drafted it in pro per. I regret that.

21 THE COURT: Okay.

22 BY MS. CRAMER:

23 Q So in December of 2019, you referenced the countdown
24 to Christmas. That's Advent, correct?

1 A Correct.

2 Q And what is Advent?

3 A Advent under the German tradition is a family dinner
4 every Sunday afternoon/evening where you light a candle, have
5 a special meal, and then you share desserts, typically cookies
6 and -- and smaller desserts.

7 Q And isn't Advent affiliated with the Christian
8 countdown to Christmas?

9 A I mean, in the traditional sense, yeah.

10 Q Okay. You're atheist, aren't you?

11 A Not currently.

12 Q Okay. Well, you were during your marriage, weren't
13 you?

14 A Indeed.

15 Q Okay. And did you guys celebrate Advent when you
16 were with Chalese?

17 A No.

18 Q Okay. So in 2019 you scheduled essentially all of
19 Chalese's -- Chris -- December time with the children for
20 Advent, which is something that you allege Jessica's family
21 celebrates? Yes?

22 A I think there's two questions there. No, I did not
23 schedule all of her time and yes, Jessica's family does
24 celebrate Advent.

1 Q Okay. So I said essentially all, meaning almost
2 all, like she had her children less than 24 hours?

3 A I -- I disagree with that.

4 Q Okay. Well, how much time did she have her children
5 in December of 2019?

6 A She would have had the Wednesday through Friday, and
7 as I said, I believe that that particular December she left
8 the jurisdiction to go get a truck from Florida and drive it
9 back with Josh. But I -- I could be wrong about the dates of
10 that because I -- I know that that did happen. I'm just not
11 clear after all this time when it did.

12 Q Isn't it true that they went to Florida in May to
13 get the truck around Mother's Day?

14 A That very well could be true. And that sounds --

15 Q Okay.

16 A -- that sounds --

17 Q So the truck --

18 A -- right now that you say that.

19 Q -- in Florida has nothing to do with December. You
20 took almost all of her time in December so you could celebrate
21 this Advent with Jessica.

22 A I disa --

23 Q -- and Chalese's children.

24 A I did not.

1 Q Yes or no?

2 A No.

3 Q Okay. So she got a Wednesday through Friday, three

4 --

5 A No.

6 Q -- days.

7 A No, she should have gotten two of those.

8 Q Oh, six days. So you think it's appropriate to take

9 her time with her children during the holiday season so that

10 you can have a dinner with your girlfriend? Yes or no?

11 A Yes.

12 Q Three-year-olds do well at formal dinners?

13 A Pretty well.

14 Q So you said that in around December of 2019 you did

15 not believe that Chalese and Josh broke up, correct?

16 A Correct.

17 Q So Jessica went to her house. That's what you

18 testified, correct?

19 A Correct.

20 Q Do you think it's appropriate for your girlfriend to

21 stalk your exwife?

22 MR. GOODWIN: Objection, she has to lay the

23 foundation that there was stalking. Going to someone's house

24 is not by any means stalking. That needs to be redone.

1 THE COURT: I missed the way the question was
2 worded. I'm sorry. How about rewording the question?

3 BY MS. CRAMER:

4 Q So do you believe it's acceptable to send your
5 girlfriend over to your wife's house to check on her
6 relationship status?

7 MR. GOODWIN: Objection. Again, we don't have the
8 foundation that the reason --

9 MS. CRAMER: That's what he --

10 THE COURT: How about --

11 MR. GOODWIN: -- that she went over --

12 THE COURT: -- asking --

13 MR. GOODWIN: -- to --

14 MS. CRAMER: -- he admitted --

15 MR. GOODWIN: -- the house.

16 MS. CRAMER: -- that's what he did. That is his own
17 testimony that he sent Jessica over there to see if she had
18 broken up with Josh because he didn't believe that they broke
19 up. He sent --

20 THE COURT: He --

21 MS. CRAMER: -- Jessica over there.

22 THE COURT: He -- he did testify that Je -- that --
23 that Jessica went over there. I don't know if he said he sent
24 Jessica. But went -- but Jessica went over there to see if

1 the vehicle was still parked outside of the home. That's
2 paraphrasing. That's kind -- yeah. Okay. Answer the
3 question based upon the fact that Jessica went over there,
4 whether it was on your instructions or on her own, was it
5 proper to do it?

6 THE WITNESS: Yes.

7 THE COURT: Why was it proper to do it?

8 THE WITNESS: Because the instructions from Judge
9 Moss and the rulings from the bench was --

10 THE COURT: Was to --

11 THE WITNESS: -- such that --

12 THE COURT: -- keep an eye on her to make sure she's
13 continued living with -- with Josh?

14 THE WITNESS: It was that she represented at that
15 hearing that it was a final breakup and Judge Moss said I'm
16 taking you at your word, but it will be a huge ding to your
17 credibility if you're lying to me. If I find out that
18 you're --

19 THE COURT: And there's no -- absolutely no
20 possibility that he did not come on bend the knee, begging her
21 to forgive him and that she gave him another shot.

22 THE WITNESS: Absolutely. That could have been a
23 possibility. But the testimony is developed elsewhere and
24 later were show that that's not the case because the

1 representations that were later made --

2 MS. CRAMER: I'll move on, Your Honor.

3 THE COURT: Please.

4 BY MS. CRAMER:

5 Q So in July of '21, you testified that you and
6 Jessica -- Jessica had gone on vacation to Zion National Park
7 after custody drop off, correct?

8 A Correct.

9 Q Okay. And then your testimony was that Chalese had
10 messaged saying her babysitter fell through and could you
11 watch the children.

12 A Correct.

13 Q And you couldn't because you were in Zion, correct?

14 A Correct.

15 Q Now so Jessica's teenage daughter watched the
16 children, correct?

17 A Correct.

18 Q Isn't it true that the right of first refusal was in
19 place at that time?

20 THE COURT: I need -- I've read that order just
21 right before we come in here. It was the right of re -- Dad
22 had the right of first refusal.

23 MS. CRAMER: Right.

24 THE COURT: It only went one way, unfortunately.

1 I'm -- I'm going to interject because I know he's trying to
2 think of what the order said and I know. So only Dad had the
3 right of first refusal.

4 THE WITNESS: And Your Honor, in candor to the
5 Court, that did get changed. I don't recall when it was
6 changed.

7 THE COURT: I made it reciprocal later on, that if
8 you all were going to do the rite of first refusal, it had to
9 be reciprocal.

10 THE WITNESS: I -- understood.

11 THE COURT: And then I said no more.

12 BY MS. CRAMER:

13 Q So the right of first refusal was in place at that
14 time.

15 A I don't recall whether it was --

16 Q Well, the --

17 A -- because like I said --

18 Q -- Judge just said she read that order and it was.

19 THE COURT: So this was -- this was in one of the
20 very first orders.

21 MS. CRAMER: Right.

22 A And I -- I'm -- can you clarify your question or
23 rephrase it, please?

24 Q So my question is in July of 2021, the right of

1 first refusal was in effect, yes or no?

2 A Yes.

3 Q Okay, So Chalese had to contact you if her
4 babysitter fell through, correct?

5 A Correct.

6 Q Okay. So is there something wrong with a co-parent
7 contacting their other co-parent, A, in compliance with the
8 Court order and B, when they're babysitter falls through?

9 A No.

10 Q Okay. So is it your testimony that Chalese did
11 nothing wrong?

12 A No, that's not my testimony.

13 Q Okay. So she called you like the order told her to
14 and then she used your -- I guess, your stepdaughter as a
15 babysitter. How is either one of those actions wrong?

16 A Neither of those actions are wrong. Okay. Thank
17 you.

18 Q Now December of 2021, you again talk about vacation
19 time in December and yet again we celebrated Advent in
20 December, didn't we?

21 A Yes.

22 Q Okay. And you noticed all those weekends so you
23 could have formal -- formal dinners with toddlers, correct?

24 A Yes.

1 Q Okay. And isn't it true that Chalese had a death in
2 the family and left town?

3 A Correct.

4 Q For -- okay. And isn't it true that happens, people
5 have emergencies, they have funerals, they have things they
6 have to do?

7 A Indeed.

8 Q Okay. And isn't it true that in December of 2021
9 the right of first refusal was still in effect?

10 A Correct.

11 Q Okay. So she did the right thing by calling you,
12 correct?

13 A Correct.

14 Q Okay. You stated that Chalese never notices her
15 vacation time, right?

16 A Correct.

17 Q Do you know how much Chalese earns per hour?

18 A I don't.

19 Q Okay. Would it -- if I told you she makes \$11 an
20 hour, does that sound familiar?

21 A Vaguely.

22 Q Okay. Do you recall Josh testifying that he is not
23 currently working because of medical issues?

24 A Correct.

1 Q Okay. So how is Chalese supposed to afford vacation
2 on \$11 an hour?

3 MR. GOODWIN: Objection. What's -- what's the
4 relevance? I mean, her ability to take --

5 MS. CRAMER: Oh, oh --

6 MR. GOODWIN: -- vacation --

7 THE WITNESS: No.

8 MS. CRAMER: No, no, no --

9 MR. GOODWIN: -- or not --

10 MS. CRAMER: -- no, no, no.

11 THE WITNESS: I'll -- I'll --

12 MS. CRAMER: He testified --

13 THE WITNESS: -- answer it.

14 MS. CRAMER: -- to this.

15 THE WITNESS: I'll answer it. There's presumably
16 times when she is at home not working for her weekend where
17 she could take vacation to spend more time with the kids on a
18 staycation or just the ability to spend more time with them.
19 And that's what Dr. Paglini said is that he would have
20 concerns that somebody who was on a limited parenting schedule
21 could take two extra weeks per year and chose not to.

22 THE COURT: But if she's working, wouldn't that
23 require her to give you a call and take the children to you
24 every day and only pick them up once she gets off work because

1 her days off are only Saturday and Sunday?

2 THE WITNESS: If she's working, but she could
3 presumably notice weekend time where she's off and doesn't
4 have the kids because it's an every other weekend thing. So
5 there are times where she's not working where she doesn't have
6 the kids that she could have them and that -- that's all I'm
7 trying to express with that thought and argument.

8 BY MS. CRAMER:

9 Q Okay. So how much do you make a year?

10 A Currently? I want to say it's 94,000 and change
11 approximately. I -- I -- please don't hold me to that. I'll
12 file an FDF.

13 THE COURT: I'm going to hold you to -- no, I'm just
14 joking. I've already asked him to file an updated financial
15 disclosure form.

16 MS. CRAMER: Understood, Your Honor.

17 Q So at 11 --

18 THE COURT: As your client --

19 Q -- \$11 --

20 THE COURT: -- too.

21 Q -- an hour and given that her -- her significant
22 other has health issues and is not currently working, doesn't
23 it sound likely that she would be picking up as many shifts as
24 possible so that she can pay her bills?

1 MR. GOODWIN: Objection, Your Honor. He's asking to
2 speculate. He has no idea what her situation is.

3 MS. CRAMER: Yes, he does.

4 THE COURT: I'm going to --

5 MS. CRAMER: There is --

6 THE COURT: -- sustain it.

7 MS. CRAMER: -- tremendous disclosures. Look at all
8 of this. He knows exactly --

9 THE COURT: I am --

10 MS. CRAMER: -- what her financial situation is.

11 THE COURT: I'm going to --

12 MR. GOODWIN: But he doesn't know what --

13 THE WITNESS: It's been sustained.

14 THE COURT: I'm going to sustain it because you're
15 asking him to put, you know, put himself in Mom's mind.

16 MS. CRAMER: That's fine, Your Honor. I'll withdraw
17 it and -- well, it's already sustained. I'll move on.

18 BY MS. CRAMER:

19 Q And -- and you are not paying child support
20 currently, are you?

21 A No.

22 Q You think you should be?

23 A Right now? No.

24 Q No?

1 A No.

2 Q All right. So you talked about a Black Friday

3 incident in which Chalese gave the kids to you instead of

4 using her holiday time, correct?

5 A I don't believe so.

6 Q Yeah, I wrote it down. You talked about Black --

7 A Oh.

8 Q -- Friday. She was supposed to have the kids and

9 she gave them to you.

10 A I apologize. I misconstrued holiday time with

11 vacation time. Yes, in 2019.

12 Q Okay. Were you aware that she was called in to

13 work?

14 A No. No, I was not. Well, I became aware.

15 Q Okay. And the right of first refusal was in place

16 at that time, wasn't it?

17 A Correct.

18 Q Okay. So since she was called into work, she

19 doesn't really make that much money, she needs as many shifts

20 as she can get and she can't lose this job, so she did what

21 she was supposed to do, didn't she?

22 A No.

23 Q Should she not have called you?

24 A No, it's -- it's not about that.

1 Q Okay.

2 A That -- that's not my issue with the question.

3 Q Okay. So in -- in light of the way that the order

4 -- the New Year's Eve visitation order has been written, you

5 have had the children for New Year's Eve in 2020 and 2021,

6 haven't you?

7 A Not because of how the order was written.

8 Q Because there was confusion, Chalese didn't

9 understand it, and you kept the children, didn't you?

10 A I had the children.

11 Q So yes, you did keep the children?

12 A No, I did not --

13 THE COURT: You're putting word in his --

14 A -- keep them.

15 THE COURT: -- mouth.

16 MS. CRAMER: I'm aware.

17 A THE WITNESS: I -- I'm -- I'm trying -- I -- I do

18 apologize. I am trying not to fight this --

19 THE COURT: No.

20 THE WITNESS: -- but I'm --

21 THE COURT: I'm -- I'm -- you know, I'm telling her

22 she's putting words in your mouth. He stated she didn't show

23 up and he couldn't remember exactly whether it was

24 Thanksgiving or Black Friday.

1 MS. CRAMER: Oh, no, we're talking about New Year's
2 Eve, Your Honor.

3 THE COURT: Oh, New Year's Eve. Sorry. And if Mom
4 doesn't show up, it's not his fault.

5 Q Oh, isn't it true that she was in communication with
6 you and tried to pick up the children?

7 MR. GOODWIN: Could we get clarification on that
8 question? You -- you explicitly stated two years at the
9 beginning 2020 and 2021.

10 MS. CRAMER: Isn't --

11 MR. GOODWIN: Which year are you referring to?

12 MS. CRAMER: Well, he did it to her both years. So let's
13 say 2021.

14 BY MS. CRAMER:

15 Q Isn't it true that she tried to communicate with you
16 and your response was read the order?

17 A That was one of my responses.

18 Q Okay. And you kept the children, didn't you?

19 A Yes, it was my year.

20 Q Okay. And so if 2021 was your year, why did you
21 keep the children in 2020?

22 A Because she never showed up --

23 MR. GOODWIN: Objection.

24 A -- to pick them up.

1 MR. GOODWIN: He didn't keep the children. Could we
2 please --

3 MS. CRAMER: He did keep the children.

4 THE COURT: Did Mom attempt to show up and pick them
5 up like the order was? That's the question. If Mom did not
6 attempt to do the pick up, that's not Dad's fault.

7 MS. CRAMER: No, she was in communication with him
8 and he just told her read the order. And given the way --

9 THE COURT: But that was 2021. Did the same thing
10 happen in 2020? Did you tell her to read the order?

11 THE WITNESS: I did not.

12 MS. CRAMER: Yes, he did. It's fine though. I'll
13 -- I'll -- I will direct on my client with that and we will --
14 we'll clear that right up.

15 BY MS. CRAMER:

16 Q Okay. So you discussed Chalese trying to make
17 custodial trade offs with you, correct?

18 A Correct.

19 Q And you seem to think that that was like a negative?

20 A No.

21 Q No? Okay. So the time she offered you an extra day
22 with the kids, there was a time that that happened?

23 A I'm sure.

24 Q Okay. And isn't it true that she did that so that

1 she could keep the kids for a different day so that they could
2 go to Jesse's birthday party?

3 A That sounds vaguely familiar.

4 Q Okay. So she attempted to work with you as a
5 co-parent so that the kids could attend this fun family
6 activity that was scheduled during your time, didn't she?

7 A I -- I believe so.

8 Q Okay. And yet you testified earlier as if that was
9 some kind of negative because she was doing cu -- custodial
10 trade offs, didn't you?

11 MR. GOODWIN: Oh, wait, I'm sorry. He didn't
12 testify --

13 MS. CRAMER: Oh, yes --

14 MR. GOODWIN: -- about --

15 MS. CRAMER: -- he did.

16 MR. GOODWIN: -- this incident whether or not this
17 was a negative. In fact, I think that --

18 MS. CRAMER: Yes, he did.

19 MR. GOODWIN: -- this specific --

20 MS. CRAMER: He --

21 MR. GOODWIN: -- transfer --

22 MS. CRAMER: -- consistently talked about --

23 THE COURT: He --

24 MS. CRAMER: -- oh, will --

1 THE COURT: -- attempted --
2 MS. CRAMER: -- she give up dates.
3 THE COURT: -- to make it sound like it was a
4 negative. Well, it was -- is -- is this the event where
5 Michael was upset because he didn't get to stay for the
6 sleepover?
7 MR. GOODWIN: No --
8 MS. CRAMER: No --
9 MR. GOODWIN: -- Your Honor.
10 MS. CRAMER: -- Your Honor. This is Jesse's
11 birthday party.
12 THE COURT: Okay.
13 MS. CRAMER: And it was on his day. So she
14 attempted to swap days. And --
15 THE COURT: Okay.
16 MS. CRAMER: -- so -- but that was where I was going
17 to tie it together.
18 THE COURT: Okay.
19 MS. CRAMER: -- is so --
20 MR. GOODWIN: But did --
21 MS. CRAMER: -- is it --
22 THE COURT: So, I mean --
23 MR. GOODWIN: My -- my objection is that this
24 specific event was not one that he referenced as being

1 negative. She's trying to say, look, she did a good one, so
2 how could any of these be good or negative. That's not the
3 testimony at all.

4 THE COURT: Question is, did Dad allow Mom to switch
5 the days so that the child could celebrate a possible step
6 sibling's birthday?

7 THE WITNESS: I --

8 THE COURT: You did? That's yes or no.

9 THE WITNESS: I frankly don't recall. I don't
10 believe I did. That -- that would --

11 THE COURT: Okay.

12 THE WITNESS: -- probably not be something I would
13 agree to.

14 THE COURT: All right.

15 BY MS. CRAMER:

16 Q Isn't it true that Chalese has allowed you to keep
17 the children on her time for Jessica's birthday and for
18 Courtney's birthday?

19 A I believe so. I -- I -- you're asking about three
20 years and -- and nonspecific years. So I -- I believe that
21 that is an accurate statement, but I can't be a hundred
22 percent certain.

23 Q So you talked earlier about the incident when there
24 was going to be a sleepover and you thought Chalese didn't do

1 a good job co-parenting because the kids were -- made aware
2 that this sleepover was going to happen and they were upset
3 because they had to go with you so you became the bad guy,
4 right?

5 A Correct.

6 Q But then when they're planning a birthday party for
7 Jess -- Jesse and she offers to switch you days, you don't
8 switch.

9 A I -- I --

10 Q So the kids don't get to go to Jesse's birthday
11 party, correct? Yes or no?

12 MR. GOODWIN: And I'm --

13 Q No.

14 MR. GOODWIN: -- going to object because he didn't
15 recall --

16 MS. CRAMER: That --

17 MR. GOODWIN: -- if he --

18 MS. CRAMER: -- was his --

19 MR. GOODWIN: -- swapped the --

20 MS. CRAMER: -- testimony.

21 MR. GOODWIN: -- day or not. He didn't recall if he
22 swapped it or not.

23 MS. CRAMER: He said --

24 MR. GOODWIN: He said I don't know.

1 MS. CRAMER: -- no, he didn't do it.

2 THE WITNESS: I said I believe I wouldn't have.

3 THE COURT: That's what he said, he believed he
4 would not have.

5 BY MS. CRAMER:

6 Q Okay. So you believed you would not have. So even
7 if she tried to make it work, you would have said no.

8 A It would depend on the context.

9 Q Thank you, Adam. All right. You also talked about
10 missed time in 2020. You talked about her not picking up the
11 kids, not showing up. You would -- she -- you would go to the
12 exchange and she wouldn't be there. Isn't it true that her
13 baby was in the NICU in 2020?

14 A I believe my testimony was about 2021 because of the
15 --

16 THE COURT: It was 2021.

17 MS. CRAMER: Oh, I have it written down. It was
18 2022. He -- he said it both years.

19 THE COURT: Okay.

20 BY MS. CRAMER:

21 Q So do you think filing motions in court is
22 co-parenting?

23 MR. GOODWIN: Objection, Your Honor. What -- I
24 don't see how that relates in any way to relevance. If

1 there's a legal matter --

2 MS. CRAMER: These are all notes that I wrote
3 directly about his testimony and he said when he discussed
4 trying to be a better co-parent, he would hope he would file
5 the right thing in court and follow the right order and do the
6 right thing and report the right thing to CPS.

7 MR. GOODWIN: I --

8 MS. CRAMER: Those are -- that was -- that is a -- a
9 paraphrasing of his testimony --

10 THE COURT: I --

11 MS. CRAMER: -- when --

12 THE COURT: -- believe you're trying to simplify it
13 because if he needs to file a motion in court, it needs to be
14 filed whether it's good co-parenting or not.

15 MS. CRAMER: Well, I -- it's not co-parenting.

16 THE COURT: So, you know, I mean, I'm not going to
17 testify to what his answer should be, but it should be any
18 attorney's answer to questions like that.

19 BY MS. CRAMER:

20 Q So my question Adam is do you believe filing motions
21 in court is good parenting, good co-parenting?

22 A It can be.

23 Q Okay. And do you believe filing reports with CPS is
24 good co-parenting?

1 A It can be.

2 Q How is reporting your co-parent to CPS good
3 co-parenting?

4 A If you can't resolve a potential concern about the
5 child with the co-parent, sometimes co-parenting is bringing
6 in an outside source to mediate the conflict.

7 Q So in your beliefs, does CPS mediate conflicts
8 between parents?

9 A They can to the extent that they can investigate and
10 take appropriate action to protect children. And it's a I --
11 I don't like describing CPS as neutral because oftentimes I
12 don't think they do a good job and frankly they didn't in this
13 case. But they can be a neutral arbitrator between competing
14 parties.

15 Q So you think CPS is a neutral arbitrator?

16 A They're looking out for the best interest in the
17 children and trying to do it in a neutral fashion given their
18 tools and structure.

19 Q So you testified that settlement negotiations have
20 always revolved around property, correct?

21 A Typically.

22 Q Okay. Have you ever offered joint physical custody
23 to Chalese in settlement negotiations?

24 A Yes, I have previously.

1 Q When?

2 A December of 2018 when we were trying to resolve the
3 case before involving the courts, she had Katherine Kainen --
4 or Katherine Provost from Kainen Law Group. And there was a
5 proposal sent there and I tried that. I tried again later on.
6 And ultimately what hung up joint custody at that time was
7 that -- well, first Chalese wanted to move to Pahrump, take
8 the kids with her and give me every other weekend. When that
9 was a no go, she found a house here in Las Vegas that she
10 wanted. And she would have had enough money from the sale of
11 the marital house to buy that house, but she was short about
12 10,000 and I think her position at that time was if your dad
13 could kick up another 10,000 so I can afford the house, then
14 we can settle this. At that point, it just --

15 THE COURT: Wouldn't that have been just
16 negotiating?

17 THE WITNESS: I -- I think the pending question was
18 have I ever offered joint custody as part --

19 THE COURT: Yeah.

20 THE WITNESS: -- of settlement negotiations.

21 THE COURT: Yeah, that's true's. That's --

22 THE WITNESS: And --

23 THE COURT: -- true.

24 BY MS. CRAMER:

1 Q So in December of 2018, prior to you filing the
2 complaint, you discussed joint physical custody?

3 A Absolutely.

4 Q Okay. After that time, have you ever suggested
5 joint physical custody?

6 A I think it was in the complaint, which once again
7 was in artfully drafted a request for joint. And that was a
8 potentiality in my mind up until the concerns started popping
9 up in January of 2019.

10 Q So a month after you moved out of the house, all of
11 a sudden you had concerns?

12 A Based on the direction things were going, yes.

13 Q Okay. So since the filing of the complaint, you
14 have never offered her joint physical custody, have you? In
15 fact, your filings in this case have repeatedly time and time
16 again sought to limit her time with the children, haven't
17 they?

18 A Which -- there -- there's two pending questions.
19 Yes, my filings have sought that and I have since the filing
20 of that complaint offered joint custody.

21 Q No. No, no, no. Joint physical --

22 A Joint physical.

23 Q -- custody.

24 A Yes, joint physical custody.

1 Q When?

2 A The settlement discussions that took place off
3 record before the May 10th trial date where there was a
4 schedule that was proffered. That schedule was not enough to
5 constitute joint custody and it just fell short of the number
6 of days. And so if we could agree on that schedule with the
7 time division split the way it was, I believe I had agreed to
8 call it joint even though it wasn't for purposes of getting it
9 settled.

10 Q Are you familiar with Rivero v. Rivero?

11 A I vaguely am, yes.

12 Q Okay.

13 THE COURT: Bluestein should be the one you're
14 talking about, not --

15 MS. CRAMER: Oh.

16 THE COURT: -- Rivero.

17 MS. CRAMER: Well, I -- I know, but the language I'm
18 referring to is -- is in Rivero.

19 Q So you are aware that parties can call their
20 agreement anything they want?

21 A I am aware.

22 Q Okay. And if they go to court to litigate, the
23 Court doesn't have to go by what the parties agree on? The
24 Court goes by Nevada law?

1 A Absolutely.

2 Q So you offered her less than joint, but you agreed
3 to call it joint, yes or no? Isn't that what you just
4 testified?

5 A Yeah.

6 Q Okay. So when -- if she were to ever come back into
7 court, the Court applying Nevada law would not go by your --
8 we agree to call it joint, it would go by the actual
9 timeshare, correct?

10 A Correct.

11 Q Okay. So you never actually offered her after the
12 filing of the complaint. So why would she have negotiations
13 about custody with you when you refused to budge off of you
14 having primary pursuant to Nevada law, not your agreement?

15 A Why would she?

16 Q Yeah, why would she negotiate with you when you
17 refuse to budge off of you having primary?

18 A I --

19 Q What is there to negotiate?

20 A -- can't tell you why she would or wouldn't do
21 something.

22 Q Okay, fair enough. What is there to negotiate if
23 you are dug in on your position?

24 A There's the financial side of things. There's stuff

1 related to legal custody. And -- and there could be a -- like
2 our settlement discussion related to her moving to Oklahoma.

3 Q Okay. So in your testimony, you indicated that the
4 settlement discussions were all about property as if that was
5 a negative thing.

6 MR. GOODWIN: Objection, misstates it. It did
7 not --

8 MS. CRAMER: No.

9 MR. GOODWIN: -- say it was all about property, but
10 the main thrust was property.

11 MS. CRAMER: Okay. The main thrust was property as
12 if that was a bad thing.

13 BY MS. CRAMER:

14 Q What's wrong with her trying to at least negotiate
15 portions of the divorce even if she has to litigate custody
16 because you won't agree to joint.

17 A I don't necessarily think there's something wrong
18 with that, the way you are phrasing your question.

19 Q Okay. So there wasn't anything wrong with it. You
20 just say that to make it sound like she's a bad person.

21 MR. GOODWIN: The --

22 MS. CRAMER: Withdrawn.

23 THE COURT: She's learning my heavy breathing, isn't
24 she?

1 BY MS. CRAMER:

2 Q In 2021, Michael broke his arm at your house, didn't
3 he?

4 A Correct.

5 Q Did -- did Chalese report you to CPS for that?

6 A No.

7 Q Imagine. So is it your testimony here today --
8 well, no. Strike that. Would you agree that children have
9 accidents?

10 A Absolutely.

11 Q Would you agree that kids get injured sometimes?

12 A Correct.

13 Q Okay. Would you agree that Michael breaking his arm
14 is not because you abused him?

15 A Correct.

16 Q Would you agree that Michael breaking his arm is not
17 because you're a neglectful parent?

18 A Correct.

19 Q So would you agree with Jessica's testimony that
20 your kids coming home with dirty fingernails is neglect?

21 A Yes.

22 Q You talked about FaceTime. Isn't it true that you
23 just simply won't answer the phone when Chalese calls to
24 FaceTime with the kids?

1 A Nope.

2 Q So if Chalese testified differently, do you just --

3 she's a liar? Is that your position?

4 A Absolutely.

5 Q Okay. You talked about Marie's preschool program.

6 And is -- am I correct in -- in characterizing it that you are

7 concerned that Chalese doesn't want to take Marie to that?

8 A Yeah.

9 Q Okay. Have you -- did you discuss enrolling Marie

10 in that program with Chalese before you did it?

11 A I did.

12 Q Okay. And did you ask her permission to enroll

13 Marie --

14 A No.

15 Q -- before you did it?

16 A I -- I did not ask permission.

17 Q Okay. So is it safer to characterize it as you

18 enrolled Marie and then you informed Chalese?

19 A No.

20 Q Did you ask Chalese if it was all right to do that?

21 A No.

22 Q Okay. Did you ask Chalese if she agreed to do that?

23 A No.

24 Q So you did just enroll Marie and inform Chalese,

1 correct?

2 A No.

3 Q Okay. You didn't ask her permission. You didn't
4 ask if she agreed. You just did it and now your testimony is
5 that you didn't just do it?

6 A I did not just do it with -- and then inform her.

7 Q Well, did you inform her first, say I'm doing this
8 and then do it?

9 A I applied for the program because not everyone gets
10 in, let her know that I applied for the program because she
11 also told me she wanted to put Michael in a magnet school and
12 was going to apply. And then after Marie got in, she hadn't
13 said anything or objected and -- and I -- now I guess
14 recognize that I need explicit can I go ahead and do this
15 permission. So that's where my umbrage is with the
16 characterization of enrolled and then informed. I said I was
17 going to apply. I applied. She got in without any objection
18 noted. I -- I did it.

19 Q Okay.

20 THE COURT: Mr. Solinger, are you or are you not an
21 attorney?

22 Q I am an attorney.

23 THE COURT: Do or do you not know how to read
24 statutes?

1 THE WITNESS: I do know how to read statutes.

2 THE COURT: Thank you.

3 BY MS. CRAMER:

4 Q Isn't it correct that you've made no attempts to
5 discuss what you call a gap year because of Marie's preschool
6 or her kindergarten entry date with Chalese?

7 A I don't know that it's accurate that I haven't
8 attempted to discuss it. I -- I may have noted it in the
9 sense of saying it's important she stays in the program, but I
10 -- you are likely correct. I have not called it a gap year or
11 pointed that out.

12 Q But that's going to be happening this year, right?

13 A Correct.

14 Q And it's the coming school year, correct?

15 A It is.

16 Q Don't you think it would be important to talk to
17 your co-parent about that?

18 A It absolutely would.

19 Q Don't you think it would be important to talk to
20 your co-parent about options for this fall?

21 A Absolutely.

22 Q Don't you think it would be important to get her
23 input on where she thinks Maria (sic) -- or excuse me, Marie
24 would thrive this coming school year?

1 A Absolutely.

2 Q Do you think she has equal say as you?

3 A Yes.

4 Q You talked about your co-parenting class where you
5 were -- you were given the understanding was best to over
6 communicate about the children, correct?

7 A Correct.

8 Q And so you would constantly text Chalese about
9 whether or not she fed the children before the exchange,
10 correct?

11 A Not constantly.

12 Q Well, you said before every exchange.

13 A Uh-huh (affirmative).

14 Q Well, when --

15 A I --

16 Q -- else would you --

17 A Well, I guess constantly to me implies --

18 Q Every single one is constant, right? Every single
19 --

20 THE COURT: No.

21 Q -- one.

22 THE COURT: Constantly is every day.

23 MS. CRAMER: Well --

24 THE COURT: Whether it's her timeshare or not.

1 Q Every exchange day --

2 THE COURT: There, that's better.

3 Q -- you would message her about whether or not she
4 had fed dinner with -- to the kids, correct?

5 A Yes.

6 Q Isn't it true that she told you the children will be
7 fed before the exchange, if for some reason they are not fed,
8 you will hear from her?

9 A Sometimes she said that.

10 Q Okay. So given the way you have treated Chalese
11 since 2018, do you think that she wants to repeatedly
12 communicate with you when she's already answered the same
13 question?

14 A I don't know what she thinks.

15 THE COURT: Are we just about --

16 MS. CRAMER: Hm?

17 THE COURT: Are we getting close?

18 MS. CRAMER: Yeah.

19 THE COURT: Because it's going on 3:00 o'clock and
20 we still need your client.

21 Q On -- with regard to the online gaming that you were
22 very concerned about, Michael's Blaze number user id, isn't it
23 true that Chalese had already taken care of that issue and it
24 was already resolved before he even went back to your house?

1 A Not that I'm aware.

2 Q Well, did you disable the account?

3 A No.

4 Q Wasn't it disabled before he even went over to your
5 house?

6 A No.

7 Q Did you discuss the steps where Chalese had taken to
8 address it with Michael?

9 A Address what?

10 Q The online gaming that you were so concerned about.

11 A I sent a message and asked for her help in making
12 sure that he wasn't on it.

13 Q Okay. And did you discuss with her what steps she
14 had taken already?

15 A No, she didn't respond to my message asking for help
16 and I didn't know what steps she had taken.

17 Q Did you ask her what steps she had taken?

18 A Not explicitly.

19 Q Okay. So you dictated to her what you wanted her to
20 do from your end, but you didn't ask her what she had done
21 from her end to address it.

22 A I didn't dictate anything.

23 MS. CRAMER: Okay. I'll pass the witness.

24 REDIRECT EXAMINATION

1 BY MR. GOODWIN:

2 Q Mr. Solinger, how long were you married to Chalese?

3 A Approximately six years before the separation and I

4 think it would be going on 10 years this year if the divorce

5 is finalized before May.

6 Q Is she of at least average intelligence?

7 A Yes.

8 Q Is she --

9 THE COURT: Well --

10 Q -- capable --

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

12 Q -- of taking --

13 THE COURT: She married him, did -- I'm just joking.

14 I'm sorry.

15 MS. SOLINGER: Everybody makes mistakes.

16 MR. GOODWIN: It's okay, Your Honor. I got family

17 members who like the Cowboys. So it may not be --

18 THE COURT: I -- I --

19 MR. GOODWIN: -- correlated --

20 THE COURT: Hey. Hey.

21 MR. GOODWIN: -- between intelligence.

22 THE COURT: Hey, I'm a Cowboy fan.

23 MR. GOODWIN: Oh, I'm sorry. I'm sorry.

24 BY MR. GOODWIN:

1 Q Is she capable of taking care of herself?

2 A Yeah.

3 Q Does she have any mental issues that would prevent
4 her from understanding information that came her way?

5 A I don't think -- there's no mental issues I'm aware
6 of that would prevent her from understanding things.

7 Q Do you withhold information from her?

8 A No.

9 Q So going to the school, let's first talk -- talk
10 about that. Did you talk to her about this school originally
11 that he was going to be enrolled in and based on where you
12 were living?

13 A It's complicated by the fact that he started speech
14 therapy there before kindergarten and that he was enrolled as
15 a student as part of Child Find there. And it just kind of --
16 you -- you know, I -- I should have asked do we want to keep
17 him there or not? But they're --

18 Q Well, was the issue ever raised by Chalese?

19 A No, she never raised it.

20 Q Going to the preschool, was that ever raised? Did
21 she ever offer alternatives?

22 A The preschool issue is complicated because when we
23 used to live in Summerlin, they went to -- it -- it was bought
24 out by Creme de la Creme. But I can't remember the name of

1 the preschool there. And when I moved and she was going to
2 move, we had to agree on a different place. And so we had
3 left court and Vince was with me and we were talking to Lou
4 and that's when I suggested Creative Kids right by me. And --
5 and there's debate about this because it's frankly an issue
6 between Lou and Vince and Judge Moss for ratifying it. And so
7 that's where it kind of came down to is I think Vince's
8 position would be -- because I was there for the conversation.
9 Vince suggested it to Lou. We never heard anything back and
10 so we put him in there.

11 Q Did she push back on that?

12 A She did. She wanted a more neutral in the middle
13 place. I -- my position was why should we have a place
14 between Summerlin and Centennial when you're moving and we
15 don't know where you're going to move to.

16 Q Did she ever offer alternatives?

17 A She did offer. I -- I don't recall specifically
18 where she had offered but she did offer alternatives.

19 Q What were -- where were the alternatives?

20 A I couldn't even begin to tell you. I believe they
21 were between Summerlin and Centennial and that was the source
22 of my objection there. There -- I don't -- as I sit here
23 today, I don't recall there being an alternative between her
24 current residence and in my current residence. It was between

1 the former marital home that she was going to be leaving and
2 my current neighborhood, because I'm -- I'm not far from that
3 area.

4 Q Moving to just briefly the private investigator, it
5 was brought up many different times, specifically relating to
6 co-parent. Was there a reason where you wouldn't believe it
7 would be a problem based on what was happening at the time?

8 A Judge Moss was very specific that orders don't
9 enforce themselves and that she fully endorsed not only the
10 use of a private investigator, but specifically admonished
11 Chalese after the June 2019 hearing that he's going to have
12 the private investigators, they're going to be on you.

13 You need to do the right thing because they could
14 always be there because orders don't enforce themselves. And
15 so it's difficult when you're asking about good co-parenting
16 and -- and is it a problem to employ a private investigator
17 when you are -- you have somebody telling you this that --
18 that's the judge in your case and endorsing the use thereof.

19 Q So -- and -- and again, just to discuss that a
20 little bit more, you weren't trying to disrupt. You were
21 trying to follow with what -- kind of the Court's direction
22 was.

23 A Correct. It's -- I -- I was trying to -- I was
24 trying to ensure the best environment for my kids based on the

1 concerns that I had and the orders that Judge Moss had put in
2 place. And court orders do not enforce themselves. The judge
3 doesn't follow anyone around. And if a tree falls in the
4 woods, who -- who's going to know? And so if these orders are
5 in place because they're to protect the children, they're
6 there for the children's best interest, that you have no way
7 of ever proving that they occurred, then you're stuck with
8 this he said, she said.

9 THE COURT: Did you have any proof though that these
10 orders really needed to be in place other than the fact it
11 wasn't something you like?

12 THE WITNESS: I think -- I -- I don't under -- I'm
13 not trying to be obtuse here, but as far as proof that they
14 needed to be in place?

15 THE COURT: Did you have any proof that Mom smoking
16 marijuana caused her to not take care of the kids?

17 THE WITNESS: I mean, I saw the house. I -- I
18 saw --

19 THE COURT: But did -- but do you have any proof
20 that Mom was not feeding, clothing, keeping the roof over
21 their head, anything like that of the children? Did they come
22 home and say Daddy, we haven't eaten for two days, I'm
23 starving?

24 THE WITNESS: At that time, they weren't that old

1 that -- that -- in 2019, Michael, he was born in '15.

2 THE COURT: Four years old.

3 THE WITNESS: -- And Marie was two.

4 THE COURT: And she was young.

5 THE WITNESS: Right. So Marie wouldn't say anything
6 like that. Michael was coming home and with his speech delay.
7 He was trying --

8 THE COURT: Had you --

9 THE WITNESS: -- to hear.

10 THE COURT: -- not gone into mom's home, I mean, I
11 know we're harping on it and you thought you had a right, but
12 had you not gone into that, was there anything that would have
13 led you to think that Mom was not properly caring for the
14 kids?

15 THE WITNESS: There was -- aside from the PI? Is
16 that the caveat there or --

17 THE COURT: This -- this was -- the -- this was when
18 you went to file a motion based upon you going into the home
19 and taken either video of pictures of it being in a mess that
20 very first time.

21 THE WITNESS: So the -- the proof -- external proof
22 that I would have is the PI seeing Josh watching the children
23 by himself while Chalese was gone. Josh driving to --

24 THE COURT: And do you have any proof that there was

1 absolutely no other adult in the house?

2 THE WITNESS: I don't have --

3 THE COURT: And what proof did you have that Josh

4 could not properly care for children?

5 THE WITNESS: The concern was his external criminal

6 record up to that point with the prior albeit marijuana

7 convictions at the time and his traffic record, that if

8 something happened, his traffic record --

9 THE COURT: He had --

10 THE WITNESS: -- was --

11 THE COURT: -- no idea how to call 911.

12 THE WITNESS: I'm sure he did.

13 THE COURT: So it's -- it -- so -- so you had really

14 nothing to hang your hat on to show that he had no capability

15 of caring for the kids. It's just you didn't like him because

16 he was with Chalese.

17 MR. GOODWIN: Well, I -- I think that's not an

18 accurate saying that he didn't like him. We can -- didn't

19 really know him.

20 THE COURT: He had no problems with Chalese until

21 Josh come around.

22 MR. GOODWIN: Well, the --

23 THE COURT: How do -- how do I know that? Because

24 he would go out bike riding, leaving the children with

1 Chalese. He would even leave Chalese in labor and go out bike
2 riding. He worked without demanding that the children go to a
3 daycare prior to his leaving her. I -- you know, do you see
4 where I'm going with that? Everything was hunky-dory until
5 you decided Mom wasn't good enough for you.

6 THE WITNESS: I do see where Your Honor is going
7 with it.

8 MR. GOODWIN: I -- just --

9 THE COURT: And -- I -- con -- con -- I'm sorry.
10 Continue. I -- you know -- so I just see glaring problems
11 here that you may not be connecting these dots.

12 THE WITNESS: I -- I do appreciate --

13 THE COURT: But I'm connecting them fast.

14 THE WITNESS: I see the Court's perspective. I -- I
15 -- if the Court's hanging question was is there external proof
16 of Josh's bad parenting issues that he had that I can prove
17 there was his -- his family law case history, there's his
18 traffic history, and there's his criminal history.

19 THE COURT: And what are you doing --

20 THE WITNESS: But other than that --

21 THE COURT: -- stalking him?

22 MR. GOODWIN: Well, hold on, Your Honor. I think in
23 the context -- if -- if I may just briefly. In the --

24 THE COURT: No.

1 MR. GOODWIN: -- context of --
2 THE COURT: No. I'm just joking.
3 MR. GOODWIN: I was about --
4 THE COURT: I really --
5 MR. GOODWIN: -- to be quiet, like all right --
6 THE COURT: I really need to --
7 MR. GOODWIN: -- I'm out.
8 THE COURT: -- take a couple minutes, please.
9 MR. GOODWIN: Of course, Your Honor.
10 THE COURT: I had a lot of ice tea.
11 MR. GOODWIN: And Mountain Dew.
12 THE COURT: We're going to go -- and Mountain Dew.
13 So let's go off the record.
14 (COURT RECESSED AT 2:57 AND RESUMED AT 3:09)
15 THE CLERK: We're on, Judge.
16 THE COURT: All right. We are back on the record
17 from the short break. You may continue, sir.
18 MR. GOODWIN: One second, Your Honor.
19 THE COURT: No, I will give you a minute, but not a
20 second.
21 MR. GOODWIN: I'm just gathering --
22 THE WITNESS: And Court's indulgence.
23 MR. GOODWIN: The Court's indulgence, Your Honor.
24 THE COURT: And I understand everything.

1 THE WITNESS: I -- I used to train him. Back at
2 LVDG. That's where we know each other from. So old habits
3 of --

4 THE COURT: If you haven't learned, I really don't
5 hang my head on a lot of formality.

6 THE WITNESS: I don't --

7 THE COURT: A lot of things come out when you're a
8 little bit more relaxed.

9 MR. GOODWIN: I guess, Your Honor, there's one brief
10 issue which I think the Court was trying to say, but didn't
11 during the direct. At the time of the question of the notice
12 of -- no notice of the vacation time, the right of right
13 refusal -- right of first refusal, I'm sorry, this is the
14 December, the right of first refusal I think at that time was
15 not in effect. Is that --

16 THE COURT: I can't --

17 MR. GOODWIN: -- accurate?

18 THE COURT: I -- I cannot remember when I said no
19 more right of first refusal. I can't -- I cannot remember.
20 All I know is that --

21 MS. CRAMER: It was in --

22 THE COURT: -- sometime --

23 MS. CRAMER: -- January.

24 THE COURT: I -- I think it was before that. I

1 think I said that back in --

2 MS. CRAMER: It was --

3 THE COURT: -- in the middle of the --

4 MS. CRAMER: -- in January, Your Honor.

5 THE COURT: -- year, wasn't it?

6 MS. CRAMER: Because whenever we prepared competing

7 orders, I had left it out and he included it after the January

8 hearing.

9 THE COURT: Okay. All right. Then it was in

10 January.

11 MR. GOODWIN: Okay. I apologize for that.

12 THE COURT: I, you know -- and that was something I

13 was going to go back and try to look up so that I could

14 clarify it.

15 THE WITNESS: I'm sorry, Court's indulgence. I'm

16 just clarifying with Jessica where --

17 THE COURT: The baby's got to be picked up.

18 THE WITNESS: I think if --

19 THE COURT: While you are clarifying, while we're

20 doing this, I -- I need updated financial disclosure forms and

21 I want both parties' significant other's income, disability

22 pay, Workman's Comp pay, unemployment pay added, because one

23 of the factors that I'm required to look at is a relative

24 income of the parties. Don't look at me in that tone of

1 voice. Boy, if that was -- I -- we're on the record, so I'm
2 not going to say what I was, but that was a significant look.

3 THE WITNESS: No, that was not -- that was not --
4 that was a look of dread. And that was -- and because I -- I
5 don't know enough. And -- and --

6 THE COURT: You live with her. You've lived with
7 her for this length of time. If you don't already know what
8 she earns, then you get -- yeah, you're going to have more
9 significant problems in the future.

10 BY MR. GOODWIN:

11 Q Okay. Just going on to the Black Friday event.
12 They were talking about how that was actually the correct
13 thing. You pointed out that that -- it wasn't the issue that
14 she had called you. Would you like to expound on that a
15 little bit and say what the issue was you felt?

16 A The issue was is that there was no notice prior to
17 pick up time. And so the kids were ready to be picked up and
18 they were waiting to be picked up. And it wasn't until I sent
19 a message like where are you and then it was oh, I -- I have
20 work, didn't I tell you. Not that I got called in, but oh, I
21 have work, didn't I tell you. So it was an example of
22 disappointment to the kids that I think from a co-parenting
23 standpoint could have been handled differently.

24 Q Going to the New Year's Eve 2020, did Chalese have

1 counsel at that time?

2 A I think -- because -- because it would have been for
3 2020. So December 2020 going into 2021, yes, she did. She --
4 she had a brief period of time in 2019 because there's been --
5 there's Lou Schneider, Pecos, Vegas West, back to Pecos, and
6 now Ms. Cramer. And so the dates of when Pecos was off and
7 Vegas West was on versus when Pecos got back off, I -- I can't
8 -- I believe they got off the case in 2019, December of 2019,
9 and then Vegas West was her attorney for a period of about
10 three months before Pecos came back on and so yes, she would
11 have had Pecos at that time.

12 Q So if she wanted to get clarification on that order,
13 she could have called counsel.

14 A I -- I assume so. Yeah.

15 Q And --

16 THE COURT: And incur for attorney's fees --

17 THE WITNESS: I --

18 MR. GOODWIN: But that's --

19 THE COURT: -- at \$400 an hour?

20 THE WITNESS: I think the --

21 MR. GOODWIN: If -- if -- well, if -- if you want --
22 do we want to have that discussion or --

23 THE COURT: I mean, I'm sitting here. I don't know
24 if there were any preliminary attorney's fees awarded or

1 anything --

2 MS. CRAMER: There was --

3 THE COURT: -- like that.

4 MS. CRAMER: -- Your Honor.

5 THE COURT: There was?

6 MS. CRAMER: Yes.

7 THE WITNESS: There was a \$10,000 Sargeant's fee
8 that was awarded as part of the December 2019 hearing by Judge
9 Moss, which amongst other orders from that hearing, is
10 subject to a motion to reconsider. Ultimately in February of
11 2020 Judge Moss reconsidered that order and halted that award
12 of attorney's fees.

13 MS. CRAMER: It was deferred to trial, Your Honor.

14 THE WITNESS: Yeah.

15 MS. CRAMER: It was -- I've had discussions with Lou
16 Schneider about it. He was granted \$10,000 in Sargeant fees
17 and then Judge Moss deferred it to trial, like deferred
18 enforcement to rebalancing or recalculation at the end of
19 trial.

20 THE WITNESS: I don't think that's an accurate
21 statement, but I -- I'm not --

22 THE COURT: And that -- that actually sounds real
23 close to something that Moss would have done.

24 THE WITNESS: The award was a blanket 10,000, Lou

1 Schneider's attorney lien, and that was a separate issue that
2 went up to the Supreme Court and the Supreme Court said
3 there's no final decree in this case yet. So we're -- because
4 I -- I was initially ordered to respond there and I said whoa,
5 whoa, whoa, you got to do the real party in interest and do
6 this the right way. They then had Lou and Pecos brief it and
7 it was just not adjudicated because there was no final order.
8 But my recollection is that Judge Moss made an award of 10,000
9 in attorney's fees in December and then she rescinded that
10 award and deferred the issue of that 10,000 to the time of
11 trial. Not --

12 THE COURT: So when I award a half a million dollars
13 to her -- just joking. I wanted to see the look on your face.
14 No, you're not getting even close to that. I told you I -- I
15 like giving you a hard time. I can't help it. You open
16 yourself up so well. All right. Please continue.

17 BY MR. GOODWIN:

18 Q I'm sorry. And then just -- just to kind of go off
19 of that, what I mean is that she had avenues to get
20 interpretation on that order.

21 A Correct. In fact, that -- that exact order had
22 already been clarified at New Year's of 2019 by Pecos, because
23 I had to talk to Vince when I was running into Target and
24 explain to him like no, like reread it. And then Vince called

1 I believe it was Bruce or Jack at that time. It was before
2 they withdrew. And then they kind of went back and forth.
3 And my understanding was that the way it worked to be
4 clarified at that point in 2019.

5 Q There's also some questions relating to you were
6 trying to limit the children's time. Was that an accurate
7 statement or would you say you were looking to protect the
8 children?

9 A I -- I mean, my goal is not to limit time. My goal
10 is to try to do what's best for the children and protect them.

11 Q And going to the co-parenting and the discussion
12 they had about CPS in motions, I mean, do you think in -- in
13 normal everyday interactions CPS should be called?

14 A No, I -- I don't. I think that there's an
15 overarching issue of what good co-parenting is outside of a
16 divorce custody litigation arena for lack a better term. I --
17 I think that good co-parenting is very difficult when ongoing
18 active litigation is occurring. I think it's possible and I
19 think each side needs to take their best efforts to do that in
20 the form of communicating, being open, talking about things.
21 But I -- I do think that the goal of co-parenting is stymied
22 at least somewhat when you're in the middle of custody
23 litigation. And -- and that's --

24 Q And --

1 A -- unfortunate.

2 Q -- You have sometimes had Counsel and sometimes been
3 pro per.

4 A Correct. I -- I had Vince Mayo from -- once Lou got
5 on the case and was being ridiculous, I got Vince in large
6 part to deal with Lou. And then Lou was on, I want to -- or
7 Vince was on, excuse me, until I believe June of 2020 and his
8 attorney's fees had just swelled to the point where I couldn't
9 afford him. My father couldn't afford him. I -- I think the
10 last FDF has his total attorney fee at a hundred and ninety
11 thousand dollars. And so I went pro per at that point because
12 discovery, at least as far as what was permissible under the
13 NRCP, was -- was done. So there wasn't really going to be
14 much more discovery request for things to do with depositions and I
15 thought I could just wrap it up because we were close to being
16 done at that point.

17 Q And it -- it's -- would you then say it's fair to
18 say that you're kind of walking this line between litigator
19 with all the knowledge that an attorney has with all of the
20 passion that a parent has, which has made this as you call it
21 the tight rope, this is kind of something that you've been
22 trying to balance, correct?

23 A Oh, absolutely. I -- I come to court and I hear I
24 should be declared a vexatious litigant which is -- you -- you

1 hear that, but then you bring something up and you're told
2 that your concern's not legitimate because you didn't file a
3 motion. And so you end up with this catch-22 Sophie's choice
4 where you second guess everything you do and -- and it sucks,
5 frankly. It puts you in a -- a bind on what is appropriate to
6 do and always feeling like there is no appropriate thing to
7 do. There's just losing and losing less.

8 Q And there's been a change in demeanor from the
9 Court, an election occurred.

10 A Oh, correct. We -- we have a different bench
11 officer.

12 Q And so that has also sent a couple of mixed signals
13 through here.

14 A I -- I would agree with that. I -- I think that the
15 -- when you're in a divorce and -- and -- I guess I should be
16 more specific. When custody is at issue, you kind of get your
17 cues and rules and -- and what the Court is looking for, what
18 the Court considers what's permissible, what's not permissible
19 from the bench and what Judge Moss had conveyed. And -- and
20 it's very explicit in the orders especially because I -- I
21 know this Court has said the -- that shouldn't have been done,
22 this shouldn't have been done. I -- I think it shows and
23 demonstrates the confusion.

24 Q And was it your intent to not actively try and

1 co-parent with Chalese?

2 A Never.

3 Q Would you say that part of the reason for you guys
4 splitting might be these issues with personality?

5 A Yeah, issues with personality and compatibility were
6 ultimately the impetus for the split.

7 Q Okay. Moving just briefly to the insurance, because
8 this was brought up, you had private insurance before?

9 A Correct. Sierra --

10 Q Where was that?

11 A Sierra Health and Life? It got converted to United
12 Health. It was a marketplace plan. And like I said, I
13 believe the monthly cost of that, which would have been on the
14 FDFs at the time, was approximately 1200 to \$1,300.

15 Q And then you moved to the state offered plan?

16 A Correct.

17 Q So you didn't kick her off the insurance.

18 A Correct. I -- I didn't fail to provide it in that
19 sense. She had insurance. She just didn't want to pay for
20 that insurance. She never asked me to pay to stay on the
21 private plan. She never asked to modify the familial support
22 or -- or temporary spousal support that had been awarded at
23 that time, although I think was still -- Judge Moss ordered
24 familial support and this really confusing --

1 THE COURT: Didn't --

2 A -- mix.

3 THE COURT: -- Judge Moss say that you needed to
4 continue paying the household bills?

5 THE WITNESS: That was the case until the community
6 split when the house was sold, because that was the order up
7 until the marital --

8 MS. CRAMER: That's a --

9 THE COURT: Hold on, hold on. I -- I think this is
10 an area where you all not doing family law is going to get you
11 all into a lot of trouble because there's a joint preliminary
12 injunction that is very clear that nothing changes. You
13 continue paying the same bills that you have always paid until
14 further orders of the Court. You had health insurance on her.
15 You should kept health insurance on her.

16 MS. CRAMER: And there was nothing precluding him
17 from putting her on the state plan instead of turning around
18 and saying she needs to --

19 THE COURT: Correct.

20 MS. CRAMER: -- pay her own private plan.

21 THE WITNESS: I --

22 THE COURT: Correct.

23 THE WITNESS: I don't think that there's testimony
24 about that. Counsel wants to testify about --

1 THE COURT: Well --
2 THE WITNESS: -- whether I could have --
3 THE COURT: -- I mean --
4 THE WITNESS: -- put her on the --
5 THE COURT: -- the -- the --
6 THE WITNESS: -- same plan.
7 THE COURT: -- key is is by law you were supposed
8 to.
9 THE WITNESS: I -- I understand.
10 THE COURT: Okay. So, you know, we're beating this
11 horse even further to death. So we don't need to beat it to
12 death.
13 MR. GOODWIN: The only -- the only --
14 MS. CRAMER: No, I know.
15 MR. GOODWIN: -- point I'm trying --
16 THE COURT: I --
17 MR. GOODWIN: -- to make here, Your Honor --
18 THE COURT: I mean, I under -- you know, I -- I note
19 at the beginning of every -- every hearing that although he is
20 in proper person, I recognize the fact that he is an attorney.
21 He knows how to read the law, he knows how to interpret the
22 law. And I bet you he has -- has combed over everything. So
23 he knew or should have known to have kept her on his health
24 insurance.

1 THE WITNESS: I kept her --

2 THE COURT: You knew --

3 THE WITNESS: -- on the private --

4 THE COURT: -- or should --

5 THE WITNESS: -- plan.

6 THE COURT: -- have known to keep her on the health
7 insurance and if you did not know, that is a question you
8 should have asked somebody.

9 THE WITNESS: I absolutely should have asked
10 someone.

11 BY MR. GOODWIN:

12 Q How often does Chalese bring up school issues with
13 you?

14 A I -- I can't think of -- I'm sure it's happened
15 possibly once, but I -- I can't think of one as I sit here.

16 Q And has she -- there was an issue a little bit I
17 think about Jessica going to a parent teacher conference. Was
18 Chalese barred from going?

19 A No.

20 Q Did Chalese know about it?

21 A Yeah, it was sent out via school email that
22 parent-teacher conferences were coming up.

23 Q Is Chalese on the school email?

24 A I believe so. I've previously given the school her

1 information before.

2 Q So she was aware of all this?

3 A I -- I can't honestly say what she was or wasn't
4 aware of.

5 Q She received documentation that would show that she
6 knew.

7 A I -- look, I -- I really can't say what she would
8 have received documentation wise. I can say that I gave the
9 school her contact information that she had been in --

10 THE COURT: Did you have her listed as the mother or
11 did you have her listed some other way?

12 THE WITNESS: I would have had her listed as the
13 mother.

14 THE COURT: Who was listed as the emergency contact.

15 THE WITNESS: It would have been myself and then
16 Jessica and then I believe --

17 THE COURT: Why would you go --

18 THE WITNESS: -- Chalese.

19 THE COURT: -- with the non-parent instead of the
20 mother as an emergency contact as the second contact person?

21 MR. GOODWIN: Your Honor --

22 THE COURT: No.

23 MR. GOODWIN: No, I -- I just did a school
24 registration. I can explain.

1 Q The school registration no longer goes by mother,
2 father. In fact, on mine it says me, my sister, my mom, and
3 my wife. Just because it's my wife's Chinese, it's easier for
4 me to write out Goodwin, Goodwin, Goodwin, and then in Chinese
5 they don't change the names. So she's forth on our list of
6 contacts to go run down on that if you run it by that way, but
7 that's how the school does their registrations.

8 THE COURT: This will be an -- and emergency because
9 I used to be a truancy judge and emergency contact is a
10 completely different screen. Okay. The emergency contact is
11 in order in which you want them to be contacted.

12 MR. GOODWIN: Oh.

13 THE COURT: Jessica shall never be second.

14 MR. GOODWIN: Right. Well --

15 THE COURT: Mom or Dad are the second. The other
16 one is first.

17 MR. GOODWIN: And -- and my emergency contacts don't
18 even list me and my wife. It goes directly to my brother
19 because he can always be available. So I don't think listing
20 them -- like you -- you're right. It is a different one. But
21 when I list about who people can do or are -- are authorized
22 to do anything at that school, those four people are all
23 listed.

24 THE COURT: Yeah.

1 MR. GOODWIN: So --

2 THE COURT: And -- and until people are married,
3 boyfriend and girlfriend shouldn't even be listed on the
4 school documents, in my opinion.

5 THE WITNESS: Your Honor, I hate to interject, but
6 apparently Marie was not there at the school and so Jessica's
7 going to --

8 THE COURT: Okay.

9 THE WITNESS: -- get Michael --

10 THE COURT: Let's go off --

11 THE WITNESS: -- from the bus stop.

12 THE COURT: -- the record so that Chalese can call
13 and find out where this girl is because the child exchange was
14 supposed to be at the time school is out.

15 (COURT RECESSED AT 3:26 AND RESUMED AT 3:31)

16 MR. GOODWIN: On the record.

17 THE COURT: Back on the record.

18 THE CLERK: We're on.

19 THE COURT: Okay. We are back on the record and the
20 child has been found and being turned over at no fault of
21 anybody's other than miscommunication.

22 MR. GOODWIN: We'll pass the witness, Your Honor.

23 THE COURT: Thank you. All right.

24 RECROSS-EXAMINATION

1 BY MS. CRAMER:

2 Q So you testified just now that it's difficult to
3 co-parent during litigation, correct?

4 A I agree.

5 Q Okay. So are you aware of the best interest factors
6 that the Court is required to take into consideration when
7 making a custody determination?

8 A Indeed.

9 Q And are you aware that several of those factors go
10 directly to your ability to co-parent?

11 A I think that one of the factors is specifically
12 about ability of the parties to co-parent. Whether it's a
13 correct statement to say that the other ones all go towards it
14 when there's an overarching co-parenting one, I -- I don't
15 agree with that.

16 THE COURT: Well, the level of conflict between the
17 parents, the ability of parents to cooperate to meet needs of
18 child, mental and physical --

19 MS. CRAMER: The developmental --

20 THE COURT: -- health of the --

21 MS. CRAMER: -- needs of --

22 THE COURT: -- parents.

23 MS. CRAMER: -- the child, the --

24 THE COURT: Which is more likely to --

1 MS. CRAMER: Facilitate --

2 THE COURT: -- allow --

3 MS. CRAMER: -- a relationship between with the
4 non-custodial parent. There's several where your ability to
5 co-parent is a direct consideration in that.

6 Q So isn't it in -- presuming you want custody of your
7 children, isn't it in your best interest to be a good
8 co-parent litigation or not?

9 A It is.

10 Q Okay. Do you --

11 THE COURT: But hold on. Before you go there, and
12 wouldn't it be -- and if you're wanting primary, wouldn't it
13 be in the, you know, in your interest to allow frequent
14 associations and continuing associations with the other
15 parent?

16 THE WITNESS: Indeed.

17 THE COURT: And where have you done that?

18 THE WITNESS: I stand ready to have them FaceTime
19 every single morning which hasn't been done since Your Honor
20 changed that time. I realize this comes down to what he said,
21 she said and that there is no call logs because FaceTime goes
22 via wifi rather than cell service. It's not like you could
23 subpoena the records. But I can represent and -- and I've got
24 my --

1 THE COURT: How --
2 THE WITNESS: -- missed call --
3 THE COURT: How is --
4 THE WITNESS: -- list.
5 THE COURT: -- of the frequent association phone
6 calls is -- or FaceTime is nowhere near the hugging time that
7 a child gets for Mom. And yet you got her cut -- you had her
8 cut down to, what, every other weekend?
9 MS. CRAMER: And she missed --
10 THE WITNESS: Two days a week.
11 MS. CRAMER: -- like two Decembers in a row where
12 she's had like, you know, maybe --
13 THE COURT: Minimal time?
14 MS. CRAMER: -- 48 hours with her kids.
15 MR. GOODWIN: Yeah.
16 THE COURT: Were you both practicing atheist? Well,
17 not -- that's not practicing. Did you both -- did you both --
18 were you both a -- atheists?
19 THE WITNESS: We both lacked a belief. There wasn't
20 any particular religious overtures to celebrations, but there
21 were traditional celebrations. So despite being an atheist,
22 still celebrating Christmas, things like that.
23 THE COURT: All right.
24 BY MS. CRAMER:

1 Q Do you still have a private investigator retained?

2 A Not retained. There's one that I can call as like
3 an on call type basis.

4 Q Okay. So --

5 A Because --

6 Q -- did you have Chalese followed at lunchtime today?

7 A No.

8 Q Are you aware that she was followed from the court
9 to her house and then back to the court by the same person?

10 A I'm not sure. It wouldn't be because of me.

11 Q Okay. And given the number of times that you have
12 had her followed, do you expect me to believe you?

13 A No.

14 Q Okay. Do you think that getting mixed signals in a
15 courtroom justifies trying to cut your co-parent out of your
16 children's lives?

17 A I think you're misstating what I said.

18 Q Okay. Well, you could still answer the question.

19 MR. GOODWIN: Your Honor, I think that's -- the
20 question isn't an appropriately phrased question.

21 BY MS. CRAMER:

22 Q It -- regardless of the signals from the Court, do
23 you think that a judge's behavior or a judge's orders justify
24 you trying to eliminate Chalese from your children's lives?

1 MR. GOODWIN: Objection, Your Honor. There's no
2 foundation for the elimination of her from their lives.

3 THE WITNESS: And it's --

4 MS. CRAMER: Yes, there is.

5 THE WITNESS: -- argumentative, but --

6 MS. CRAMER: There's three, going on four years of
7 litigation. There is his deposition in which he asserted that
8 Jessica was a better choice of a mother and he wanted to --

9 THE WITNESS: That misstates --

10 MR. GOODWIN: That's not --

11 THE WITNESS: -- the (indiscernible).

12 MS. CRAMER: I'm paraphrasing. He was going to plug
13 and play with the moms. So --

14 THE COURT: Let me --

15 MS. CRAMER: -- you -- there --

16 THE COURT: May -- may I?

17 MS. CRAMER: Yes.

18 THE COURT: Do you believe that limiting the mother
19 to such insignificant period of time is really in the best
20 interest of your children?

21 THE WITNESS: If the children's best interest is
22 served by the limited time, yes.

23 THE COURT: And do you believe that it is in the
24 interest of co-parenting?

1 THE WITNESS: That's a harder one because
2 co-parenting as a necessary goal requires the underlying
3 premise of equal time and facilitating a good relationship in
4 that fashion. And -- and I think that that's where I'm
5 struggling with this whole is it good parenting, is it this,
6 is it that. I -- I think that ultimately you have to be good
7 parent first and look out for the best interest of your
8 children. And if you truly believe that there is an issue
9 with the other parent, you try to resolve that issue with the
10 other parent and that is good co-parenting trying to resolve
11 that issue. If that fails and you have to bring in a third
12 party like the Court, then I -- I think that that is
13 appropriate to do so. And sometimes people can't see -- and
14 -- and I'm sure Your Honor would agree, looking at me and the
15 -- and the statements you've made, like sometimes people can't
16 see their blind spots.

17 And so I'm not trying to be malicious here. This --
18 this is no intent on my part to harm Chalese. I -- I'm not
19 doing this that way. I'm trying to protect Michael and Marie
20 from what I perceive as harm that could potentially befall
21 them.

22 THE COURT: And how is having your -- the mother of
23 your children followed relentlessly proving to you that she's
24 a bad parent? If you can't see it yourself, how is she a bad

1 parent?

2 THE WITNESS: Because if she's letting Josh drive,
3 if Josh by his own testimony is smoking one-and-a-half grams
4 of marijuana a day and potentially driving the children, do
5 you know how many marijuana DUIs, DUI deaths I've defended?
6 Like I -- we've talked a lot about her --

7 THE COURT: And -- and --

8 THE WITNESS: -- mind frame --

9 THE COURT: And --

10 THE WITNESS: -- coming into this.

11 THE COURT: -- we're -- again, that's, you know, the
12 key is is if he hadn't had any -- we don't know if he was
13 smoking that first thing in the morning or that -- later on.
14 We don't know of that day. I mean, he says that he, you know,
15 it's usually three times a day. But at the time, in 2019, we
16 don't know how much he was smoking.

17 THE WITNESS: The -- there was a deposition done of
18 the Defendant.

19 THE COURT: In 2019 when this case first started
20 because she was play -- and she had her time cut out very
21 early in this litigation.

22 THE WITNESS: I believe her deposition was done in
23 the fall of 2019, so it would have been after that time frame.
24 But it was -- his criminal record was such that he had a few

1 convictions, one of them was a -- a felony that was reduced
2 because it was possession of marijuana that got reduced to
3 drugs ITS. And so --

4 THE COURT: And that was prior to the legalization
5 of marijuana?

6 THE WITNESS: Correct.

7 THE COURT: So how does that affect anything when it
8 was legal in 2019?

9 THE WITNESS: Because it's not legal to smoke and
10 drive and so the background --

11 THE COURT: It's -- you -- you -- so you
12 automatically jumped to the assumption that he has obviously
13 disobeying the laws and therefore I have to take my children
14 away from their mother.

15 THE WITNESS: It's not jumping to the assumption
16 because his traffic background as well as -- he was atrocious
17 with speeding. So it was a multifactorial analysis of his
18 drug usage plus his foot traffic.

19 THE COURT: So you are trying to put your morals and
20 your -- what -- what you think is right and trying to tell Mom
21 you must follow what I want.

22 THE WITNESS: No, I just --

23 THE COURT: Isn't it?

24 THE WITNESS: It's because --

1 THE COURT: You do as I say or I'm going to take the
2 kids away from you is the attitude you took.

3 THE WITNESS: I -- I don't --

4 THE COURT: Oh, I'm sorry. I'm not a litigator.
5 I'm sorry.

6 THE WITNESS: I -- I don't agree that that's the
7 attitude. I'm -- I'm -- if a --

8 THE COURT: Guess what? That's the attitude I see.

9 THE WITNESS: I -- I guess --

10 THE COURT: That is the attitude I'm getting as the
11 trier of fact here, that it was your way or the highway.

12 THE WITNESS: Would Your Honor feel -- I -- I don't
13 want to question Your Honor. I don't -- I -- because it's
14 like you said, the litigator and the thing like that. So I'm
15 -- I'm trying thread the appropriate line and answer your
16 questions while also giving --

17 THE COURT: Don't thread --

18 THE WITNESS: -- the testimony.

19 THE COURT: -- the line. Just be honest, because
20 it's making me sound like you're a sneaky little devil here
21 trying to hide stuff.

22 THE WITNESS: I'm not trying to hide anything. My
23 concern is if he had --

24 THE COURT: I --

1 THE WITNESS: -- DUIs --

2 THE COURT: And I don't mean you're a devil, but --

3 THE WITNESS: I -- I know.

4 THE COURT: -- you know.

5 THE WITNESS: If -- if he had DUIs, if he had other
6 things in his background that were convictions, it's the whole
7 tree falls in a wood.

8 THE COURT: The question is is did he have a DUI
9 conviction with the child in the vehicle with him?

10 THE WITNESS: No.

11 THE COURT: Did he -- did he have any drug
12 possession charges when he had the child -- a child -- a child
13 in his possession?

14 THE WITNESS: I don't know the answer.

15 THE COURT: You immediately jumped to the fact that
16 this woman did -- could not judge who to have her children
17 with, so therefore she's a bad parent too. You had no faith
18 in your co-parent. And in doing so, you've destroyed a
19 co-parenting relationship because it had to be your way or the
20 highway. Convictions does not mean that when you're with
21 children it's going to be, you know, the same way.

22 MR. GOODWIN: Well --

23 THE WITNESS: I mean, I -- I do think his testimony
24 yesterday that he's upstairs smoking and not sure where the

1 kids are, because they -- they play. It --
2 MS. CRAMER: That's not --
3 THE WITNESS: He's smoking --
4 MS. CRAMER: -- what he --
5 THE WITNESS: -- (indiscernible) kids.
6 THE COURT: And that's something totally different.
7 THE WITNESS: Well, it --
8 MS. CRAMER: That's --
9 THE COURT: You know --
10 MS. CRAMER: That's also --
11 THE COURT: This --
12 THE WITNESS: -- depends on --
13 MS. CRAMER: -- not what he --
14 THE COURT: This woman --
15 MS. CRAMER: -- testified to.
16 THE COURT: This woman was limited in the amount of
17 time she got to spend with her kids for over two years based
18 on facts not in the record.
19 MR. GOODWIN: Well, Your Honor, I think that blaming
20 Adam for that --
21 MS. CRAMER: Adam is the --
22 MR. GOODWIN: -- would be inappropriate.
23 MS. CRAMER: -- one that filed the motion.
24 THE COURT: He's the one --

1 MR. GOODWIN: But he's not the one who got the order
2 and made the ruling.

3 MS. CRAMER: Oh, dear God.

4 THE COURT: You know? No. Now you're talking like
5 a criminal defense attorney. It is his fault because he filed
6 the motion saying she must live her like the way I want her
7 to.

8 MR. GOODWIN: And I -- I don't --

9 THE COURT: It is the control factor.

10 MR. GOODWIN: I would say that that part is --

11 THE COURT: That is --

12 MR. GOODWIN: -- on the motion.

13 THE COURT: -- domestic violence when he is
14 attempting to control her who she's with and who's around his
15 children. That is factors I must look at.

16 MR. GOODWIN: But I don't -- I don't believe --

17 THE COURT: The attempt --

18 MR. GOODWIN: -- that in anyway --

19 THE COURT: Sir.

20 MR. GOODWIN: -- relates to any definition --

21 THE COURT: Sir.

22 MR. GOODWIN: Yes, Your Honor. I apologize.

23 THE COURT: The problem we have here is you need to
24 read what the domestic violence protocols are in family law,

1 not in criminal law, because his attempts to control her
2 caused her to live her life the way he wants, even though he
3 didn't want her, stalking her, having people follow her,
4 making her life a living hell is domestic violence. That can
5 completely cut him out of even having joint physical custody.
6 I am finding that there are reasons why I won't go that far,
7 but that is the law I'm required to look at and the more he's
8 talking, the worse he's digging his grave. Do you not
9 understand that?

10 THE WITNESS: I do understand that.

11 THE COURT: Continue so we can get out of here.

12 MS. CRAMER: Did you pass the witness?

13 THE COURT: Yes.

14 MR. GOODWIN: Yeah, it's --

15 THE COURT: You've been questioning her.

16 MR. GOODWIN: -- it's your direct.

17 MS. CRAMER: Okay.

18 MR. GOODWIN: Or it's your cross.

19 MS. CRAMER: I'm sorry, Your Honor. You've
20 distracted me, Your Honor. I blame you.

21 THE COURT: I know it's my fault. I got a big
22 mouth.

23 MS. CRAMER: You and me both.

24 BY MS. CRAMER:

1 Q All right. So Adam, in the course of having
2 Chalese's house watched by a private investigator, isn't it
3 true that at one point she left Josh at home in the middle of
4 the night with the children alone?

5 A In the middle of the night?

6 Q Yes.

7 A I -- I don't recall that.

8 Q Okay. And well, isn't it true that she had to leave
9 the children with Josh because she ended up in the ER at the
10 middle of the night?

11 A I once again don't recall that.

12 Q Okay. And you testified that you believe she's on
13 the school paperwork. Are you aware that the teachers will
14 not communicate with Chalese because she is not on the school
15 paperwork for the children?

16 A I'm not aware of that.

17 Q Okay. You think you can check on that --

18 A Absolutely.

19 Q -- today or tomorrow and remedy that situation?

20 A Absolutely.

21 Q Okay. That would be greatly appreciated.

22 MS. CRAMER: Your Honor, I don't think I have any
23 more questions for this witness at this time.

24 THE COURT: Okay. My turn. Like haven't you put me

1 through hell enough.

2 THE WITNESS: And that wasn't your turn earlier?

3 THE COURT: Huh?

4 THE WITNESS: That wasn't your turn earlier?

5 QUESTIONS BY THE COURT:

6 Q Okay. I -- I -- no one has outright asked you this
7 question, so I'm going to ask you the question. Did you take
8 a bike ride while Mom was in labor with either one of the
9 children?

10 A I didn't take a bike ride. I was at the hospital.
11 It was -- they were cracked. It was a long labor. She was
12 there for three days. I was studying for the bar in the
13 little hospital bed. At some point, her mother came to -- I
14 don't want to say relieve me, but she hadn't made any
15 progress. She wasn't dilated. She wasn't in -- she was an
16 active labor in the sense that there were contractions, but
17 they weren't productive. And so they spelled me and said hey,
18 go home, take a shower, take a bike ride, clear your head. So
19 I didn't leave the house. I -- I used to be a very big
20 cyclist and I had an indoor trainer that connected to my
21 laptop and had a little virtual world that you ride up and
22 down mountains so I don't get hit by a car. So I went home --

23 Q Kind of like a Peloton nowadays --

24 A It -- it was --

1 Q -- but not.

2 A It was a precursor to Peloton. Yeah.

3 Q Okay.

4 A It's more -- I don't want to call Peloton not
5 serious cycling, but it was more for serious cyclists like
6 racing.

7 Q Okay.

8 A And so I went home, showered, and I rode my trainer,
9 like rode my trainer for half an hour --

10 Q Right.

11 A -- showered, and then I went back.

12 Q Did you think that studying for the bar was more
13 important than sitting there and comforting Chalese?

14 A There wasn't a matter of comforting. She was
15 sitting there. I was sitting next to her. I was talking to
16 her. I was taking care of her needs. I wasn't in the bed
17 with her obviously, but I -- I guess I don't understand in the
18 sense that I was there, I was present and I was attentive. I
19 don't know that there's a statement that I could have done
20 something better or different, because in my mind I -- I did
21 what a person should do.

22 Q The home you're currently living is -- is provided
23 by your dad?

24 A No.

1 Q You own it?
2 A I do not.
3 Q It's in a trust?
4 A No, Ms. Sellers owns it.
5 Q Ms. Sellers owns the home. Are you paying the
6 mortgage payment on that home?
7 A I'm paying rent to Ms. Sellers.
8 Q How much are you paying?
9 A 2,000 a month.
10 Q And what is her mortgage?
11 A I believe it's just over 2,000, but then there's
12 also the HOA dues and things like that.
13 Q So you're paying the majority of the mortgage on her
14 home.
15 A Correct.
16 MS. CRAMER: Your Honor, I -- he -- he needs to
17 clarify. She owns the home with his parents, I believe.
18 THE WITNESS: That's incorrect.
19 MS. CRAMER: Can I get the address on the record?
20 THE WITNESS: 7290 Sea Anchor Court, sea as in the
21 ocean, Anchor Court. Three words. 89131.
22 Q Thank you. Ha -- was there only one of Mr. Lloyd's,
23 for lack of a better term, baby mamas? There's two of them,
24 correct?

1 A There's two of them, correct.

2 Q Have you reached out to them yourself to initiate
3 communications?

4 A I spoke to Carmen and --

5 Q Did -- did you initiate --

6 A I don't --

7 Q -- the contact?

8 A -- believe I initiated with Carmen. I did initiate
9 with Dolores.

10 Q Why?

11 A Carmen had said that Dolores had wanted to talk to
12 me, that -- that there was some stuff going on that she
13 thought was relevant for purposes of the children.

14 Q Okay. I'm going to ask you to put yourself into
15 somebody else's shoes, if you can. Okay. Sometimes it can be
16 hard to do. Jessica's ex, this is the best way, okay.
17 Jessica's ex is going through a real nasty custody battle and
18 a divorce. There's people following her constantly, taking
19 pictures of her coming into a home that you were actually also
20 living in, taking pictures and videotapes. Would that anger
21 you?

22 A Probably.

23 Q Would you feel like you needed to protect Jessica?

24 Q I -- I would feel angry about it. I'm not sure that

1 I would feel the need to protect I -- I guess. I -- I would
2 feel angry about it and -- and I think I would take protective
3 actions, but I guess -- I -- I'm really not trying to be
4 evasive here. I just -- the word protect is loaded.

5 Q Yeah.

6 A And so I'm --

7 Q The -- would you -- you know, is there a possibility
8 that you may just snap one day and say things you shouldn't
9 say?

10 A I don't think so. I'm pretty even keeled.

11 Q All right. I think I -- I got all my questions.
12 Anything else from either one of you?

13 MR. GOODWIN: No, Your Honor. No, Your Honor.

14 MS. CRAMER: No.

15 THE COURT: Okay. You may step down.

16 MS. CRAMER: Oh, Your Honor, I do have a question.

17 THE COURT: No. Yes, go ahead. Real quick.

18 MS. CRAMER: If Chalese and I meet in the morning
19 and complete her FDF in the morning, can we file it in open
20 court?

21 THE CLERK: We can.

22 THE COURT: She doesn't like it. No, I'm just
23 joking. She says you can.

24 MS. CRAMER: Well -- well, we know --

1 THE COURT: On -- on things --
2 MS. CRAMER: -- she's the one --
3 THE COURT: -- like that --
4 MS. CRAMER: -- that's actually --
5 THE COURT: -- I'll let her --
6 MS. CRAMER: -- in charge.
7 THE COURT: -- make that determination.
8 MS. CRAMER: Okay. If nothing else, we'll take a
9 two minute break and walk it over to the Clerk's Office and
10 say file it, please so Judge Perry's eyesight will not suffer.
11 MS. CRAMER: Okay. Thank you, Your Honor.
12 (WITNESS EXCUSED)
13 THE COURT: I can understand that you -- you know,
14 you don't necessarily have to file that -- you know, well, you
15 may need to because you're going to be rushing in the morning.
16 We are going -- and I'm getting this taken care of. I think I
17 want to go ahead and start because we're only going to have
18 two hours tomorrow.
19 MS. CRAMER: Okay.
20 THE COURT: And I want it done tomorrow. So I want
21 to go ahead and start with Chalese. I'm going to let Ms.
22 Cramer do the direct first.
23 MR. SOLINGER: I -- I full anticipate that I will
24 not be crossing today. I have no illusions about that --

1 THE COURT: Okay.

2 MR. SOLINGER: -- time. I -- I --

3 THE COURT: All right. You know, I mean, we've got
4 two hours. You've got an hour. So right now you've got a
5 maximum of 40 minutes. But if we get to a place that you want
6 to stop prior to that, before we start into a new section, we
7 can do that.

8 MS. CRAMER: Oh, so --

9 THE COURT: And then put her back on.

10 MS. CRAMER: -- you want me to call her now?

11 THE COURT: Yeah.

12 MS. CRAMER: Okay.

13 (WITNESS SUMMONED)

14 THE COURT: We went a little bit longer with Dad,
15 but I'd really like to keep Mom to two hours, two-and-a-half
16 hours.

17 MS. CRAMER: Understood.

18 MR. SOLINGER: Understood.

19 THE COURT: God, I remember when I was that skinny.
20 Don't get old.

21 MS. SOLINGER: Okay.

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

1 MS. SOLINGER: Yes.

2 CHALESE SOLINGER

3 called as a witness on her own behalf, having been first duly
4 sworn, testified upon her oath as follows on:

5 DIRECT EXAMINATION

6 BY MS. CRAMER:

7 Q All right, Chalese. Can you spell your name for the
8 record? First and last.

9 A C-h-a-l-e-s-e, current last name is Solinger,
10 S-o-l-i-n-g-e-r.

11 Q Okay. And what address do you live at currently?

12 A 4657 Curdsen Way.

13 Q Okay. Who lives there with you?

14 A I live there with Josh. Full-time we have his son,
15 Jesse. Part-time we have his daughter, Ariel. Full-time we
16 have our daughter, Cheyenne. And then part-time we have Mac
17 and Marie.

18 Q Okay. I'm going to -- I think I'm going to ask you
19 some follow up questions from some of the testimony that we
20 heard today and yesterday. I'm going to start with that
21 because I have the notes fresh in front of me. So in January
22 of 2021, heard all about this incident where Jessica parked in
23 front of the driveway and Josh said some intemperate language
24 at her and got charged, correct?

1 A Correct.

2 Q Okay. When you texted Jessica, who did you advise
3 her was coming back from dinner?

4 A I had just said we are all coming back from dinner
5 with my mom. We we're all coming from Lake Las Vegas. We
6 will get there as safe and as fastly as we can.

7 Q Okay. So you did tell her we're all coming?

8 A Yes, I did not list any names, but I said we are
9 all.

10 Q At your house, do you like for the children to spend
11 their time in front of the television screen?

12 A No.

13 Q Do you like for them to spend their time in front of
14 an iPad?

15 A No.

16 Q Okay. What is your idea of appropriate play for the
17 children?

18 A They love to go outside on the trampoline. We ride
19 bikes, we ride scooters, we take walks, we walk dogs, we play
20 with chalk. In the spring and summertime I do toma -- I grow
21 tomatoes and squash and a couple different other things. And
22 they all have, you know, one will water one plant, one will
23 water another. And these are things that we do for fun.

24 Q Okay. In the January, 2019 incident in which Adam

1 first entered the home under the auspices that he was going to
2 get Michael's medication, did you communicate with Adam about
3 the medication that day?

4 A I did.

5 Q And what did you tell him?

6 A I let him know what had been prescribed for, how
7 often to give it to him, and that I forgot to send it with
8 him. I was not at the house. I would be back late that night
9 or I could bring it to him first thing in the morning.

10 Q Okay. Did you give him permission to enter the
11 home?

12 A No.

13 Q Okay. Is that the only time that Adam entered the
14 home without you being there?

15 A No.

16 Q Did you have a Ring doorbell at the time?

17 A I did.

18 Q Did you observe Adam at your home on more than one
19 occasion?

20 A I did.

21 Q Can you describe to the Court what you observed
22 during that time frame?

23 A The Ring notification would go off at random times
24 and I would look and I would see his car sitting out across

1 the street just in front of my house for hours on end.

2 Q Okay.

3 THE COURT: Did he go in the home or just sitting
4 across the street?

5 THE WITNESS: If I were to leave, there were a
6 couple times where I would look at the cameras and he would be
7 there and I would watch him go in.

8 THE COURT: Okay.

9 BY MS. CRAMER:

10 Q At any point since this litigation started, have you
11 ever had a house that is completely empty of food?

12 A No.

13 Q So in those pictures, which we've all seen, they're
14 in various motions and whatnot, there's piles of laundry. I
15 see toys. There's stuff in Adam's office. Is that how your
16 house always is?

17 A No, not always.

18 Q Okay. Can you describe to the Court how your house
19 is?

20 A It depends on the day and the mood of the children.
21 Sometimes things are working out and everybody's getting along
22 and I can keep up on the house and keep the dishes empty. And
23 while I'm doing that, then, you know, hopefully they're
24 outside playing on the trampoline. They could come in and

1 mess up the living room. So I've got to come clean the living
2 room. Sometimes if they get too messy, Play-Doh in their
3 hair, spilled food, whatever, then we need to drop everything
4 and go take a bath.

5 Q Okay. At -- in the January 29 incident, Adam also
6 suggested that someone else's stuff was in the house. Were
7 you dating Josh at that time?

8 A No, I was not.

9 Q Okay. Were you dating anyone?

10 A Yes.

11 Q Okay. And to be clear, Adam was dating Jessica at
12 this time.

13 A Yes.

14 Q So you both moved on.

15 A Yes.

16 Q Did Adam consult with you when Michael was
17 re-enrolled in speech therapy?

18 A Before he did it or just in general?

19 Q Before he did it, did he consult with you about
20 putting him back in? Did he consult with you about selecting
21 a speech therapist?

22 A I brought it up to him that I wanted to get him into
23 CCSD'S program and he took it upon himself to go through and
24 find private avenues and do that.

1 Q At some point prior to Adam selecting a speech
2 therapist, did you believe that Michael had graduated from
3 speech therapy?

4 A No, that's not what was said.

5 Q Okay. Can you explain that situation?

6 A Adam was telling me we needed to find a different
7 speech therapist because we were paying out-of-pocket and he
8 could not afford that. So I explained the situation to the
9 speech therapist, Margo, and she said with you working as well
10 as you do with Michael and he's progressing, you know, as long
11 as he's being around other peers and you're still working with
12 him until you can get him enrolled in with CCSD when he comes
13 closer to school age, I think we might be okay.

14 Q Okay. So essentially she suggested that a -- a
15 small break as long as you did work at home, it would be okay.

16 A Yes.

17 Q Okay. In this litigation, we've -- we've also heard
18 a lot about these speech therapy worksheets, correct? A

19 Yes.

20 Q Okay. So do you do the worksheets with him?

21 A I don't show him the worksheets. We sit in front of
22 the mirror and we work on moving our mouth. He had a severe
23 tongue tie when he was a baby that went unnoticed. So he had
24 -- essentially had to relearn how to move his tongue. And so

1 that was one of the things Margo said I did very well with is
2 working with him in front of a mirror. And so if he's not
3 looking at the paper but I can tell what noises or sounds or
4 how we need to shape our mouth, I feel it's easier for him to
5 see me do it and watch himself do it in the mirror rather than
6 making him look at a worksheet. We're still doing the same
7 sounds. We're still doing the same words. I'm just using a
8 mirror instead of making him look at paper.

9 Q Okay. I know there's been some significant
10 litigation regarding Marie's teeth.

11 A Yes.

12 Q So what is the situation with Marie's teeth?

13 A When Marie was about four days old, she had stopped
14 breathing and we were in the ICU and we found she had a heart
15 murmur. One of her arteries just wasn't big enough. It -- it
16 was going to fix itself on its own as it expanded. And she
17 had a hole in her heart that didn't quite close up yet, but
18 it's completely normal and she had a murmur. But during the
19 time that she was in the ICU, they gave her something and she
20 also had a tongue and lip tie. So I took her to the
21 pedodontist where I took Michael to get his done. And we were
22 talking about it and her teeth were starting to come in at
23 that time and they were coming in decaying. And I was asking
24 her if it's like, you know, we breast fed, so it couldn't have

1 been (indiscernible). I asked if it was anything like that.
2 She says, no they're coming in decaying. She probably got an
3 infection in her gums when she was in the hospital.

4 So we put a black varnish over it to kill the
5 infection and was told to wait till her one-year-old molars
6 came in and if the varnish killed the infection in her
7 one-year-old molars came in fine, then we could go ahead and
8 cap the -- the black teeth. And one-year-old molars come in.
9 Everything looks great. We're trying to schedule it and Adam
10 is fighting with me over it saying it's completely cosmetic.
11 She doesn't need it. I don't have to worry about kids being
12 cruel or teasing her or anything like that.

13 He was completely against it. He ended up
14 withholding the children from me at the time and I didn't see
15 them for a little over a week, I want to say almost two weeks.
16 And it was time for Marie's surgery date. And I show up in
17 the morning and her lip is completely swollen. And I ask
18 Adam, what -- what's going on. And he's like I don't know,
19 it's been like that, I didn't do anything. You know, he
20 wasn't concerned.

21 And she gets taken back and the procedure's done and
22 the pedodontist comes and grabs Adam and I and says listen, the
23 infection in her gums was so bad that all she had to do was
24 apply pressure and it would ooze out infection and she

1 couldn't save the top teeth. She capped the two bottom once
2 and we're hoping that it didn't cause any permanent damage to
3 her permanent front teeth. So as of now, she has two no front
4 teeth.

5 Q She has no front teeth?

6 A Not on the top.

7 Q Okay. And do you intend to get like spacers or caps
8 or any like false teeth while you're waiting for her permanent
9 teeth to come in?

10 A No. We were told just to wait to see if they come
11 in and if they don't start coming in, then we'll do X-rays and
12 figure out things like that.

13 Q Okay.

14 THE COURT: She's got, what, two more years before
15 the --

16 MR. SOLINGER: Her --

17 THE COURT: -- permanent teeth start coming in?

18 MR. SOLINGER: Her most recent X-rays show that the
19 teeth are up in the gums and -- and everything looks promising
20 with that, the --

21 THE COURT: Okay.

22 MR. SOLINGER: -- the caps --

23 THE COURT: All right.

24 MR. SOLINGER: -- on her bottom teeth that were done

1 at the same time are -- are slightly loose, but all of her
2 current X-rays show that she's progressing and everything
3 should be fine.

4 THE COURT: Okay.

5 BY MS. CRAMER:

6 Q So we heard also a lot that Marie had persistent
7 diaper rash. Was that actually a diaper rash?

8 A No.

9 Q Can you explain to the Court what it was?

10 A It was a reoccurring yeast infection. Her very
11 first pediatrician, Dr. Laura (ph), who saw both Mac and
12 Marie, I would take her in because she would constantly get
13 it. We try doing cloth diapers thinking maybe it was a
14 reaction to diapers. We try changing wipes. We try changing
15 to just regular wet toilet paper. And she was still getting
16 these -- these rashes. And so when I took her in, Dr. Laura
17 said well, this is a yeast infection. So any time that this
18 infection -- or -- or anytime that this rash would show up and
19 she's bothered by it, I would call Dr. Laura. I would
20 explain, hey, listen, this is what it's looking like. And she
21 would say, okay, yes, that's probably her yeast infection.
22 Try some Nystatin cream, which if I did not have any on hand,
23 then she would always call in for me so I could pick it up.

24 Q Okay. So in the case of the yeast infection, does a

1 lotion like Aquaphor help a yeast infection?

2 A No, not --

3 MR. SOLINGER: Objection.

4 A -- at all.

5 Q Okay.

6 THE COURT: Hold on. Hold on.

7 MR. SOLINGER: Object --

8 THE COURT: What's the objection?

9 MR. SOLINGER: I move to strike on the basis that

10 she's not a medical expert, so she can't render an opinion

11 that Aquaphor kills the yeast infection.

12 MS. CRAMER: I never --

13 MR. SOLINGER: It's beyond the scope of her

14 knowledge --

15 THE COURT: And --

16 MR. SOLINGER: -- as a --

17 THE COURT: -- I'm going to --

18 MR. SOLINGER: -- lay witness.

19 THE COURT: -- sustain that.

20 MS. CRAMER: I never asked if it killed it. I said

21 does it help it.

22 THE COURT: You didn't --

23 MS. CRAMER: Well, she was treating the kid.

24 THE COURT: You did not lay the foundation on

1 whether she even attempted to try it.

2 MS. CRAMER: Okay.

3 BY MS. CRAMER:

4 Q So did you discuss the appropriate treatment with
5 the doctor?

6 A Yes, I did.

7 Q Okay. And did the doctor indicate that lotions and
8 diaper rash cream was an effective way to treat a yeast
9 infection?

10 A She asked what was happening, what we were doing to
11 treat it, and I told her that her father said that he was
12 using Aquaphor. I know that I had Desitin and Vaseline on
13 hand and she was saying that will smother it and keep -- and
14 feed the yeast. You can't keep it wet. You have to let it
15 dry. The Nystatin cream goes on wet, but it does dry.

16 Q Okay. Did you advise Adam of this?

17 A I tried telling him.

18 Q Did you give him Nystatin cream?

19 A I let him know that the pediatrician would call in a
20 tube for his house.

21 Q Okay. Did Adam ever discuss selecting a daycare for
22 the children with you?

23 A All he discussed was that it was too expensive at
24 the one we were at and he would like to change and I said

1 okay, that's fine. I asked that it was in a neutral location.

2 Q And what did he do at that point?

3 A He decided to go with one right by his house.

4 Q Okay. And is that the Creative Kids?

5 A Yes.

6 Q Okay. And is that where you had the incident in the
7 parking lot with Jessica?

8 A Yes.

9 Q All right. Can you tell the Court what happened in
10 that incident?

11 A In that incident, I waited for Jessica to arrive. I
12 had texted her. She could tell that I was upset. When she
13 got there, her daughter immediately pulled out her phone and
14 started videotaping me. I stepped -- I stayed quite a bit a
15 ways from her. And she was holding Marie and I asked her to
16 put her down so she could walk. And she said she didn't want
17 to walk. I said, it's okay. Put her down so she could walk.
18 She started to come towards me and so I went to go reach for
19 Marie where Jessica grabbed on and jerked her back, making it
20 look like there was a struggle. So I threw my hands up,
21 stepped back, and asked her to please put my daughter down so
22 she could walk to me where I then got in the car was buckling
23 them up. Her and her daughter were screaming at me that I'm
24 on video camera, I'm doing this, I'm doing that. I got the

1 kids in the car as fast as I could. They were obviously upset
2 that there was screaming going on between the parties. And I
3 left. I drive a truck and sometimes my wheels do screech
4 whether or not I'm going fast or anything like that.

5 Q Did Jessica --

6 THE COURT: Did you cuss at her?

7 THE WITNESS: I'm sorry?

8 THE COURT: Did you cuss at her?

9 THE WITNESS: I might have.

10 THE COURT: Okay.

11 MS. CRAMER:

12 Q And did Jessica cuss at you?

13 A Yes.

14 Q And do you recall specifically what she called you?

15 A No, I do not.

16 Q Okay. When Michael or Mac, as you guys call him,
17 was enrolled in school, did Adam discuss his school with you?

18 A No.

19 Q Did Adam discuss which school you wanted to enroll
20 him in?

21 A No.

22 Q Did he ask you if you agreed to put him in his
23 current school?

24 A No.

1 Q The kids do not have the same pediatrician as they
2 originally had, do they?

3 A No, they do not.

4 Q Okay. And who picked their pediatrician?

5 A Adam did.

6 Q Did Adam ask you if you agreed to switch
7 pediatricians?

8 A No.

9 Q Did he ask you about your input on the pediatrician
10 that he wanted?

11 A No.

12 Q When -- how were you advised that there was a new
13 pediatrician?

14 A I believe the first time I was advised that there
15 was a new pediatrician was because Mac came home and told me
16 that he had a doctor.

17 Q Okay. And there's been some discussion about Mac's
18 speech therapy appointments. And -- and I am paraphrasing
19 here, but Adam has testified that you noticed vacation and did
20 not take Mac to his speech therapy appointment. Is that true?

21 A I did not take him.

22 Q Did Mac go to his speech therapy appointment?

23 A He did.

24 Q And who took him?

1 A My mother.

2 Q And who paid for it?

3 A My mother.

4 Q During the time before you guys separated, did you
5 guys ever celebrate Advent?

6 A No.

7 Q Did you ever make your very young children sit
8 through formal dinners?

9 A No.

10 Q Can you explain what happened with New Year's Eve on
11 both 2020 and 2021?

12 A I -- the way that it was worded is extremely
13 confusing to me. 2020, I had asked Adam to clarify whose it
14 was because I didn't understand. And eventually I got the
15 response just read the order. I'm not here to tell you how to
16 interpret it. And that was it. I sent a couple messages and
17 I never heard anything back. This past year, same thing. I
18 thought that because he had them the last year that I had them
19 this year. And so I was messaging him and he said, no, I have
20 them this year. You need to learn how to read the order
21 again. And so I missed out on two New Year's Eves and New
22 Year's because I was confused asking a co-parent who has legal
23 background to please help me understand this. And I got
24 nothing.

1 Q In December of 2019 --

2 THE COURT: Okay, hold on. So that it is clear for
3 the record, I want to read what their parenting agreement
4 stated. Okay. So that way it's in the record. If it's going
5 to be appealed, I want everyone to see how it is. The parents
6 agree that the New Year's holiday shall be defined as
7 beginning December 31st at 10:00 a.m. and concluding January
8 1st at 10:00 a.m. The New Year's holidays shall be alternated
9 on a yearly basis with the children residing with the father
10 in odd numbered years and with the mother in even numbered
11 years. Odd and even numbered years shall be determined by
12 whether the holiday is defined as beginning on New Year's Eve
13 or on New Year's Day and there is no definition on what that
14 means. You may continue.

15 MS. CRAMER: Thank you, Your Honor.

16 Q So in December of 2019, there has been discussion
17 and litigation with regard to whether or not you and Josh
18 broke up.

19 A Yes.

20 Q So can you explain to the Court briefly what
21 happened?

22 A Essentially after everything went down with the
23 screamings, the vehicles, everything, Josh and I got into an
24 argument and came to a mutual agreement maybe we need to hold

1 off until the litigation is over. So he packed up some of his
2 stuff, some of Jesse's stuff, and they went and stayed with
3 his grandfather. And at the time I was also borrowing one of
4 his dad's trucks as a work truck, just we were doing rock in
5 the backyard and I didn't want to get my truck all beat up and
6 theirs was significantly lower, so it was still in the side
7 yard. But we had broken up and had no contact for two, three
8 weeks. And I had gotten new Counsel at that point and she was
9 saying, listen, you know, we can -- we can make this work.
10 You didn't actually have to do that. I understand you did
11 this and we kind of rekindled and restarted.

12 Q Okay.

13 MR. SOLINGER: I'm sorry, Your Honor. I've been
14 sitting too long. Is it alright if I just kind of stand and
15 take notes like this to stretch?

16 THE COURT: Yeah.

17 MR. SOLINGER: Thank you.

18 THE COURT: Sciatic nerves has a problem with
19 sitting too long.

20 MS. CRAMER:

21 Q So we've heard testimony from Adam that you don't
22 notice your vacation time with the children. Why don't you
23 take your full vacation time with the children?

24 A I'm on a very tight budget and I need to work as

1 many hours as I can. The more hours I work, the better I do
2 in tips. And the tips is honestly what gets me by.

3 Q Okay. And how long has it been since Adam has paid
4 child support?

5 A I don't recall. It's been a while.

6 Q And how long has it been since he has paid you
7 spousal support?

8 A Since it was ordered to be removed.

9 Q It --

10 A I don't remember when that was.

11 Q Was it in the last year?

12 A I -- I couldn't tell you. Maybe, yes.

13 Q That's fine. Did you at one time contemplate a
14 relocation to Oklahoma?

15 A Yes.

16 Q Okay, and why didn't you relocate?

17 A Because I was trying to come up with a better
18 solution for custody. And when I realized that it wasn't
19 going to work out and I could not live without seeing my kids
20 for as long as he would agree to --

21 Q Okay.

22 A -- let me see them.

23 Q And we heard some testimony that you missed
24 custodial time in August of 2020. And why -- why would --

1 MR. SOLINGER: Objection. I think it misstates the
2 testimony. I think my testimony was August of 2021 because it
3 would have been after Zion. I know we had this objection
4 earlier. I don't recall testifying about August of 2020
5 because obviously she had her baby.

6 THE COURT: I --

7 MR. SOLINGER: I wouldn't hold that against -- I
8 wouldn't bring that up. I'm -- I've said things that the
9 Court hasn't liked, but I've certainly not said that.

10 THE COURT: I -- I think -- I think he was going
11 back and forth. Is it 2020 or 2021? And I don't think we
12 actually settled on what year it was. So --

13 MS. CRAMER: Fair enough. I'll rephrase --

14 THE COURT: -- we --

15 MS. CRAMER: -- my question.

16 THE COURT: We -- we recognize the fact that when
17 Mom's having a baby and in the hospital and C-section
18 visitation may not be that easy.

19 MS. CRAMER: I will -- all right. Well, in -- in
20 lieu of the Court's -- well, in recognition of the Court's --
21 recognition of that fact, I will move on.

22 BY MS. CRAMER:

23 Q So with regard to trading custodial time, did you
24 offer to trade Adam a day so that the kids could go to Jesse's

1 birthday party?

2 A Yes.

3 Q And did Adam agree to that?

4 A No.

5 Q So to be clear, Jesse's mom is Dolores.

6 A Correct.

7 Q And she's the one that has no parental rights.

8 A Correct.

9 Q And so when you texted Adam about the procedure for
10 getting a TPO, why did you do that?

11 A Because Dolores was outside my house threatening to
12 come in and kill me and my children.

13 Q Okay. And this is the same Dolores that Adam has
14 testified that he initiated contact with her?

15 A Yes.

16 Q Okay. And with regard to Carmen, what is her
17 daughter's name?

18 A Ariel.

19 Q Ariel. How is Ariel?

20 A She's -- she's good. She's our special little girl.
21 She's not quite developmentally there yet or mentally there
22 yet.

23 Q Okay. And do you know why that is?

24 A Dolo -- or I'm sorry. Carmen continued to use drugs

1 during her pregnancy.

2 Q Okay. So, Ariel has felt the -- is bearing the
3 effects of that?

4 A Yes.

5 Q Okay. Is Dolores a persistent problem for you guys?

6 A Yes.

7 Q Okay. And does she -- is she at your house all the
8 time?

9 A She'll show up randomly, yes.

10 Q Like how often?

11 A She's shown up about four or five times.

12 Q Over the last How many years?

13 A Over the last couple months.

14 Q Okay. Has -- okay, let me ask you this question.

15 With regard to FaceTime, have you attempted to call the
16 children on FaceTime during Adam's time?

17 A Yes.

18 Q Does he answer?

19 A Not recently.

20 Q Okay. And has Adam discussed what he termed as
21 Marie's gap year since she is right at the cutoff for
22 kindergarten now?

23 A No, he hasn't.

24 MR. SOLINGER: Objection, relevance. I already

1 admitted this. I -- withdrawn.

2 THE COURT: And I would like to have a little bit
3 further explanation that, you know, if they're not at the set
4 -- the age five at the beginning of the school year. Is that
5 what it is?

6 MR. SOLINGER: Correct. You -- you have to be five
7 at the beginning of the school year to start kindergarten.
8 That change took effect. So Marie would have started
9 kindergarten this coming year but for the fact that her
10 birthday is on the 28th and this school year I believe starts
11 on either the 7th or the 13th. I -- I'd have to look at the
12 calendar. So she misses it by two or three weeks. Thus, she
13 will have a year where she cannot, by definition, enroll in
14 kindergarten because the statute prohibits her from it, but
15 she may or may not age out of the CCSD program because it's
16 only meant to last for the year preceding kindergarten and act
17 as a bridge in the school.

18 THE COURT: So wouldn't now that -- my -- my -- and
19 -- and I realize that she's the witness. So wouldn't it make
20 sense for you to withdraw her now so that she could start
21 again next year where it is the bridge year?

22 MR. SOLINGER: No, because the program itself is
23 something you have to apply for and it's meant to last for a
24 year with its curriculum.

1 THE COURT: Okay. So --

2 MR. SOLINGER: And so --

3 THE COURT: -- she's been in there for a year, so

4 she probably won't be in there next year.

5 MR. SOLINGER: I -- I have asked her teacher what

6 they're going to do about this situation so that kids don't

7 fall through the cracks and I have not heard back as to what

8 the administration is planning to do with that, because it's

9 -- it's bad to take that year off and the teacher wants to

10 keep her, but it's a matter of what CCSD is going to do about

11 these children that fall into this small gap because it is a

12 very limited program.

13 THE COURT: So -- So is she a very smart child?

14 MR. SOLINGER: Her teacher says so and I believe so.

15 THE COURT: And --

16 MR. SOLINGER: She's --

17 THE COURT: -- have you thought about possibly

18 putting her in one of these preschools that would attach to a

19 magnet school that's kind of halfway between the two -- your

20 two houses?

21 MR. SOLINGER: I -- there hasn't been any

22 discussions about that.

23 THE COURT: Maybe there needs to be.

24 BY MS. CRAMER:

1 Q So Chalese, we heard Adam testify about how he would
2 message you before the exchanges to see if you fed the
3 children, correct?

4 A Correct.

5 Q Okay. And --

6 THE COURT: Five minutes.

7 MS. CRAMER: Okay.

8 BY MS. CRAMER:

9 Q What had you advised Adam?

10 A It was a constant thing and I kept letting him know
11 if I cannot feed the children, I will let you know, otherwise
12 they are fed. I said it multiple times. My previous Counsel
13 told me to stop repeating myself, to stop arguing with him.

14 Q Okay. And we heard about the Michael's Roblox
15 thing.

16 A Uh-huh (affirmative).

17 Q Which I don't know anything about gaming. So -- I
18 kill zombies on my phone. That's all. Had you addressed that
19 with Michael?

20 A Yes.

21 Q And how did you do so?

22 A Well, I addressed both Michael and Jesse talking
23 about how their Chromebook are for school and not for play and
24 that it is to be used for homework only and not for any

1 gaming. And so if they're not doing homework, now laptops are
2 up in my room.

3 Q Okay. So you -- did you know how to remove the
4 game?

5 A No, I tried. I couldn't figure it out.

6 Q Okay. So you just took the device away.

7 A Yes.

8 Q Okay.

9 MS. CRAMER: I -- one -- I think I have one more
10 question. I can get fit one more in.

11 BY MS. CRAMER:

12 Q Why do you work cutting kids hair instead of working
13 at a full salon?

14 A I love working with kids. I actually -- a lot of my
15 following have autism or special needs are in wheelchairs,
16 kids that can't sit through haircuts traditionally that get
17 kicked out of other shops, I usually end up with them.

18 Q Okay. And did you observe you -- you -- that
19 someone followed you today at lunch?

20 A Yes.

21 Q And what can you describe for the Court?

22 A A white sedan who had its sun roof open who kept
23 lifting a GoPro up, driving around me, showing that I was in
24 the car and then getting back behind me and lowering the

1 GoPro.

2 Q Okay. And did they follow you home?

3 A Yes.

4 Q And were they present when you drove back to court?

5 A Yes.

6 Q And that was today during lunch.

7 A Yes.

8 THE COURT: Did you think about getting a license
9 plate number?

10 THE WITNESS: There wasn't license plates on there.

11 THE COURT: I don't have license plate on the front
12 of my truck, so --

13 MR. SOLINGER: No, I --

14 THE WITNESS: There wasn't one on the back either.

15 THE COURT: Okay.

16 MR. SOLINGER: I -- I was going to make a request
17 that Your Honor contact the Marshall service to see about
18 preserving the video because if it's right up front here where
19 the camera is -- the camera's always at the parking lot, to
20 presumably test that because I'm -- I'm asserting as the
21 witnesses I did as an officer of the court I have not had a PI
22 follow her today. That is not involved with me. I have
23 nothing to do with that.

24 THE COURT: Is it a possibility where Jessica had --

1 did?

2 MR. SOLINGER: No, I don't believe so.

3 MS. CRAMER: I'm tracking with you, Your Honor.

4 MR. GOODWIN: But it could also be --

5 THE COURT: I'm so --

6 MR. GOODWIN: -- Dolores, right?

7 THE COURT: Huh?

8 MR. GOODWIN: I mean, she -- Dolores is the one who

9 shows up at her house threatening to kill her.

10 MR. SOLINGER: And Jessi --

11 THE COURT: Is it possible that it could be Dolores?

12 THE WITNESS: No, Dolores doesn't have a job and she

13 owns a beater up Dodge Neon, so --

14 MR. SOLINGER: Jessica doesn't have the contact

15 information for the -- I -- I utilize Elite Investigations.

16 It's run by Juan Chavira. And I can ask him if they've been

17 contacted by anyone on my behalf and clarify that. But as

18 I've said, I have not done that and I do not believe Jessica

19 would do that either.

20 THE COURT: Okay. The -- real -- real quick. Have

21 you seen this vehicle in the past or is this the first time?

22 THE WITNESS: This was the first time.

23 THE COURT: Okay.

24 MS. CRAMER: Your Honor, I don't believe I have any

1 more time.

2 THE COURT: Okay. All right. Why don't we come
3 back in and -- tomorrow morning, 10:00 a.m., if you can be
4 here. I mean, I hate asking you to come in a little bit
5 earlier, but --

6 MS. CRAMER: Oh.

7 THE COURT: -- if you could be here a little bit
8 earlier, then we can get started as soon as --

9 MS. CRAMER: I will be here --

10 THE COURT: -- he gets here.

11 MS. CRAMER: -- early because we're going to do her
12 FDF out there in the hallway --

13 THE COURT: Okay.

14 MS. CRAMER: -- and we'll -- so we'll meet early.
15 We'll be here early anyway.

16 THE COURT: Okay. All right.

17 MR. SOLINGER: If you pick up the phone and call
18 Judge Goodman and tell him to get me out of there as quickly
19 as possible --

20 THE COURT: I don't know if he would answer my phone
21 calls.

22 MR. SOLINGER: He's a nice guy. He would absolutely
23 answer. No, it's more the prison that -- well -- or the jail
24 that will have the issue in case he's in custody.

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THE COURT: Okay.

MR. SOLINGER: But if -- if Your Honor is asking for that video to be preserved, I also ask that you do yesterday as well, the same area, to see if there's a similar pattern there.

THE COURT: We can go off the record.

(PROCEEDINGS CONCLUDED AT 4:25:04)

* * * * *

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



Adrian N. Medrano